



An  
Bord  
Pleanála

## Inspector's Report PL29N.247008

### Development

Mixed use building to include discount food store, off licence, separate retail units, student community group recreational facility, student accommodation and all associated site works.

### Location

3-7, 9-11, 8 & 8A Grangegorman  
Lower and 22-27 Brunswick Street  
North, Dublin 7

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

2858/16

### Applicant(s)

GSA Developments (Ireland) Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Marianne Lee

Pat Coyne

### Observer(s)

A Darragh

Tom Leavey & B Doherty

**Date of Site Inspection**

09/11/2016

**Inspector**

Gillian Kane

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## 1.0 **Site Location and Description**

- 1.1. The subject site comprises an amalgamation of a number of plots (no.s 3-7 and 9-11, 1 and 2 Blake's Villas and 8 and 8a all on Grangegorman Lower and no.s 22-27 Brunswick Street North) on the northern side of Brunswick Street and to the east of Grangegorman Lower in the north inner city suburb of Grangegorman. The 0.76ha site previously comprised three semi-habitable dwellings and a number of vacant warehouses, all of which have since been demolished under Planning Authority reg. ref. 2830/16. The site which is now approx. 0.5m below the adjoining street level is now a single brownfield cleared plot with construction access points on Brunswick Street North and Grangegorman Lower. The facades of the three dwellings remain on Grangegorman Lower as do some of the warehouse facades on North Brunswick street. The remainder of the site street frontage is covered by construction hoarding.
- 1.2. To the immediate north of the site, on Grangegorman SDZ lands is the Dublin 7 Educate Together school. To the north of the site on Grangegorman Lower is the site is no.s 16 and 17 Grangegorman Lower which will be demolished as part of PL29N.246097. The wider northern boundary of the subject site adjoins the southern boundary of the eastern section of the Grangegorman DIT campus / Grangegorman SDZ– that area surrounding the protected structures The Lower House and corresponding to Zoneb in the SDZ Masterplan / Planning Scheme.
- 1.3. To the east of the site is the 5 storey apartment development Richmond Apartment Block and further south on the south side of Brunswick Street are a series of apartment developments ranging in height from 5 to seven storeys. The wider area is undergoing significant transformation, with the Grangegorman development and a series of smaller developments, all of which result in a significantly changed built environment of this inner city area.

## 2.0 Proposed Development

2.1. Permission was sought for the following demolition of all existing structures on site, including 3 no. houses (what address) and site clearance construction of a new part 4, part 5, part 6 storey building with a total GFA of 20,999sq.m. to include

- a discount supermarket (2,764sq.m.) with off-licence (95sq.m.)
- 624.8sq.m. retail floorspace in two units facing Grangegorman Lower
- Student / community group recreational facility (265.99sq.m.) arranged over two floors, with mezzanine,
- Reception for student accommodation (430.55sq.m.)
- Student services (404.69sq.m.)
- Gym (142.66sq.m.)
- Upper floors (1<sup>st</sup> to 5<sup>th</sup>) to comprise 126no. units of student accommodation – 5no. x three bed units, 29no. x 4 bed units, 29no. x 5 bed units, 14no. x 6 bed units, 13no. x 7 bed units, 12 no. 8 bed units, and 24 no. studio units. Total 571 no. bedspaces.

2.2. Details provided in the application form are:

- total site area 7,629sq.m.
- floor area of proposed buildings 20,999sq.m.
- proposed plot ratio 2.75 and propose site coverage 73%
- total retail proposed 3,388sq.m.
- total student accommodation proposed 16,642sq.m.

2.3. The application was accompanied by the following:

- Planning Report
- Letter of consent to the making of the application
- Architectural Heritage Assessment for Boundary Walls
- Archaeological Desktop Study
- Community Engagement Report
- Waste Management Plan
- Analysis of Socio Economic Impacts

- Management Plan for Retail Food Store
- Sustainability Strategy
- Bat Survey Report
- Architectural and Urban Design Report
- 3D Visuals / CGI's
- Sunlight and Daylight Analysis
- Visual Impact Assessment
- Engineering Services Design Report
- Student Accommodation Management Plan
- Transport Statement
- Civil Engineering Infrastructure Report
- Landscape Planning Report
- AA Screening Report
- Letter of support for the proposed development from the Grangegorman Development Agency

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 06/07/16 a notification of decision to GRANT permission issued with 34 no. conditions. Conditions of note include:

4: accommodation to be occupied by students of a recognised third level institution

6: all projecting signs to be omitted

9: off-licence shall occupy no more than 3.4% of the total floor area of the supermarket, towards the centre or rear of the store, with no advertising of the sale of alcohol products.

13: Glazing of entrance lobby / common area shall be transparent

18: roof terraces shall not be occupied between 22.00 and 07.00

19: proposed recreation space at ground level shall have public access

20: all bedrooms shall contain ensembles

21: Laundry facilities shall be provided in the space marked laundry / cinema / sanitary facilities

22: minimum of 1 in 50 bedspaces shall be designed for students with disabilities.

