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## **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 11<sup>th</sup> day of September 2019 by Dublin City University care of Brady Shipman Martin, Canal House, Canal Street, Dublin.

#### **Proposed Development:**

A planning permission for a ten-year permission for a strategic housing development at a site located within the existing Dublin City University Glasnevin Campus, Collins Avenue Extension, Dublin 9. The site is bound by existing Dublin City University student accommodation and college buildings to the north and west, Albert College Park/Hampstead Park to the south and south west, and existing agricultural lands to the south east.

The development will consist of:

1. Demolition of the existing Larkfield student accommodation and the construction of a student accommodation development of seven blocks with an overall gross floor area of circa 42,111 square metres (excluding car and cycle storage areas) providing a total of 1,240 number bed spaces (in 213 number cluster units) and including complementary supporting student amenity spaces, a student residences management office, and a retail/café/education unit.

2. Construction of student accommodation arranged in seven number blocks around centralised landscaped courtyards as follows:
  - (i) Block V1 ranging in height from five to ten storeys containing 312 number bed spaces with student amenity spaces onto the Mall of 397 square metres at upper ground floor level onto the Mall;
  - (ii) Block V3 with a height of six storeys and containing 132 number bed spaces with student amenity space of 136 square metres at ground floor level;
  - (iii) Block V4 with a height of five storeys containing 111 number bed spaces, a new Student Residences Management Office of 219 square metres at ground level on to a new east-west street, and student amenity space of 137 square metres at ground floor level;
  - (iv) Block V5 with a height of five storeys containing 167 number bed spaces and student amenity space of 131 square metres at ground floor level;
  - (v) Block V6 ranging in height from five to seven storeys containing 105 number bed spaces and student amenity spaces of 376 square metres at ground floor level;
  - (vi) Block V7 ranging in height from five to seven storeys containing 207 number bed spaces with student amenity spaces of 376 square metres at upper ground floor level onto the Mall.
  - (vii) Block V8 with a height of seven storeys containing 206 number bed spaces, a retail/café/education space of 249 square metres, and student amenity space of 128 square metres at ground floor level.
3. Provision of 176 number car parking spaces comprising 55 number spaces at basement level under Blocks V3 and V4, and 121 number spaces below podium of Blocks V7 and V8, and 620 number cycle spaces at both basement and ground level in the scheme.
4. The scheme includes new and enhanced public realm landscaping within the site including a new east-west street and north-south connections between all blocks.
5. The proposed application includes all site landscaping works, two number double substations, photovoltaic panels, boundary treatments, lighting,

servicing, signage, surface water attenuation facilities and associated and ancillary works, including site development 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 policies and objectives in the Dublin City Development Plan 2016-2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) 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;
- (d) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (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 nature, scale and design of the proposed development;

- (g) the availability in the area of a wide range of educational, social, community and transport infrastructure;
- (h) the pattern of existing and permitted development in the area;
- (i) the submissions and observations received, and
- (j) the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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 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 area, the lack of direct connections with regard to the source-pathway-receptor model, the Information for Screening for Appropriate Assessment report 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 the proposed development, individually or in combination with other plans or projects, 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 (and submission of a Natura Impact Statement) is not, therefore, required.

## Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Screening for Environmental Impact Assessment (EIA) 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 an urban 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 proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may 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, 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.

3. The student accommodation complex shall be operated and managed in accordance with the measures indicated in the Student Management Plan and Mobility Management Plan submitted with the application.

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

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
  - (a) Additional windows and window enlargement within the College Park and Hampstead residences.
  - (b) The internal road layout and in particular the entrances to underground/undercroft car parking spaces shall be designed in accordance with the principles of the Design Manual for Urban Roads and Streets. Specifically, corner radii and pedestrian crossing points shall be designed in accordance with section 4.3 of the Design Manual for Urban Roads and Streets.

**Reason:** In the interests of pedestrian safety, residential amenity and to ensure high quality living environments.

5. The materials, colours and finishes of the permitted buildings and the treatment of streets and open spaces shall be in accordance with the details submitted with the application unless the prior written agreement of the planning authority is obtained to minor departures from those details.

**Reason:** In the interest of the visual amenity of the area.

6. 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.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of orderly development and the visual amenity of the area.

8. 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.

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

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

10. 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.

11. (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.

12. 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.



13. The landscaping scheme as submitted to An Bord Pleanála 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.

14. A plan containing details for the management of waste within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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 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. The construction of the proposed 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 proposed development, 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.

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

19. 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.

20. 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.

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

**Dated this      day of                      2019**