



Planning and Development Acts 2000 to 2019

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 2nd day of September 2019 by Summix FRC Developments Limited care of Thornton O'Connor Town Planning, 1 Kilmacud Road Upper, Dundrum, Dublin.

Proposed Development:

A planning permission for a strategic housing development on a 0.3968-hectare site known as a portion of the Brewery Block, bounded by Newmarket, St. Luke's Avenue, Brabazon Place/ Brabazon Row and Ardee Street, Dublin 8. (The site includes numbers 13/14 Ardee Street, number 29 Newmarket and M. T. Oils at the corner of Newmarket and Brabazon Row/ Place. The M.T. Oils building is a protected structure (register of protected sites number 5829).

The proposed development will principally consist of the demolition of two existing industrial warehouses (1,236 square metres), brick ruins (99 square metres), the remnants of a brick structure at the north eastern corner of the subject site and along the northern boundary and the walls at ground floor level onto Newmarket and Ardee Street; and the construction of a part-two to part-eight storey mixed-use development in three blocks (12,248 square metres), comprising a co-working shared space with associated café (325 square metres); and 368 number student accommodation bed spaces with associated facilities, which will be utilised for short-term lets during student holiday periods.

The Newmarket/Ardee Street block (Block A) proposes a part-two to part-six storey building comprising ancillary student accommodation space including television lounge, cinema room, games space, events space, gym and common room, elements of which is contained within a double-height partially glazed amenity space over the existing underground vaults, with parts of the vaults incorporated into the amenity space; ancillary management spaces; and a bin and bicycle store all at ground floor level, with 146 number bed spaces provided on the upper floors in one single studio unit and 27 number cluster units comprising a mix of four, five and six number bedroom clusters.

The Brabazon Row block (Block B) comprises a part-six to part-eight storey building providing community and study space; ancillary accommodation including plant rooms, sub-station, switch-room and generator all at ground floor level with 120 number bed spaces on the upper floors provided in two number twin studio units and 17 number cluster units comprising a mix of six and eight number bedroom clusters.

The St. Luke's Avenue block (Block C) proposes a part-six to part-eight storey building providing a co-working space at ground floor level with 102 number bed spaces at the upper levels comprising a mix of six number and eight number bedroom clusters.

The development also proposes the conservation of and works to the existing brick tower located towards the north-western corner of the site including the reinstatement of existing blocked up opes and the utilisation of the ground level for communal amenity space; the removal of a portion of the vaults at the northern end and the lowering of the floor level to facilitate their opening up to provide communal amenity space; maintenance works to the protected structure (415 square metres) at the corner of Newmarket and Brabazon Row/Brabazon Place including the restoration of windows at ground floor level and the cleaning of the stone façade; the retention of the façade of the building fronting Newmarket (number 29 Newmarket) directly adjoining and to the west of the protected structure; signage; cycle parking; a service lay-by; hard and soft landscaping and external amenity spaces including courtyards and a roof garden at fifth floor level of Block A facing north, south, east and west; balconies on Block B facing west and Block C facing south; plant; and all associated works above and below ground.

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 zoning objective for Z4 and Z10 in the Dublin City Development Plan 2016-2022;
- (b) the policies and objectives in the Dublin City Development Plan 2016-2022;
- (c) the policies and objectives in the Liberties Local Area Plan;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) 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;
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (i) the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Environment, Heritage and Local Government in 2004;
- (j) the impact on the protected structure on the site and in the immediate vicinity and the Newmarket Conservation Area;
- (k) the nature, scale and design of the proposed development;
- (l) the availability in the area of a wide range of social and transport infrastructure;
- (m) the pattern of existing and permitted development in the area;
- (n) the submissions and observations received, and
- (o) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would not detract from the character or setting of the adjacent protected structure or the Architectural Conservation Area, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 site, the Screening Report for Appropriate Assessment submitted with the application, 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 conservation objectives of such sites, 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 Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature, scale and extent of the proposed development on a site served by public infrastructure;
- (b) the absence of any significant environmental sensitivities in the area, and
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development 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 hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, and for no 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.

3. (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.
- (b) A revised site-specific Student Management Plan for the development shall be submitted to, and agreed with, the planning authority which details the Management of the shared and communal amenity space with specific reference to the establishment of public inclusion, at frequent intervals, in the co-working and café on the ground floor of Block A and the performance hall in Block B.
- (c) The Student Management Plan shall include details of the management and maintenance of access to the fifth-floor terrace.
- (d) Student House Units shall not be amalgamated or combined.

Reason: In the interest of the amenities of occupiers of the units and surrounding properties.

4. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover details of the arrangements for its continued implementation.

The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

5.
 - (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 roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths.
 - (c) The developer and shall comply with the detailed standards of the planning authority for such road works including the recently permitted Part VIII (register reference 2283/17) public realm for Newmarket Square.
 - (d) The area indicated for future cycle provision shall remain free from development until such times as is deemed necessary to erect the cycle store. Full details shall be submitted for the written agreement of the planning authority.

Reason: In the interests of pedestrian, cyclist and traffic safety.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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 and all surface water shall be treated within the site.

Reason: In the interest of public health.

7. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No additional advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

8. Details of all additional external shopfronts and signage shall be the subject of a separate planning application.

Reason: In the interest of the amenities of the area/visual amenity.

9. Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority to, a plan for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

11. 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 amenity of property in the vicinity and the visual amenity of the area.

12. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: To encourage sustainable modes of traffic and ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

13. 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 noise management measures.

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

14. 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.

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

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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. Site development and building works shall be carried out only between 0700 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 residential amenity of property in the vicinity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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 2019