



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4356/17

Appeal by Michael Anglim care of Conroy Crowe Kelly of 65 Merrion Square, Dublin against the decision made on the 26th day of January, 2018 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: Change of use of vacant shop to professionally managed ground floor student accommodation, with internal modifications to provide four student bedrooms, all en-suite, dual aspect common room, utility room, private enclosed garden area, secure bin storage area and all necessary services at building at the junction of Dunard Road and Blackhorse Avenue, Dublin.

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

Having regard to the zoning objective for the site, to the policies of the Dublin City Development Plan 2016-2022, in particular to section 5.5.12 Student Accommodation, section 6.5.5 Employment, Enterprise and Economic Development Sectors and section 16.10.7 Guidelines for Student Accommodation, and to the zoning objective pertaining to the site, Z1 'To protect, provide for and improve residential amenities', it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of nearby properties or the residential amenities of future occupants and would comply with the provisions of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the Board on the 16th day of February, 2018, 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.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a revised site layout plan showing the following amendments:
 - (i) A soft landscaped and planted privacy strip extending for one metre from the edge of the building along the western and southern elevations;
 - (ii) Extension of the enclosed secure garden area westwards up to the western elevation and northwards up to the bin storage area;

These works shall be carried out and completed prior to the making available for occupation of the proposed development.

Reason: In the interest of providing for an adequate level of residential amenities on site.

3. The proposed development shall be used only as student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute or tourist/visitor accommodation only during academic holiday periods. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use without a prior grant of permission.

Reason: In the interest of the residential amenities of the area, and to de-limit the type of development to that for which the application was made.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours 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 amenities of adjoining residential occupiers.

6. 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.

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

Dated this day of 2018.