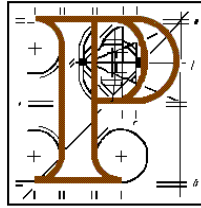


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.246097**

Development: Demolition of structures No.s 13,14,15,16,17 and 18 Grangegorman Road Lower and construction of seven storey student accommodation building and all associated works at 13-18 Grangegorman Road Lower, Dublin 7.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3000/15
Applicant: LHC Properties Ltd.
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Nial Ring
Type of Appeal: 3rd Party
Observers: None
Date of Site Inspection: 29/04/2016
Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

1.1 The subject site, which has a stated area of approximately 0.115 hectares, is a corner site, located at the junction of Grangegorman Roads Lower and Fitzwilliam Place North, Dublin 7. It immediately adjoins the Grangegorman SDZ and is located opposite Stanhope Street. There is a pedestrian access to the Grangegorman campus immediately to the north of the site. The general area is currently under-going much rejuvenation and this is evident in the construction works on-going as one travels around the area. Most of these works appear to be associated with the Grangegorman Campus.

1.2 At the present time, the site is occupied by two no. red brick terraced houses (No.s 16 and 17 Grangegorman Road Lower), modern industrial buildings and a warehouse type structure. The two dwellings are stated to have part of what was a longer terrace of two up, two down terrace houses, many of which have been demolished to make way for larger commercial structures. An Architectural Assessment Report, prepared by Liz Hughes Conservation Architect Grade II has been submitted with the application, which includes for the recording of the two terraced dwellings. The site in its current form adds little to the streetscape and could not be described as having a strong urban character. The site is fragmented, presently offering a weak edge within this inner urban area.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development, as per the submitted public notices, comprises the redevelopment of a site of 0.115ha, located at the junction of Grangegorman Road lower and Fitzwilliam Place north, Dublin 7. The site includes for No.s 13,14,15,16,17 and 18 Grangegorman Road Lower.

2.2 The proposed development includes the

- demolition of all existing structures on site and
- the construction of 132 no. bedspace student residential accommodation (125 single en-suite rooms, 3 no. accessible rooms and 2 no. double rooms) with 1 no. one bed apartment, all over seven stories with basement (with an overall gross floor area of 4879 sqm) comprising of 712 sqm ancillary accommodation at basement level including laundry, drying room, plant room, seminar room, toilets, 76 no. bicycle spaces with 19 storage lock-ups, bin store and recycling centre.
- The ground floor level will accommodate 3 no. surface car spaces, 113 sqm reception with coffee shop and main entrance at junction of Fitzwilliam Place North and Grangegorman Road Lower, 12 no. bedrooms with common rooms in 2 no. “house” areas with communal games room of 66 sqm and south facing landscaped courtyard of 218sqm with 4 no. vertical cores serving the upper floors.
- Twenty-five no. bedrooms in 4 self-contained “house” areas with common rooms per floor over four floors (1st to 4th floors) with 4 no. vertical cores.
- Eighteen no. bedrooms at fifth floor in 3 no. “house” areas with common room accommodation with setbacks from Fitzwilliam Place North and Grangegorman Road Lower and roof terrace areas of 35 sqm.
- One no. one-bedroom caretaker’s apartment of 64 sqm with 149 sqm communal roof terrace at 6th floor level.
- Access to the development will be via 2 no. entrances from Fitzwilliam Place North and 3 no. entrances from Grangegorman Road Lower (including direct street access to basement lift and courtyard)
- The application also includes all associated ancillary works and site development works above and below ground, including hard and soft landscaping and enhancements to the site boundaries.

2.3 Attached to the file are the following documents:

- Infrastructure Design Report
- Architectural Conservation Assessment Report
- Transport Statement
- Report on provision of information regarding appropriate assessment screening
- Student Accommodation Management Plan
- Landscape Masterplan
- Photomontage Assessment
- Visual Impact on Built Environment
- Sunlight and Daylight Access Analysis

3.0 PLANNING AUTHORITY'S DECISION

3.1 Permission GRANTED, subject to 26 conditions.

Condition No. 12 relates to the use of the proposed structure for student accommodation only while Condition No. 13 relates to restriction on hours of use of proposed roof terrace. All other conditions are considered to be standard in nature.

3.2 Further Information was requested by the planning authority in relation to 4 points namely relating to concerns regarding quality of proposed residential accommodation; insufficient engagement with streetscape; traffic safety concerns regarding proposed off-street parking bays and request to reduce scale and mass of penthouse level.