24: Roads & Traffic requirements

25: Archaeological requirements

32: qualifying lease required to prove that accommodation is let to students within the academic year

### 3.2. **Planning Authority Reports**

3.2.1. **Planning Report:** Student accommodation is not categorised but can be considered as half way between residential and hostel, both of which are permitted in principle in Z5 areas. Student accommodation would be an appropriate use in this area. Proposed discount supermarket at 2,700sq.m. is considered shop (district) which is also a permissible use. Site is underused and inefficiently used. Proposed development accords with policy QH4 and QH6. Principle of demolition and intensification has been established under 4876/06. Proposed development accords with development plan policy on demolition of habitable houses as there is a net increase in residential units. Proposed ground floor uses will increase vitality and active use of Grangegorman Lower. Proposed discount supermarket is in accordance with policy RD24. The proposed opaque glazing should be omitted and replaced with clear glazing. Case has been made for proposed off-licence within the discount supermarket and this is accepted. Proposed student accommodation is in accordance with policies RE30, RE32, QH30 and appendix 23. The submitted Student Management Plan addresses the concerns of nearby residents regarding noise nuisance and anti-social behaviour. The requirement for one in every 50 no. bedspaces to be disability accessible can be achieved by way of condition. No works proposed along the northern boundary to facilitate a link to the Grangegorman campus which will be the subject of a future application. Discounting the east services / access route the proposed outdoor recreational space is 3,030sq.m. Indoor recreational space is approx. 868sq.m., including the reception lobby area. Proposed spaces are high quality and are in accordance with the development plan. Condition to be attached to ensure laundry facilities are provided. Proposed development

complies with development plan standards for plot ratio, site coverage and building height. Proposed height will cause a moderate increase in overshadowing of the adjoining Richmond development. Proposed height is in keeping with other developments existing and proposed in the area. Design includes a number of features to reduce the visual impact, scale and massing of the building. The impact of the proposed development on daylight and sunlight are considered acceptable and in line with what one might expect in a city centre location. Proposed development is considered to meet the demand for purpose built student accommodation, will have a positive impact on the immediate streetscape and will provide community benefits. Recommendation to grant subject to permission.

### 3.2.2. **Other Technical Reports**

- **City Archaeologists Report:** Proposed development is within the zone of archaeological constraint for the recorded monument DU018-020 (Dublin City) and zone of Archaeological Interest in the city development plan. Concur with the mitigation strategy recommended in the Archaeological Desktop Study. Condition recommended.
- **Drainage Division:** No objection subject to conditions.
- **Roads and Traffic Planning:** No objection to the proposed development subject to 4 no. conditions

### 3.3. **Prescribed Bodies**

- DART Underground: No comment as site is outside the defined zone of influence
- TII: No comment

### 3.4. **Third Party Observations**

Eleven no. submissions regarding the proposed development were submitted to the Council. The issues raised can be summarised as follows:

- The height of the proposed development is out of scale with wider area and will negatively impact other developments in the area,
- the inadequacy of the road network to cope with traffic congestion,
- the potential for anti-social behaviour,
- the existing colony of bats on the site,



- a civil dispute between locals and the applicant,
- the use of one of the structures on the site as a community space,
- the use of part of the site as a community garden,
- the existence of asbestos on the site
- development is contrary to appendix 23 of the development plan – over concentration of a single use
- permission for over 3000 student bed spaces in Dublin 7 resulting in an over concentration of a single use in one area
- impact of proposed development on the dwelling at no. 28 Brunswick street
- need for 24/7 security
- lack of car parking provision

## 4.0 **Planning History**

### 4.1. Subject Site

- Planning Authority reg. ref. **2830/16**: Planning permission was granted for the demolition of all structures and 3 no. houses and the erection of a 3m high hoarding along the Grangegorman Lower and North Brunswick Street site boundaries.
- Planning Authority reg. ref. **4876/06**: Planning permission granted for mixed-use development of 5-7 storeys

### 4.2. Site to north

1. **PL29N.246097**: Planning permission granted for the 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.

## 5.0 **Policy Context**

### 5.1. **Dublin City Development Plan 2016-2022**

- 5.1.1. While the application was assessed by DCC under the 2011-2016 development plan, the Dublin City Development Plan 2016-2022 was

adopted on the 21<sup>st</sup> October 2016 and therefore is the operative plan for the subject site and for the proposed development before the Board.

5.1.2. In the plan, the majority of the site is zoned '**Z5 City Centre**' which has the stated objective "to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity". Within Z5 zones 'Residential' and 'Shop (District) and Shop (neighbourhood)' are permissible uses.

5.1.3. A small section of the site in the north-eastern corner is zoned 'Z1 Sustainable Residential Neighbourhoods', which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones residential use and shop (local) are permitted in principle.

5.1.4. Policies of note in the development plan include:

**Policy SC13** To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (Development Standards) including the criteria and standards for good neighbourhoods; quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities

5.1.1. In relation to Student Accommodation section, **section 5.3** of the plan states that there is a pressing need to facilitate a significant increase in housing output whilst creating high-quality accommodation to address a range of housing issues including homelessness. In this regard, the City Council will engage in active land management, relax standards to facilitate residential development on upper floors where appropriate, and to recognise and facilitate, where appropriate, distinct components which are developing within the housing market such as: professionally managed private rental; approved housing bodies; student accommodation; and housing for older people.

