



An  
Bord  
Pleanála

## Board Order ABP-300666-18

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### Planning and Development Acts 2000 to 2017

#### Planning Authority: Dublin City Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 12<sup>th</sup> day of January 2018 by Labinies Limited care of IMG Planning Limited, 75 Fitzwilliam Lane, Dublin 2.

#### **Proposed Development:**

A strategic housing development in on the site of the former “Matts of Cabra” public house and lands to the rear, Fassauga Avenue, Cabra, Dublin 7.

The development will consist of:

- 1) the demolition of the former “Matts of Cabra” public house and associated structures;
- 2) the construction of a mixed use development comprising student accommodation consisting of 208 number ensuite student accommodation bedrooms – 198 number bed spaces in 32 number house units (ranging in size between four and eight single-bed ensuite rooms) in a linked four and five-storey building and 10 number single-bed ensuite studio rooms in a three-storey building, and associated facilities including a central access lobby, a central hub, recreation spaces, administration areas at basement and ground

floor levels – and 657.65 square metres of retail floor space in two number units fronting onto Fassaugh Avenue – 368.47 square metres on the basement, ground and first floors of the four / five storey building and 289.18 square metres on the basement and ground floors of the three-storey building;

- 3) the construction of a vehicular access onto Fassaugh Avenue and the provision of a vehicle set down in front of the four / five-storey building; and
- 4) all other site development works including landscaped gardens and open amenity areas, a roof garden on the Fassaugh Avenue side of the linked four / five storey building, the provision of nine number surface car parking spaces (including one number disabled space), 114 number cycle parking spaces, a covered bin store, an ESB substation and switch room and the formation of a public plaza on the Fassaugh Road frontage including the provision of two number visitor car parking spaces.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location within the built-up area of Dublin City on lands with zoning objectives for residential and neighbourhood centre development under the Dublin City Development Plan 2016-2022,
- (b) the site's proximity to Dublin City University and the Grangegorman campus of Dublin Institute of Technology and to public transport facilities including the Luas Green Line and where a wide range of social infrastructure is locally available,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing and permitted development in the area and on the site,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (g) the submissions and observations received, and
- (h) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below that the proposed development would provide student accommodation at a location within the city that would promote sustainable travel patterns, would enhance the character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening for Proposed Development report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the environmental impact assessment in the Planning Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board concluded that the proposed development, having regard to its nature and scale, would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) Unit number 22 on the third floor of Block A, unit number 26 on the third floor of Block B and both studio units numbered 5 on the first and second floors of Block C shall be omitted and the resultant spaces provided as communal / recreational spaces for future student occupants of the scheme.
  - (b) The 'basketball half court' at the northern end of site shall be omitted and the resultant area used as a turning area as per the submitted swept path analysis with landscaping on the periphery.
  - (c) The proposed two number parking spaces at the 'set down area' next to the vehicular access from Fassagh Avenue shall be omitted. The layout of this part of the site shall be revised to ensure a satisfactory interaction with the existing vehicular entrance to the adjacent funeral home.
  - (d) The roof garden at Block A shall be redesigned to obviate any potential overlooking of residential properties on St. Attracta Road to the east or of the rear of Lanigan's funeral home. In addition, appropriate boundary treatment of circa two metres in height shall be provided to avoid the

potential risk of falling from the roof terrace onto the railway property and for the proximity to the overhead electrification.

- (e) The side elevations of Block C shall be located a minimum of 1m from the eastern boundary with Lanigan's funeral home.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In order to provide a satisfactory standard of residential accommodation.

- 3. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

- 4. The proposed retail areas shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway), unless authorised by a further grant of planning permission.

**Reason:** To limit the use hereby permitted, in the interests of residential amenity and of pedestrian and traffic safety, and to allow the planning authority to assess the impacts of any such use through the statutory planning process.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission

**Reason:** To protect the visual amenities of the area.

6. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) Materials, colours and textures of all the external finishes to the proposed buildings and any proposed render finish shall be self-finish in a suitable colour and shall not require painting.
  - (b) Landscaping, boundary and surface treatments which shall generally conform to the scheme submitted with the application.
  - (c) An invasive species management plan.
  - (d) Signage throughout the development, including the shopfronts on the commercial premises.
  - (e) Public lighting through the development.

**Reason:** In the interests of visual and residential amenity.

7. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:
- (a) Soil and subsoil cross-sections.
  - (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed and ground levels relative to adjoining properties on St. Attracta Road and Fassaugh Avenue.
  - (c) The existing vegetation along the railway line shall be retained where possible.

Development, including landscaping, shall be carried out in accordance with the approved earthworks plan.

**Reason:** In the interest of residential and visual amenity.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.



10. The streets and footpaths within the proposed development shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013 and shall comply with the following requirements:
- (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
  - (c) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for agreement and shall carry out and cover all costs of all agreed recommendations contained in the audit.
  - (d) The developer shall contact the Traffic Advisory Group of Dublin City Council regarding the provision of a loading bay on Fassuagh Avenue.
  - (e) Drop off and collection shall be as per the Student Management Plan. Access to car parking spaces shall be proactively managed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to comply with the guidance given in the Design Manual for Urban Roads and Streets and to provide an integrated street network that is safe and convenient for all road users and in particular pedestrians and that achieves an acceptable standard of urban design.

11. All service cables associated with the proposed development (such as electrical, telecommunications, and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

12. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

**Reason:** In the interest of residential amenity.

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. Communal waste storage areas in the proposed development shall be designed and managed in accordance with an operational waste management plan that shall be submitted and agreed with the planning authority prior to the commencement of development. Prior to the occupation of any of the commercial units a food and bio-waste management plan shall be submitted for the written agreement of the planning authority. Grease traps shall be installed and managed in any commercial food preparation area or kitchen.

**Reason:** In the interest of public health

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

16. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

18. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. No construction traffic shall be permitted to use the existing access through Fernwood estate.

**Reason:** In the interests of public safety and residential amenity.

19. Prior to the commencement of development, the developer shall contact Iarnród Éireann to ensure an agreed safe system of work in accordance with Railway Safety Commission Guidelines RSC-G-010A. Any works associated with the proposed development shall ensure that the integrity of the railway is maintained.

**Reason:** To protect the railway and public safety.

20. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City extension in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of                                  2018**