The Further Information request was duly responded to and resulted in a reduction in the number of bedroom units from 132 to 125 and a reduction in the height of the eastern block from 6 storeys to 5 storeys.

4.0 TECHNICAL REPORTS

4.1 Planner's Report

The Planner's Report reflects the decision of the Planning Authority. The report states that 'overall, it is considered that the proposed

development will meet the demand for purpose-built student accommodation, arising in particular to the proximity of the DIT Grangegorman campus. The proposal will have a positive impact on the immediate streetscape in terms of re-development of a vacant under-utilised inner city site and will also present an attractive and vibrant frontage to a pedestrian entrance to the Grangegorman campus.

4.2 Roads, Streets and Traffic Department

No objections, subject to conditions including the omission of the 3 no. off-street parking spaces

4.3 Engineering Department- Drainage Division

No objections, subject to conditions

4.4 Archaeological Report

It is noted that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Further, the site in question is located within the Zone of Archaeological Interest in the Dublin City Development Plan 2011-2017.

Conditions attached

4.5 *Prescribed Bodies*

4.6 RPA

The proposed development falls within the area set out in the Metro North Section 49 Levy Scheme. If the application is successful, as a condition of the grant please include a Section 49 Metro North levy.

5.0 APPEAL GROUNDS

5.1 The grounds of the third party appeal may be summarised as follows:

- Contends that student accommodation is not a permitted use under Z1 zoning objective
- Height of building not appropriate at this location- dramatically higher than adjacent buildings- would set a precedent for similar building heights on other sites
- Concerns regarding density of development
- Proposed design would dominate streetscape
- Proposal would have negative impact on 'Lower House', a Protected Structure located within Grangegorman SDZ
- Concerns regarding noise and disturbance from proposed roof terrace
- Impacts on privacy
- Given quantum of residential development for student purposes already permitted in area, it should preclude grant of permission for any further such development, in the interests of residential amenity and balanced development- quotes extracts from operative Dublin City Development Plan
- Concerns regarding parking and traffic safety, in particular with regard to proximity of Educate Together School- in particular during construction phase of development
- Proposal, due to its proximity to a public house, would cause unmanageable levels of disruption and nuisance to the community
- Considers management plan to be inadequate

- No indication of how accommodation will be used outside of college term
- Concerns regarding scale of development and that proposal be considered within overall context of residential amenities of the area
- Residents would welcome a balance development that grows the community in a positive way and see the proposed Stoneybatter LAP as the most effective way to ensuring this.

6.0 RESPONSES

6.1 A response was received on behalf of the applicant, which may be summarised as follows:

- Subject site zoned 'Objective Z1'- use is permissible under zoning objective
- Principle of demolition and intensification has been established on site through recent planning history, whereby permission was granted for 7 storey residential development with mixed-use commercial at ground floor level
- Reduction in proposed scale and mass to that previously permitted- proposal compliant with Development Plan standards in terms of height, mass and scale
- Proposed development is located 47.5 metres from Lower House at its nearest point- two blocks of four storey student accommodation will be developed between Lower House and subject site- believe that proposal will not have negative impact on Lower House
- Roof terraces will be directly policed by the on-site caretaker whose residential unit has been purposely placed at roof level to ensure surveillance- also cites Condition no. 13 of decision to grant permission from planning authority relating to restricting on hours of use of terrace

- Roof terrace designed with perimeter planting with setback balustrading and will restrict views of adjoining properties- no overlooking of private amenity space of adjoining residents
- DIT is moving from 39 separate sites throughout Dublin city to one amalgamated campus- campus will only cater for 10% of students on site- campus accommodation being built in three phases, with the first phase of about 700 bedspaces due for completion in September 2018. In 2015, the HEA recommended the Government take urgent action to tackle a 25,000 bed shortfall in student accommodation nationally. The proposed development will complement the proposed on site campus student accommodation and is compliant with operative Dublin City Development Plan
- No car parking but an oversupply of bicycle parking within the basement space- development will cater for students and the majority of residents will walk or cycle- high level of public transport linkages and therefore requirement for car spaces is not relevant
- Proposed development was subject to Condition No. 18 of decision which issued from planning authority relating to requirements of Roads and Traffic Planning Division
- Which includes for provision of traffic management plan and Construction Plan- Condition No. 21 relates to environmental health requirements which included for hours of building work
- Pedestrian movement to and from public house will be via a public footpath- Management Plan and Student 'lease agreement' will police anti-social behaviour within proposed development and also in immediate environs
- There will be 24 hour on-site supervision with a resident student warden for out of hours supervision- comprehensive report on management proposals was submitted with application- cctv- students required to sign a tenancy agreement which addresses student behaviour- procedures for dealing with complaints- 24

hour telephone contact service for management company for local people should they need to get in touch- full contact details of management and key staff will be circulated to all nearby residences and business premises