- 5.1.2. **Section 5.5.12** of the plan states that in order to plan for the future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high-quality, purpose-built and professionally managed student housing schemes, which can make the city's educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas. To that end Policy **QH31** is 'To support the provision of high-quality, professionally managed and purpose-built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.
- 5.1.3. **CEE19:** (i) To promote Dublin as an International Education Centre/Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language Colleges) and high-quality, custom-built and professionally-managed student housing. (ii) To recognise that there is a need for significant extra high-quality, professionally managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities.
- 5.1.4. **CEE23:**(i) To promote the Digital Hub and its environs as a destination of choice for digital enterprises, as an innovation district, with the necessary vibrant mix of uses including employment space, leisure, housing (including student accommodation), shopping, visitor accommodation and other uses. **Policy QH8** aims to promote the development of under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- 5.1.5. **Section 16.10.7** of the development plan outlines 'Guidelines for Student Accommodation', stating that the City Council supports the provision of high-quality, professionally managed, purpose built third-level student

accommodation, either on campus or in accessible locations adjacent to quality public transport corridors and cycle routes, in a manner which respects the residential amenities of the locality. Student accommodation should make a positive contribution to the built environment, in terms of design quality, scale, height and the relationship to adjacent buildings. The external layout, including any necessary security arrangements should be designed to avoid isolating developments from the surrounding community. The student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms. Given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed. Proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011). Adequate open space of suitable orientation should be provided within developments for the amenity of students, which can include terraces, courtyards and roof gardens, where appropriate. All proposals must provide appropriate indoor and outdoor communal and recreational facilities for students at a combined level of at least 5-7 sq.m per bedspace. The provision of indoor communal space is particularly important for schemes with a high proportion of studio units, to allow students to interact outside the studio room (in study rooms, tv rooms etc.). Where accommodation is provided on-campus, communal facilities will be assessed on a case-by-case basis having regard to the level of and access to on-campus amenity. Details to be provided as part of the application. In assessing proposals, the planning authority will have regard to the pattern and distribution of student accommodation in the locality, and will resist the overconcentration of such schemes in any one area, in the interests of achieving, a sustainable mix of development, whilst also providing for successful urban regeneration, good public transport/cycling/walking connectivity, and the protection of residential amenity. The applicant will be requested to submit evidence to demonstrate that there is not an overconcentration of student accommodation within an area, including a map showing all such facilities within 0.25km of a proposal. The following internal standards will apply to all proposals for student accommodation:

- Student accommodation to generally be provided by grouping study bedrooms in “house” units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.
- Single/ double occupancy studio units that provide en-suite bathroom facilities and kitchenettes/ cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m. and a maximum gross floor area of 35 sq.m.
- Within campus locations consideration will be given to the provision of townhouse, 'own-door' student accommodation with a maximum of 12 bed spaces per townhouse.
- Shared kitchen/ living/ dining rooms shall be provided, based on a minimum 4 sq.m. per bed space in the “house” and “town house” unit, in addition to any circulation space. Minimum bedroom sizes for “house” and “town house” units will be: • Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m) Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m) Single disabled study bedroom, with en-suite disabled shower, toilet and basin: 15 sq.m) • Bathrooms: Either en-suite with study bedrooms/ studio units or to serve a maximum of 3 bed spaces. • Communal facilities and services which serve the needs of students shall be provided for, which include laundry facilities, caretaker/ security and refuse facilities (either on site or nearby within a campus setting).
- All applications for student accommodation must be accompanied by documentation outlining how the scheme will be professionally managed including confirmation that all occupiers will be students registered with a third-level institution. Documentation must also outline how the scheme will support integration with the local community, through its design and layout. Permissions for student housing will normally be subject to a condition requiring a planning permission for a change of use to other types of residential accommodation.
- In relation to car parking, the standards in Table 16.1 apply. Whilst there is no specified requirement for parking within zone 1, applications for car-

free developments should be accompanied by a mobility management plan outlining how arrivals/departures will be managed.

- \* A student means a person who is registered with a third-level educational institution which is designated as such by the Department of Education and Science or by ACELS (Accreditation and Coordination of English Language Services) under the auspices of the DES.

5.1.6. **Policy RD5** of the plan states that it will be Council policy to prohibit the further expansion of off-licences or part off-licences unless a compelling case can be made that there is not an over-concentration of such uses in any one area. In this respect, any application for an off-licence/part off-licence should include a map of all such establishments located within a 1km radius of the proposed development. In relation to stand alone off-licences an audit of the existing off-licence floor space provision within 1km and an analysis of the need for the proposal in the locality shall be provided.

**Section 16.28** of the plan outlines the criteria the Planning Authority will take into account when considering planning applications for a part off-licence in a shop. The criteria are as follows:

- The number and frequency of such facilities within a 1km radius of the proposed development
- The amenities of properties in the nearby residential areas.
- The floor area used for the display of alcohol products is subsidiary to the main use of the shop and that area should be no more than 10% of the total floor area
- The location of the display area of alcohol products shall be in an unobtrusive position, not near the entrance or windows of the shop and preferably to the rear of the premises
- The area for the display of alcohol products shall be detailed on the floor plans and the display of alcohol products shall be limited to this area only
- The area for the display of alcohol products should be secure and monitored.

In the case where a grant of planning permission is considered, the provision will be strictly regulated, and regard shall be given to the need to impose the following conditions:

- Limiting the display area of alcohol products to that area of the shop only as detailed on the plans
- No advertising of the sale of alcohol products on the façade/frontage of the premises
- No display of alcohol products or advertising of the sale of alcohol products on or near both the entrance and the windows.

5.1.7. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:

- Indicative plot ratio for inner city areas is 0.5 to 2.0, for Z5 is 2.5-3.0
- Indicative site coverage for the Z1 zone is 45-60% and for Z5 is 90%
- Student Accommodation in Zone 1, no car parking spaces required

5.1.8. Sections 16.7 of the development plan refer to Building Height in a Sustainable City. It states that it is the policy of Dublin City Council to continue to protect and enhance the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city, and create opportunities for place-making identity in the outer city. Section 16.7.2 defines a building in the city centre of less than 28m as 'low rise'.

