

An  
Bord  
Pleanála

## Board Order ABP-311585-22

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### Planning and Development Acts 2000 to 2022

**Planning Authority:** Dún Laoghaire-Rathdown County Council

**Planning Register Reference Number:** D21A/0667

**Appeal** by Budara Management Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 10<sup>th</sup> day of September, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of a new two to six storey student accommodation facility with 125 number student bedspaces over basement totalling 3,810 square metres. The development will also include ancillary administration offices; staff and student facilities; four number car parking spaces; 115 number cycle parking spaces; an internal residential courtyard; new pedestrian access via the Stillorgan Road; new vehicular access and egress arrangements, with set down and delivery facilities via Woodbine Road. The development will also include signage; public lighting; plant; all internal roads and pathways; all piped infrastructure and ducting; services provision; boundary treatments; hard and soft landscaping; ESB substation; public realm improvements on Woodbine Road and Stillorgan Road; waste management areas; green roofs; attenuation tank; PV panels; and all associated site development and excavation works above and below ground. The demolition of two number habitable houses, the existing numbers 1 and 3 Woodbine Road (number 3 currently in use as a childcare facility) and related site clearance works is required in order to facilities this development, all at numbers 1 and 3, Woodbine Road, Booterstown, Blackrock, County 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.**

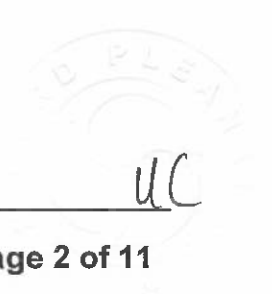
## Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, to the Objective 'A' zoning of the site, to the nature and scale of the development, to the existing pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form and scale of student accommodation, would respect the existing character of the area, would not seriously injure the residential or visual amenities of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of pedestrian, cyclist and traffic safety. 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 received by An Bord Pleanála on the 7<sup>th</sup> day of October 2021, 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. Permission is hereby granted for a student accommodation facility with a total number of 105 bedspaces (comprising 104 single ensuite bedrooms and one number unit for on-site concierge use) in accordance with plans and particulars received by An Bord Pleanála on the 7<sup>th</sup> day of October, 2021.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

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

**Reason:** To limit the scope of the proposed development to that for which the application was made.

4. The proposed development shall be amended as follows:
  - (a) Ground floor plan: One of studio rooms 0.17, 0.18 or 0.19 shall be repurposed as a living/dining/kitchen area to service the other two rooms,
  - (b) First floor plan: in both Cluster 1 and Cluster 4, a bedroom or a studio room shall be omitted (ensuring a maximum of eight number bedspaces per cluster) and the available floorspace repurposed as enlarged living, dining and kitchen area(s) and/ or increased bedroom(s), and
  - (c) Second floor plan: in Cluster 1, a bedroom or the studio room shall be omitted (ensuring a maximum of eight number bedspaces per cluster) and the available floorspace repurposed for use as an enlarged living, dining and kitchen area and/ or increased bedroom(s).

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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 and to comply with the requirements of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

5. The proposed development shall be implemented as follows:
- (a) prior to commencement of development, a Student Accommodation Management Plan shall be submitted to, and agreed in writing with, the planning authority. The Management Plan shall include, inter alia, measures as indicated in the National Student Accommodation Strategy, 2017,
  - (b) rooms (bedrooms, kitchen/dining/living rooms, service and/or amenity rooms) within the Student Accommodation facility shall not be amalgamated or combined, and
  - (c) green roof areas shall be accessed for maintenance purposes only and shall not be used for any amenity and or recreational purpose.

**Reason:** In the interests of residential amenity of future occupants and of property in the vicinity.

6. The developer shall ensure that all construction methods and mitigation measures set out in the Ecological Impact Statement, Arboricultural Inventory and Impact Assessment, and Landscape Management Plan are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interests of wildlife and environmental protection.

7. Proposals for the development name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, shall be provided in accordance with the agreed scheme. The proposed development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or 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.

8. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

9. No additional development, to that indicated and hereby permitted within the proposed plant enclosure areas, shall take place above roof 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.



10. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) a Mobility Management Plan,
- (b) a Car Parking Management Plan,
- (c) final design, construction, and operation details of the vehicular access arrangements inclusive of entrances (entry-only and exist-only), public footpath, set down area, and turning area, and
- (d) taking in charge details, as applicable, for the public realm areas.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of amenity, sustainable transportation, and traffic and pedestrian safety.

11. (a) Four number car parking spaces, one number drop-off delivery space, and 115 number cycle parking spaces shall be provided for use by residents and visitors,
- (b) car and bicycle parking spaces shall be reserved solely to serve the proposed development, and shall not be sold or sublet for any other purpose, and
- (c) details of the layout, marking demarcation, type of cycle parking rack, management of, and security provisions for the parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the student accommodation, to prevent inappropriate commuter parking, and to encourage the use of sustainable modes of transport.

12. (a) A minimum of one number car parking space shall be provided with a functioning electric vehicle charging stations/point, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date, proposals for which shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.
- (b) Electric charging facilities shall be provided for cycle parking, proposals for which shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles and bicycles.

13. A comprehensive landscaping and boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall be in line with the Landscape Design Report, Landscape Management Plan, and associated plans lodged with the application to the planning authority and as amended by the further plans and particulars received by An Bord Pleanála on the 7<sup>th</sup> day of October 2021. The scheme shall include the following:
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
- (d) details of proposed boundary treatments at the perimeter of the site, including wall/fence heights, materials, and finishes.



Landscaping shall be carried out within the first planting season following substantial completion of external construction works. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.

**Reason:** In the interests of residential and visual amenity, and to ensure the satisfactory development and maintenance of the landscaping.

14. Public lighting shall be provided in accordance with a scheme, which shall include all external lighting along pedestrian and/or cyclist routes, cycle storage areas, and communal open spaces. The details of the lighting scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

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

15. The proposed development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of site offices, staff facilities, site compounds, on-site parking facilities, intended construction practice for the development including noise and dust management measures, a traffic management plan with details on access arrangements, storage locations (for plant, machinery, materials), timing and routing details for deliveries and disposal trips, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and directional signage, and off-site disposal of construction/demolition waste and/or by products.

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

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16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

17. Site development and construction works shall be carried out 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 amenities of properties in the vicinity.

18. 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 interests of public health and surface water management.

19. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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



20. 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.

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

21. (a) An Operational Waste Management Plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities shall be submitted to and agreed in writing with the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.


**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

22. 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.

23. 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.



**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this**  **day of**  **2023.**