- Permission limits use of accommodation to 3rd level students and during the summer the rooms will either be vacant or will be occupied by students remaining in the city over the summer- expected that a number of residents will maintain a lease for the entire duration of the education and this will include summer recess- caretaker will be resident on site during the summer and the property will not be vacant at any time
- Outlines pre planning consultations with planning authority- Residential amenity of existing residents is and always has been the main issue for the planning authority- proposal will be a positive development at an important access point to the new campus

6.2 A response was received from the planning authority in which no new issues were raised.

7.0 OBSERVATIONS

7.1 None

8.0 PLANNING HISTORY

8.1 The most recent application pertaining to this site is as follows:

5117/08

Permission GRANTED for the demolition of existing structures on site and the construction of a mixed use development of commercial space at ground floor level and 30 apartments above, in a building of maximum height of seven storeys.

5117/08/X1

Extension of Duration of above Permission until May 6th, 2019

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 1' which seeks to 'protect, provide and improve residential amenities'

'Residential' and 'Shop (neighbourhood)' are permissible uses while 'Restaurant' is a use that is 'open for consideration under this zoning objective.

The general zoning for the area is primarily Objective Z5': City Centre

The subject site is located immediately to the south and west of the Grangegorman SDZ Area. The SDZ Area is designated 'Objective Z14', which relates to comprehensive re-development and/or Strategic Development and Regeneration Areas (SDRAs).

The site would appear to be located within a Zone of Archaeological Interest

Policy RE30 and RE32 relates to the promotion of Dublin as a world class tourist/student destination

Policy QH6 aims to promote the development of under-utilised infill sites while Policy QH20 aims to discourage the demolition of habitable houses and make efficient use of urban land

Policy QH30 aims to support high quality, purpose built and professionally managed student housing schemes

Appendix 23 Guidelines for Student Accommodation

Section 17.6 Policies on Building Heights (Variation 14, October 2013)

Section 17.9 Standards for Residential Accommodation

DoE,H&LG (2009) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

5.7 'Brownfield' sites (within city or town centres)

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the reports of the Planning Authority, the appeal submission and responses and have visited the site and its environs. I am assessing this appeal de novo.

10.0.2 Further Information was requested by the planning authority and as a result revisions to the original application were submitted. It is this revised application, revised as part of the Further Information response that I am assessing. In my mind, the main issues relating to this appeal are

- Principle of proposed development
- Design and Layout of proposed development
- Impacts on amenity of area
- Traffic and parking issues
- Appropriate Assessment
- Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is zoned 'Objective Z1' within the operative City Development Plan, which seeks to protect, provide and improve

residential amenities'. 'Residential' and 'Shop (neighbourhood)' are permissible uses while 'Restaurant' is a use that is 'open for consideration under this zoning objective. The general zoning for the area is primarily 'Objective Z5: City Centre'. I would concur with the opinion of the planning authority that the subject site is located within somewhat of a transitional area and regard must be had to same. I note that the site is located immediately outside of the Grangegorman SDZ. I note the policies of the Dublin City Development Plan 2011 in relation to the aim to develop Dublin into a world class student destination and the subsequent policies relating to the provision of high quality, purpose-built student accommodation to meet demand. I am also aware of the plan to amalgamate all 39 DIT campuses, which are currently scattered throughout the city, into Grangegorman and the need to provide associated accommodation within the general area.

10.1.2 The proposed development could be described as being part of an emerging transformation of the area and much development is either planned or underway to meet planned targets. The subject site, in its current form adds little to the streetscape- it is a fragmented group of plots that presents a weak edge to the street. It is also considered to be a gross under-utilisation of a prime inner urban site.

10.1.3 While I acknowledge that the subject site is just outside the boundary of the Grangegorman SDZ, it is in immediate proximity. The Grangegorman SDZ aims to redevelop the site of St. Brendan's Hospital into a 21st century facility to meet the demands of the HSE and the DIT. It is stated that DIT currently have more than 20,000 students enrolled on programmes, with the plan to move all to this one campus. Therefore it is anticipated that in order to meet demand, associated residential accommodation would be appropriately provided within the vicinity.