5.1.9. Section 16.10.20 of the development plan outlines the Council's policies on **development on archaeological sites and in zones of archaeological interest**. The development plan states that in order that the City Council's policy on archaeology is implemented, the following will apply:

- The applicant shall employ a qualified archaeologist to carry out and report on any necessary site investigation works

- New basement development at medieval sites shall be omitted where it is deemed that undue damage to archaeological deposits will occur. The impact and merits/demerits of foundation type (piled, raft, etc.) shall be archaeologically assessed.
- When planning permission for development involving sub-surface excavation is granted, the applicant's attention will be drawn to the legal obligation to report the discovery of archaeological finds to the National Museum of Ireland.
- Where a site is deemed to require archaeological investigation, all in situ remains shall be recorded according to best practice irrespective of date and evaluated for preservation in situ.
- Ensure the assessment of industrial features during archaeological investigations.
- Where preservation in situ is not feasible/appropriate, sites of archaeological interest shall be subject to archaeological excavation and recording according to best practice, in advance of redevelopment.
- The results of all archaeological excavations shall be published in full in a reasonable time following archaeological site completion.
- The excavation archive shall be prepared and submitted in accordance with the DEHLG Guidelines to the Dublin City Archaeological Archive following site completion.

5.1.10. 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).

## 5.2. **Sustainable Residential Development in Urban Areas 2009**

5.2.1. The objective of the guidelines is to produce high quality and sustainable developments through key planning principles such as the provision of community facilities, efficient use of resources, amenity / quality of life issues and conservation of the built and natural environment. The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out for the consideration of planning applications and appeals.



Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

#### **6.1.1. Marianne Lee, 7 Grangegorman Villas**

The grounds of the appeal can be summarised as follows:

- The development of the long derelict site is welcomed.
- The addition of 571 beds to the approved 2,000 beds in the Grangegorman SDZ and the 132 beds to the north of the site constitutes over development of student accommodation. Map submitted showing the impact of all developments on Grangegorman Road Lower
- The site should be used for sustainable mixed use residential and social housing for families, the elderly and locals.
- Student housing should be dispersed over a wide area to allow integration into the local community.
- The socio-economic report submitted with the application shows a future student population of 46.5% in electoral area Arran Quay Ward B. This imbalance is not conducive to sustainable communities.
- The city development plan states that it be cognisant of the level of student accommodation in a locality when assessing a proposed student development and will resist the over concentration of such schemes in any one area (appendix 23).
- The case for the increase of student accommodation in the city made by the applicant is accepted. It does not however factor in the existing planning permissions at Grangegorman Lower or consider 'over-concentration'.

- The applicant's argument that the current dearth of housing justifies the proposed development ignores the fact that the subject site is suitable for mixed residential use, the occupants of which would provide a commercial stimulus to the area across a broader range of business / services.
- The applicant's argument the location of the subject site beside the new DIT campus justifies the proposed development can be applied to a broad range of the community. Otherwise unchecked development of student accommodation could be justified adjacent to any third level institution.
- The possible delay in the construction of campus accommodation cannot be used as a justification for the proposed development as planning permissions remain valid for a number of years and there is no reason to suppose that they will not be eventually developed. Residents do not have the right to appeal the 2000 beds planned within the Grangegorman campus.
- It is impossible to predict how the predicted 3,000 students will move around the area. There is no guarantee they will be 'contained' as suggested by the applicant.
- The applicant suggests that in the absence of the proposed development multi-occupancy of private housing stock would arise. It is submitted that without intervention by the Council this would happen anyway. The proposed development will simply create a hub around which this will intensify.
- The dispersal of student accommodation around the city facilitates the successful integration of students into existing communities. The proposed development is contrary to that pattern of development.
- The creation of a student village at Grangegorman Lower, being contrary to Appendix 21 of the development plan, should have formed part of the new Dublin City Development Plan. The proposed development creates a precedent for similar mass student accommodation elsewhere. A single block of this scale on one single road is unprecedented in Dublin or anywhere in Ireland.
- The proposed off-licence will add to the existing issues of anti-social behaviour and is not advisable in a block of student accommodation. The

proposed student accommodation is to be professionally managed between 08.00 and 17.00 while the off-licence is to be open until 22.00 Monday to Saturdays and 21.00 on Sundays.

- The suggestion that none of the 571 students and staff will not require parking is unrealistic and residential parking in the area will suffer.

#### 6.1.2. **Pat Coyne, 7d Arran Street East,**

The grounds of the appeal can be summarised as follows:

- The proposed development is in contravention of the development plan policy RD10 which seeks to 'prohibit the further expansion of off-licences or part off-licences except in areas where a compelling case can be made'.
- It is submitted that no such case has been made. It is submitted that in 2012 Tesco were refused planning permission for an off-licence in Smithfield, reg. ref. 2461/12 refers.
- It is submitted that the area is unsuitable for a discount off-licence as it close to the Capuchin Day Centre for Homeless People. It is submitted that a number of people who attend the centre are active or recovering substance abuser and alcoholics. The proposed development will encourage more street drinkers and make the area less pleasant for local residents and tourists.
- The park at Kings Inn attracts people drinking alcohol making it uncomfortable for others. The bye-law on outdoor drinking is not enforced. Neighbours no longer attend the church on Church Street due to low-level harassment.
- Where people go after purchasing alcohol cannot be controlled by the store.
- Insufficient detail has been provided regarding the separation of the off-licence from the rest of the shop. The location does not appear to be at the rear of the shop. The size of the area does not limit the volume of sale.
- If permission is granted Brunswick Street will become a hub for alcoholics and vagrants. There are sufficient off-licences in the area, with 25 no. in a 1km area.

