



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4533/19

Appeal by Eamonn Plunkett care of Armstrong Fenton Associates of 13 Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin and by Gerry Buckley care of Corr and Associates of Unit 10, North Street Business Park, Seatown West, Swords, County Dublin against the decision made on the 29th day of May, 2020 by Dublin City Council to grant subject to conditions a permission to the said Gerry Buckley in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of all three number two-storey buildings on the subject site (circa 508 square metres Gross Floor Area) and the construction of purpose built professionally managed student accommodation development with 122 number bed spaces in 17 number clusters and 15 number studios. The proposed development consists of a part - four storey block with a set back at fourth floor level (over part basement level) fronting onto Upper Drumcondra Road, a two-storey internal link building and a block to the rear of the site consisting of five storeys. The total Gross Floor Area of the proposed development is circa 3,567 square metres Gross Floor Area. Permission is also sought for a management office, reception area, café, games room and leisure area, electrical substation and switch room at ground floor level. Laundry, plant, attenuation, storage and bin

store areas are contained at basement level and communal areas are provided for residents throughout the development at each floor. Balconies are located on the east and west internal elevations, all facing onto a central landscaped courtyard/amenity space. There are 66 number bicycle spaces to be provided. Services and fire tender access is also to be provided from Upper Drumcondra Road. Permission is also sought for all ancillary engineering works, hard and soft landscaping and all associated site development works necessary to facilitate the development. The proposed development is to be used for student accommodation or accommodation related to a Higher Education Institute only during the academic year and student accommodation or accommodation related to a Higher Education Institute or tourist/visitor accommodation only during academic holiday periods, all at 116, 118 and 120 Drumcondra Road Upper, 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 Z1 land use zoning objective which applies to the site, the definition of student accommodation provided under Section 13(d) of The Planning and Development (Housing) and Residential Tenancies Act 2016, policies QH31 and CEE19 of the Dublin City Development Plan 2016-2022, and the proximity of the site to established education centres and high-quality public transport connections, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, which would not adversely impact on the residential amenities of neighbouring properties or the character of the streetscape. 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 the further plans and particulars submitted on the 12th day of March 2020, 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. The development hereby permitted shall be used solely for the purposes of student accommodation, as defined in Section 13(d) of The Planning and Development (Housing) and Residential Tenancies Act 2016, and for no other purpose, without a prior grant of planning permission. The student accommodation shall be operated and managed in accordance with the measures indicated in the Mobility Management Plan submitted with the application.

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. Block B of the proposed development shall be amended as follows:
 - (a) the block shall be reduced to two-storeys in height adjacent to the northern site boundary and set back from the boundary by circa five metres above first floor level,
 - (b) no north-facing windows shall be provided on the revised northern elevation,
 - (c) the third floor of the block shall be omitted in its entirety,
 - (d) the balconies on the southern elevation of the block shall be omitted, and
 - (e) the window serving the ground floor bedroom in the north-western corner of the block shall be replaced by a projecting window, or such alternative fenestration arrangement as may be deemed appropriate, to improve daylight in this room.

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 the interest of residential amenity.

4. (a) Block C shall be reconfigured to allow for the provision of a south-facing common room. No windows shall be provided on the eastern elevation of this block at first floor level.
- (b) The accommodation cluster shall be fully self-contained and separate from the staff facilities.

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 the interest of residential amenity.

5. A naming/numbering scheme for the proposed student accommodation scheme shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the proposed development.

Reason: In the interest of orderly street numbering.

6. Details of the materials, colours and textures of all the external finishes to the proposed development, including details of all proposed signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: To provide for the appropriate management of waste in the interests of protecting the environment.

8. 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 and off-site disposal of construction/demolition waste.

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

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

11. Cycle parking shall be secure, sheltered and well lit, with key/fob access. Cycle parking shall be in-situ prior to the occupation of the proposed development and shall be retained thereafter.

Reason: To promote and facilitate cycling as a sustainable mode of transport.

12. 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 visual amenities of the area.

13. Water supply and drainage arrangements, including the 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.

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

Reason: In the interest of public health.

15. Site development and building works shall be carried out only between the hours of 0700 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.

16. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

17. 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.

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

Dated this day of 2020.