10.1.4 Having regard to all of the above, I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective and policies for the area.

10.2 DESIGN AND LAYOUT OF PROPOSED DEVELOPMENT

10.2.1 The proposal as amended in the Further Information request reduces the number of bedspaces from 132 originally proposed to 125 and a reduction in height of the eastern block from 6 storeys to five storeys. In addition to this, the interaction of the proposed development with the streetscape has been greatly improved providing for a better quality of development. The proposal as amended provides for a greater level of open space, of better quality than was originally proposed with open space provided in the form of balconies/terraces, courtyard and additional roof garden. It is acknowledged that most units do not have their own private balcony, however I accept that open space is provided elsewhere within the scheme. It is stated that 5 square metres of external open space is provided per bedspace and 6.4 square metres of internal amenity space per bedspace. These figures are considered acceptable. I note that a landscaping plan was submitted with the original application. I consider this plan to somewhat lack detail and if the Bord is disposed towards a grant of permission that a condition relating to same be attached to any such permission. I consider that good quality landscaped areas that are usable and well maintained will be one of factors in the success of the proposed scheme. The measures proposed including reduction in height of eastern block, additional glazing, omission of green wall and greater separation between blocks is welcomed in that it reduces the overbearing or visual impacts internal to the scheme, subsequently allowing for a greater level of residential amenity.

10.2.2 Having examined the proposal before me, I am satisfied that the scheme as amended in the Further Information request of the planning authority will provide for a good quality development, providing a high level of amenity for any future occupiers. Bedroom sizes range from 11-15 square metres with the double room being 25 square metres. At 11 square metres, these bedrooms do not meet standards as set out in Appendix 23 of operative City Development Plan. However, considering there are only 8 of these spaces, it is considered

acceptable in this instance having regard to the quality of the overall development proposed. Lock-up units at basement level, seminar room, games room, well defined entrance with public area and coffee shop will all provide for a good quality environment. The arrangement of the floor plan along 'house' lines with each 'house' having its own common room provides for a more intimate living arrangement. These common rooms range in area from 17-49 square metres with a seminar room having a floor area of 122 square metres. There are five proposed accessible bedrooms within the proposed scheme. These units have been designed to accord with standards set out in Appendix 23 of the operative City Development Plan.

10.2.3 A Sunlight and Daylight Access Analysis, prepared by ARC Architectural Consultants Ltd was submitted with the Further Information response to the planning authority. This report concludes that daylight access within all proposed units will exceed recommended minimum levels for daylight access, as set out in BS 8206-2:2008. It also concludes that the proposed ground level courtyard is likely to receive an adequate amount of sunshine throughout the year. Even in circumstances where development on adjoining sites overshadows the new proposed ground level courtyard, due to availability of communal open space at roof level, it is predicted that there will always be somewhere within the proposed development where residents can go and enjoy sunshine on a sunny day. This is considered reasonable and acceptable.

10.2.4 It is acknowledged that there is an extant permission on the site for a mixed use commercial/residential development on this site (Reg. Ref. 5117/08 and 5117/08/X1) of similar height as that proposed. The height of the current proposal accords with the operative City Development Plan, as varied, as the proposed development is considered to be commercial in nature. The height proposed is considered acceptable considering the inner urban location of the site. The subject height would not be out of place with other developments existing and permitted within the general area. The site as existing is

considered to be a brownfield site, which is grossly under-utilised considering its inner urban location. The heights as existing on the site are unsustainable, given its location and are considered to be an inefficient use of valuable land resources. I therefore do not have issues with the height or density of the proposed scheme. The elevational design, with vertical emphasis and large amounts of glazing, comprises a mix of materials. If the Bord is disposed towards a grant of permission, I recommend that a condition relating to samples of proposed materials be attached to any such grant. I also recommend that a condition stipulating that the glazing to the entrance lobby/common area and cafe at ground floor level be transparent and not obscured by any fixtures or fittings.

10.2.5 The proposed development provides a strong edge to the corner of Grangegorman Road Lower and Fitzwilliam Place and provides a good quality design solution to this important corner site. While the main entrance to the building, which is now well defined, is from Grangegorman Road Lower, there are also a number of entrances to the proposed development from Fitzwilliam Place. This is welcomed considering the pedestrian access which currently exists to the Grangegorman campus from Fitzwilliam Place. The Further Information request from the planning authority expressed concerns regarding the engagement of the proposed development with the streetscape at ground floor level. This issue was addressed with a superior proposal for an enlarged reception area; a more defined main entrance and a stand-alone café. This café is welcomed as it provides both an active frontage and an amenity to the wider area. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached to any such grant which ensures that public access to the café is maintained at all times.