- Student drinking in Ireland and the UK has found to be at a hazardous level (excerpts of two studies provided). Studies show the negative consequences of alcohol consumption and the impacts on road safety.
- It is submitted that the Courts and the Gardaí do not have the remit or the resources to address the issue. The proposed development would add to the problem of street drinking and would detract from rather than add to the dignity of the city centre.

## 6.2. Applicant Response

The applicant identifies the three main grounds of appeal, the response to which can be summarised as follows:

### 6.2.1. Over-concentration of Student Accommodation

- The appropriateness of the subject site and the wider area for student accommodation was acknowledged by the Board under PL29N.246097.
- The proposed development is integrated with the DIT Grangegorman campus providing for a future pedestrian and cycle link through the development southward to Smithfield, the Luas and the Quays, delivering an objective of the of the GDA planning scheme.
- The cumulative impact of the proposed and permitted student bed spaces was addressed by the Council in their planning report.
- In accordance with the requirements of Appendix 23, a detailed evidence based report was submitted with the application. The report demonstrates the acute need for student accommodation in Dublin and assesses the appropriateness of the proposed development by reference to existing and planned student accommodation. Section 3.2 of the report contains a detailed assessment of existing and planned student accommodation and addresses the risk of over-concentration within a restricted area. The report considers the combined effect of all student schemes, including the 2000 bedspaces in the Grangegorman campus and the permitted 132 bedspaces to the north of the site.
- The report uses international best practice to define over-concentration., Edinburgh is comparable to Dublin. Different thresholds apply to locations depending on the proximity to a university or college campus.

Using the Edinburgh criteria the subject site would qualify as a criteria A area, where student housing is permissible in principle. Criteria B areas have a threshold of no more 50% of the population must be comprised of students. The proposed development, the permitted 132 spaces on the site to the north and the 2000 spaces within the campus result in a population of 27% of the catchment area of electoral divisions of Arran Quay B, C and E. It is submitted that the proportion of students falls well below the lowest Edinburgh benchmark of 30%. The demographic of the area will change gradually as the Grangegorman campus will be phased over 4 phases.

- A precedent for higher concentrations of student exists at UCD, with a greater than 60% of the Clonskeagh-Belfield population being students. This does not have a significant impact on the wider community as the majority of students stay within the campus for studying, shopping, eating, sleeping, recreation etc. DIT Grangegorman will provide a similar level of services resulting in a similar relationship with the surrounding area. the dynamics of on-campus and adjacent accommodation are different to those of dispersed student accommodation. The proposed development would not result in any significant adverse socio-economic or community impacts.
- The proposed 572 bedspaces in this highly accessible and integrated location will make a significant contribution towards the identified accommodation needs of the 3,600 Grangegorman DIT students.
- It is submitted that should the site be developed for privately owned residential development, there is no guarantee that the units would not be rented by students, given the proximity to Grangegorman. Such a situation would result in unmanaged student accommodation, lacking the support services that students require. The proposed development will ensure high-quality and professionally managed purpose built student accommodation.

### 6.2.2. Location of Off-licence

- Policy RD10 of the development plan prohibits further expansion of off-licences except in areas where a compelling case can be made. Section 17.29 of the plan identifies the criteria for the consideration of off-licences.
- A compelling case has been made by the applicant. The submitted map identifies the 25 off-licences within the study area. This was acknowledged by the Planning Authority in their planning report.
- The planning report of the Council considered the retail management plan when assessing the potential impact of the proposed development on residential and student amenities.
- The floor area of the proposed off-licence is 3.4% of the total floor area, is subsidiary to the principal retail use and is significantly below the maximum threshold of 10%.
- The location of the display area is away from the entrance and will not have any window display. Conditions 9(a) and 9(b) control the extent, visibility and prominence of the proposed off-licence.
- The area and display of alcohol products was indicated on the approved floor plans. Condition 9 controls the permissible extent of floorspace dedicated to the display and sale of alcohol products.
- Given the location of the site in an area of significant residential development, with relatively low level of supermarket provision, the proposed supermarket with off-licence is considered an appropriate and complimentary use to the proposed student development.
- The re-development of this derelict site with retail frontage represents a positive addition to this part of the city. The ground level of North Brunswick Street would historically have been in residential and light industrial use. Recent development in North King Street and Georges Lane have been of retail / commercial uses. The proposed retail development at ground floor level will reinforce and consolidate this trend and enhance the vibrancy of street level activity.
- The proposed off-licence is similar to those found in Aldi and Lidl. It is fully compliant with the development plan.

- The decision of the Board under PL29N.240820 noted by the appellant is materially different to the proposed development. In the Tesco case the proposed retail outlet fronted onto a significant public space within a designated Conservation Area, where outdoor seating was available for people to consume their alcohol purchases. At the time of that appeal there were 32 no. off-licences within 1km. There are 25 no. off-licences within a 1km radius of the subject site.
- The submission of the appellant that the proposed development will become a hub for vagrants and alcoholics is unfounded. The studies submitted by the Appellant do not present grounds relevant to the consideration of the proper planning and sustainable development of the area.
- The developer has a proven track record in owning, developing, operating and managing student accommodation. The submitted Student Management Plan sets out all procedure for operation on site, with a 24/7 site presence. A dedicated building manager will be a single point of contact for residents and locals. Details of the proposed on-site security including contract for students are submitted with the response (Appendix B refers). It is submitted that it is in the interest of the applicant to be active and involved in the local community and to ensure that adverse impacts do not occur.

### **6.2.3. Car Parking**

- The car parking and access strategy for the site has been the subject of detailed considerations with the Council. Zero car parking is proposed to promote sustainable modes of transport.
- The subject site is well served by existing and planned public transport: Luas red line, Luas Cross City (operation late 2017) and numerous Dublin Bus routes.
- The proposed 191 no. internally located bicycle parking spaces at ground floor level and 20 no. visitor spaces exceed development plan requirements. This will encourage cycling to and from the site and is acknowledged by the DCC Roads and Transport report.

- The Dublin City development plan does not have minimum car parking standards, allowing flexibility to determine on a site specific basis.
- There are significant sustainability benefits to zero parking schemes. Student accommodation typically has low car usage demand particularly in locations where there are a wide range of ancillary facilities and amenities in the wider area. Table 17.1 of the development plan does not contain a student accommodation category which is indicative that such a use is generally not reliant on car parking provision.
- In determining PL29N.246097 the Board accepted the principle of zero car parking provision. A further precedent for zero parking has been set with the Boards decision under PL29S.244805. The considerations of the Board in that appeal equally apply to the subject proposal: such student schemes are self-selecting, that parking exclusion zones form part of the tenancy agreements, the range of services proposed and the location of the proposed development. The subject site has superior locational accessibility to public transport.
- The Board is requested to grant the proposed development.

### 6.3. **Planning Authority Response**

- The substantive planning matters and reason on which the Planning Authority's decision on this application was based are set out in the planning report. This report still stands and the Inspector is requested to uphold the decision of the Planning Authority.

### 6.4. **Observations**

- 6.4.1. **Alec Darragh:** Proposed development will lead to an over concentration of transient students, with over 50% of the bedspaces being for students. This can lead to transient populations and a community of students. This can lead to a tendency for residents to move on and the area will be taken over by landlords. The area already experiences problems with alcohol and drug abuse. The proposed development will facilitate this.
- 6.4.2. **Tom Leavey & Brenda Doherty:** Concentration of student accommodation in one area is not in line with Council's plan for mixed residential



development. Creation of a student hub will discourage integration with the local community. A mixed development would ease housing needs and bring families to the area. The proposed off-licence will add to the existing anti-social behaviour. There are 6 no. off-licences between Smithfield and Prussia Street. The proposed development will increase noise, air and traffic pollution on an already congested road network. No provision made for children going to school in Brunswick Street, Manor Street and Stanhope Street. The proposed development of a transient community will undo the work of the local community.

## 7.0 **Assessment**

On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Concentration of Student Accommodation
- Proposed Off-licence
- Car Parking and Traffic
- Appropriate Assessment

### 7.1. **Principle of the Proposed Development**

7.1.1. The 2016-2022 Dublin City development plan acknowledges the growing shortage of student accommodation in the city (section 6.5.5 refers) and the pressing need to facilitate a significant increase in housing output to address the range of housing issues (section 5.3 refers). In order to respond to this need and the expansion of third-level institutions and the growth in the international education sector, the Council recognises that there is a need for appropriately located, high-quality, purpose built and professionally managed student housing schemes (section 5.5.12 refers).

7.1.2. The proposed mixed use development of retail, community use but mostly student accommodation complies with policy QH31 which seeks to support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city. Further the proposed development

complies with policies CEEE19 and CEE23 which recognise the need for significant student accommodation developments in the city to response to the promotion of Dublin as an International Education Centre / Student City and as a Digital Hub.

- 7.1.3. I note the decision of the Board under PL29N.246097 where the provision of purpose built student accommodation on Grangegorman Lower was accepted. The proposed development reflects the design, height and scale of the permitted development to the north which has been considered acceptable by the Board.
- 7.1.4. I am satisfied that the proposed development is in accordance with the zoning objective, the policies and objectives of the Development Plan in the provision of student accommodation. Subject to other planning considerations, the proposal is considered to be acceptable in principle.

## 7.2. **Concentration of Student Accommodation**

- 7.2.1. Both of the third party appeals and the observers refer to the over-concentration of student accommodation in Grangegorman Lower and state that this is not in compliance with Appendix 23 of the previous plan. The subject application was lodged and assessed under the previous Dublin City Development Plan 2011- 2016, as were the two third party appeals to the Council's decision.
- 7.2.2. The 2016-2022 development plan deals with student accommodation in the main body of the written statement. As noted above, the Council recognises that there is a need for appropriately located, high-quality, purpose built and professionally managed student housing schemes in order to respond to this need and the expansion of third-level institutions and the growth in the international education sector. To that end policies QH31, CEE19 and CE23 seek to support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus.
- 7.2.3. Section 16.10.7 of the development plan provides guidelines for student accommodation and states that in assessing proposals, the Planning Authority will have regard to the pattern and distribution of student

accommodation in the locality, and will resist the overconcentration of such schemes in any one area. The plan states that the applicant will be required to submit evidence that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 0.25km of a proposal.