10.2.6 Having regard to all of the above, I am satisfied that the proposed development would generally accord with Appendix 23 of the operative City Development Plan and that the proposed student accommodation

would be adequately served by a number and variety of spaces, both internally and externally.

10.3 IMPACTS ON AMENITY

10.3.1 I acknowledge the concerns raised by the appellant in his submission.

Having examined the documentation before me, together with having carried out a visit of the site and its environs, I am of the opinion that the proposal is generally considered acceptable in principle and that impacts on amenity would not be so great as to warrant a refusal of permission.

10.3.2 I acknowledge the concerns raised in relation to noise from the

proposed roof terraces. However, in the response to the appeal the applicants confirm that there will be 24 hour on-site supervision in place, with a caretaker living on site. I also note Condition No. 13 of the grant of permission which issued from the planning authority in relation to the restriction on use of the proposed roof garden, which I consider appropriate. If the Bord is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant.

10.3.3 I have no information before me to believe that the proposed

development, if permitted would lead to devaluation of property values in the vicinity. Impacts on privacy would not be so great as to warrant a refusal of permission and I note the mitigation measures proposed, which are considered acceptable. A report outlining management proposals for the proposed development was submitted with the original application. I am satisfied that the management plan, if properly implemented will adequately deal the appropriate operation of the proposed development. I note the concerns raised by the appellant in relation to the use of the proposed development outside of term-time, which I consider is a pertinent point. The response of the applicants states that the grant of permission limits the use of the accommodation to 3rd level students and during the summer the rooms will either be vacant or will be occupied by students remaining in the

city over the summer. It is expected that a number of residents will maintain a lease for the entire duration of the education and this will include summer recess. They further state that the caretaker will be resident on site during the summer and the property will not be vacant at any time. This response is considered reasonable.

10.3.4 I consider that the works proposed are acceptable and would not detract from the visual or residential amenities of the area. In fact, I consider that the proposal will add to the facilities being provided within the area and will make a more sustainable use of a prime urban site. I consider that the proposal is generally in compliance with relevant Development Plan policies in relation to such works and that the proposal is consistent with the proper planning and sustainable development of the area.

10.4 TRAFFIC, ACCESS AND PARKING ISSUES

10.4.1 A Transport Statement was submitted with the original application. Three no. off-street car parking spaces were originally proposed, however these were omitted by means of the Further Information request by the planning authority due to concerns relating to traffic safety. Therefore the subject scheme was permitted with no parking provision. It is noted that parking for up to 78 bicycles is provided in a secure facility at basement level. I note the location of the site within an inner urban area, close to many facilities including the subject Grangegorm educational campus and good public transport links. I also acknowledge that this is a student accommodation facility, and it is therefore anticipated that many of its occupants would walk, cycle or use public transport links. Having regard to all of the above, I conclude that the proposal would be appropriate from a transportation viewpoint and that the absence of any car parking provision is justifiable in this instance.

10.4.2 I note the concerns raised by the appellant in relation to traffic safety issues, in particular during the construction phase of development. While I acknowledge the concerns, I consider that this phase of

development would be temporary in nature. However, I do note that this issue was dealt with by means of condition by the planning authority and I recommend that if the Bord is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant.

10.4.3 I have no information before to believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity. I therefore consider the proposal to be acceptable in this regard.

10.5 APPROPRIATE ASSESSMENT

10.5.1 A report detailing provision of information regarding appropriate assessment screening, prepared Scott Cawley was submitted with the original application. It concludes that there was no likelihood of any significant effects on any European sites arising from the proposed development, either alone or in combination with other plans or projects and therefore an appropriate assessment is not required. The site appears to consist mainly of existing buildings and artificial surfaces, with only very limited vegetation. Desktop studies found no records of any species or habitats for which European sites were designated within the subject lands. The site is not located within or directly adjacent to any Natura 2000 area. There are a number of European sites within a 15km radius, details of which are outlined in the report referred to above. One Natura 2000 site is located within a 4km radius of the site, namely the South Dublin Bay and River Tolka Estuary SPA (Ref. 4024). The Tolka Estuary is part of the aforementioned SPA of the same name.

10.5.2 The subject lands are located within the Liffey Catchment. There do not appear to be any watercourses on, or within close proximity to the site. Foul and surface water will discharge from the proposed development into an existing combined sewer system located on

Grangegorman Road Lower. From there, it will be pumped to Ringsend Waste Water Treatment Plant.

10.5.3 It is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site number 4024 in view of the site's conservation objectives and an appropriate assessment is not therefore required. on a European site.

10.6 OTHER ISSUES

10.6.1 I note the concerns raised in relation to impacts of the proposed development on 'Lower House', which is listed on the Record of Protected Structures within the operative City Development Plan. There are a number of Protected Structures within the vicinity of the site. However, having regard to the separation distances involved, I consider that the proposed development would not unduly impact on the character or setting of any Protected Structure in the vicinity to such an extent as to warrant a refusal of permission.

10.6.2 The subject site is located within a 'Zone of Archaeological Protection' as set out in the operative City Development Plan. I consider that a condition in relation to archaeological monitoring be attached to any grant of permission, similar to Condition No. 19 of the decision which issued from the planning authority.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHeld and that permission be GRANTED for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the location of the site in proximity to third level institutions, it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, not adversely affect the amenities of the area, would be appropriate within the area, would provide an acceptable standard of amenity for future residents and would promote sustainable modes of transportation. 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, except as was amended by Further Information received by the planning authority on the 02nd day of December 2015 and 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. 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 and to ensure a proper standard of development.

3. The developer shall comply with all requirements of the planning authority in relation to roads and access issues

REASON: In the interests of proper planning and sustainable development

4. The residential accommodation of the development hereby permitted shall only be occupied as student accommodation, and for no other purpose, without a prior grant of planning permission for change of use. The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student 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.

5. No unit within the student accommodation shall be sold or let to persons other than current students of recognised third level institutions.

REASON: In the interests of clarity

6. The proposed café at ground floor level shall have public access

REASON: In the interests of amenity and in order to provide an active street frontage

7. (a) Prior to commencement of development, details of signage shall be submitted to, and agreed in writing with, the planning authority, and, thereafter, only the agreed signage shall be installed.

(b) Apart from the signage agreed to under (a), notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

REASON: In the interest of visual amenity.

8. Security roller shutters, if installed in the commercial unit, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

REASON: In the interest of visual amenity.

9. The roof terrace shall not be occupied or used for any purposes between the hours of 10.00pm and 07.00am, Monday to Sunday

REASON: In the interests of residential amenity

10. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed student accommodation is made available for occupation.

REASON: In the interest of public safety and visual amenity.

11. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the student accommodation is made available for occupation.

REASON: To provide for the future maintenance of this development in the interest of amenity and orderly development.

12. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 property in the vicinity.

13. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This 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.

REASON: In the interest of orderly development and sustainable waste management.

14. Prior to the commencement of development, a detailed specification of planting to facilitate the implementation of the landscape planting shall be submitted to, and agreed in writing with, the planning authority. The agreed specification shall be fully implemented in the first available planting season following either the substantial completion of the development or the first occupation of the student accommodation, whichever is sooner. All plants shall be adequately protected until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years, 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 interest of visual amenity.

15. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority. A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

REASON: In the interests of orderly development and the visual amenities of the area.

16. The glazing to the entrance lobby/ common area and cafe at ground floor level shall be transparent and shall not be obscured by any form of fitting, fixture, stickers or advertisements

REASON: In the interests of visual amenity

17. 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 and the preservation insitu of archaeological remains), prior to commencement of construction works.

Where any preservation insitu requirements have implications for the wider development they shall be the subject of revised plans which shall depict such implications. Such plans shall be submitted to, and agreed in writing with, the planning authority.

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.

18. Prior to the first occupation of the student accommodation, all the cycle parking spaces shall be provided and, thereafter, shall be retained insitu for the duration of the student accommodation on site.

REASON: In order to promote and facilitate cycling as a sustainable mode of transport.

19. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) 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.

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

20. 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 interest of orderly development and the visual amenities of the area.

21. Prior to the commencement of any works on site, the developer shall ascertain and comply with all requirements of the Environmental Health Officers Department

REASON: In the interests of public health

22. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

REASON: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000 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.

24. The developer shall pay to the planning authority a financial contribution in respect of Metro North in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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. The application of any indexation required by this condition 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.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

L. Dockery

Planning Inspector

05th May 2016