- 7.2.4. A report on the socio-economic benefits of the proposed development was submitted with the application and refers to the issue of over-concentration. The report notes that permission was sought (and was subsequently granted on appeal PL29N.246097) for 132 no. beds on the site to the immediate north of the subject site (13-18 Grangegorman Lower) and that the Grangegorman Masterplan for the SDZ proposes a total of 2,000 student beds on campus. The report notes that the on-campus DIT accommodation will be entirely self-contained as the necessary student facilities will be on-campus. The report notes that the proposed development of 572 spaces, the adjoining 132 spaces and the DIT 2000 spaces together will account for up to 40% of the total population of the electoral division of Arran Quay B by the early 2020's. The DIT scheme alone however would still result in a population of 34% being comprised of students. The report notes that there is a precedent for high-concentrations of student populations in areas where there are third level institutions such as Clonskeagh-Belfield. The report notes that such is the locational context of the subject site, it is appropriate to take into consideration the three electoral divisions of Arran Quay B, C and E. Using that data, the proposed population ratio of students is only 20%.
- 7.2.5. In addition to the adjoining Grangegorman campus, the location of the proposed development is such that it will house students from Trinity, Royal College of Surgeons, Dublin Business School and NCAD all of which are within 2km of the site. Griffith College, the National College of Ireland and St Patricks are within 3km of the site and DCU and UCD are 4km and 5km respectively from the subject site. The report notes demand for third-level places is expected to rise to 213,000 by 2029 and that it is national policy to increase international student numbers to 38,000. Given that only 6.5% (7,045 bedspaces) are currently provided against a requirement for 69,000 spaces, this results in an unmet demand of over 25,000 spaces.

- 7.2.6. Figure 6 (page 14 of the Socio-Economic Report) shows the 12 no. developments currently providing 3,105 bedspaces in the city centre and its environs and provides comprehensive detail on schemes currently under construction and schemes currently within the planning process. The conclusion of the analysis is for bespoke student accommodation a total of 17,097 spaces will ultimately be provided which will provide accommodation to 15.4% of the current student body.
- 7.2.7. The development plan policy on 'over-concentration' states that the Council will resist the over-concentration of student accommodation schemes in any one area in the interest of achieving a sustainable mix of development whilst also providing for a successful urban regeneration, good public transport / cycling / walking connectivity and the protection of residential amenity. The subject proposal on Grangegorman Lower is in itself acceptable in principle and in isolation would not result in an over concentration of student accommodation in any one area. The proposed DIT accommodation is to be phased over the lifetime of the planning scheme and so it is unlikely that the impact of 2,000 bedspaces plus the permitted 132 and the proposed 572 would be felt on Grangegorman Lower at one fell swoop. The impacts would be noticed incrementally. I accept the applicants argument that the nature of the entire development at Grangegorman DIT campus is such that it is very likely to be self-contained. Students living on campus will likely study, shop and socialise on campus meaning the impact of such a large student resident population is unlikely to have significant impacts on Grangegorman Lower. In accordance with the Council's policy on assessing overconcentration against residential amenity, I am satisfied that, the residential amenity of the residents of Grangegorman Lower will not be seriously negatively affected by the addition of a further 572 no. bedspaces to the student accommodation development permitted in the immediate area. The proposed development of a seriously under-developed prime inner city site has the potential for significant urban regeneration as required by the Council's policy on assessing over-concentration.
- 7.2.8. I note that the proposed development complies with the requirements of section 16.10.7 of the development plan in that the proposed student

accommodation is to be provided in 'house' units, that the proposed en-suite units are within the recommended floor sizes and that communal facilities in terms of security / caretaker and refuse facilities are proposed. I concur with the finding of the Planning Authority that the space identified as cinema / laundry / sanitary facilities should be designated laundry facilities only. Should the Board be minded to grant permission, this could be achieved by way of condition.

7.2.9. The appellants argument that the subject site should be developed as mixed-use family residential ignores that the proposed development appropriately responds to the locational context of the site being in such close proximity to a new large scale third-level institution and within 5km of a number of other long established institutions. Residential development is required across the entire city; student accommodation is required in close proximity to third-level institutions. So while there are many sites across the city that can respond to the need for significant residential development, fewer sites can respond to the need for student accommodation. I am satisfied that the proposed development which will result in a minor increase in ratio of population to be comprised of students, over the permitted development, is in accordance with the Councils policy on the provision of student accommodation adjoining third-level institutions.

### 7.3. **Proposed Off-licence**

7.3.1. The proposed discount supermarket at ground level provides for a 95sq.m. off-licence, the indicative location of which is indicated on drawing no. 15029-4000rev1.

7.3.2. Off-licence is a permissible use in Z5 zones. Policy RD5 of the 2016-2022 development plan states that it will be Council policy to prohibit the further expansion of off-licences or part off-licences unless a compelling case can be made that there is not an over-concentration of such uses in any one area. In this respect, any application for an off-licence/part off-licence should include a map of all such establishments located within a 1km radius of the proposed development. In relation to stand alone off-licences an audit of the existing off-licence floor space provision within 1km and an analysis of the

need for the proposal in the locality shall be provided. For applications for a part off-licence with a retail unit, the number and frequency of such facilities within a 1km radius of the proposed development, the impact of the proposed development on the amenities of properties in the nearby residential areas must be considered under section 16.28 of the development plan.

- 7.3.3. The applicant has submitted a map showing 25 no. off-licences or part off-licences within a 1km radius of the site (Section 6.1.1 and Appendix A of the Planning Report). The map shows that of the 25, supermarkets with a section devoted to the sale of alcohol (such as that currently proposed) account for 8 no., there are two stand alone off-licences and 16no. are alcohol sales within a convenience store. The applicant submits that the extent of residential development in the wider area is such that a supermarket development with the full range of retail offering is needed, including the provision of an off-licence.
- 7.3.4. I note that the proposed development is in compliance with the provisions of the development plan in that the proposed off-licence part of the supermarket is subsidiary to the main use of the shop and is approx. 4% of the total floor area and that the proposed off-licence is in an unobtrusive position, not near the entrance or windows of the shop. Should the Board be minded to grant permission a condition prohibiting the advertising of the sale of alcohol products on the façade/frontage of the premises or on or near both the entrance and the windows.
- 7.3.5. The proposed off-licence represents less than 5% of the retail offering of the proposed supermarket. I am not satisfied that the scale and extent of proposed off-licence is such that significant impacts on residential amenity, on the built environment or on the wider societal behaviour of the area will arise.

#### 7.4. **Car Parking and Traffic**

- 7.4.1. The appellant states that the provision of no car parking is unrealistic and one of the observers submits that this will cause disruption on the already congested road network.

7.4.2. The applicant submitted a Transport Statement with the application. The report states that Manor Street and Church Street are major radial routes in and out of the city but that traffic volumes on Brunswick Street and Grangegorman Lower are generally low. The report notes the accessibility of the subject site in terms of pedestrian, cycle and public transport. In terms of access to the site, a pedestrian link is proposed to the north to the Grangegorman, access to the proposed supermarket will be solely from Brunswick Street and a total of 217 no. bicycle spaces will be provided on site. No car parking spaces are proposed, in accordance with Zone 1 development management standards. The report notes the impact of construction traffic and states that the most impacts will occur during the demolition stage. Construction traffic volumes per hours are not predicted to be significant in terms of existing traffic flows.

7.4.3. I note that table 16.1 of the development plan requires no car parking spaces for student accommodation in Zone 1 area such as the subject site. Section 16.38.9 of the 2016-2022 development plan states that car parking standards are maximum in nature and may be reduced in specific, mainly inner city locations where it is demonstrated that other modes of transport are sufficient for the needs of residents. The population of schemes such as the one proposed is that they are self-selecting, insofar as the absence of car parking would deter those students who have or require cars. I am satisfied that the nature of the proposed development – i.e. largely student based – and the location of the subject site are such that the expectation of car parking is low and the availability of alternative transport modes is extremely high.

## 7.5. **Appropriate Assessment**

7.5.1. An AA screening report was submitted with the subject application. The report states that there are 4 no. Natura 2000 sites within a 10km radius of the site and 12 no. sites within 10-15km of the site. The report states that the brownfield status and the inner-city location of the site, together with the lack of a source-pathway-receptor to any of the identified Natura 2000 sites

means that no significant effects are likely that would either alone or in combination with other plans or projects will arise.

- 7.5.2. 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. Two Natura 2000 sites are located within a 5km radius of the site, namely the South Dublin Bay and River Tolka Estuary SPA (0004024) and the South Dublin Bay SAC (000210). The findings of the screening report are considered reasonable.
- 7.5.3. The **South Dublin Bay & Rover Tolka Estuary SPA (004024)**, according to the NPWS, comprises a substantial part of Dublin Bay. It includes virtually all of the intertidal area in the south bay, as well as much of the Tolka Estuary to the north of the River Liffey. A portion of the shallow bay waters is also included. In the south bay, the intertidal flats extend for almost 3 km at their widest. The sediments are predominantly well-aerated sands. The sands support the largest stand of *Zostera noltii* on the East Coast. The landward boundary is now almost entirely artificially embanked. Sediments in the Tolka Estuary vary from soft thixotropic muds with a high organic content in the inner estuary to exposed, well aerated sands off the Bull Wall. Qualifying interests for the site are as follows: Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern and Arctic Tern. The conservation objectives for the site are to maintain the favourable conservation condition of each of the qualifying interests, based on the population trend and distribution of each. For the most part, the target is to see the long term population stable or increase with no significant decrease in the range, timing or intensity of the use of the designated areas. It is considered that given the proximity of the subject site to the designated site and the scale of urban development in that buffer zone, that the likelihood of significant impact on the conservation objectives of the site is negligible.
- 7.5.4. The **South Dublin Bay cSAC (000210)** extends from the South Wall at Dublin Port to the West Pier at Dun Laoghaire, a distance of c. 5 km. At their widest, the intertidal flats extend for almost 3 km. The seaward boundary is



marked by the low tide mark, while the landward boundary is now almost entirely artificially embanked. Several permanent channels exist, the largest being Cockle Lake. A number of small streams and drains flow into the site. The qualifying interest for the South Dublin Bay cSAC is Mudflats and sandflats not covered by seawater at low tide. Four conservation objectives outlined to maintain the favourable conservation status of the mudflats and seaflats are identified by the NPWS, as follows: 1) The permanent habitat area is stable or increasing, subject to natural processes. 2) Maintain the extent of the *Zostera*-dominated community, subject to natural processes. 3) Conserve the high quality of the *Zostera*-dominated community, subject to natural processes and finally 4) to conserve the following community type in a natural condition: Fine sands with *Angulus tenuis* community complex. There is no direct source-pathway-receptor between the subject and the development site as there is no direct hydrological link. Surface water from the proposed development could create a potential link to the designated site, however, given the scale of the built environment between the two sites and the construction management plan proposed for the site, it is considered that no likely significant effects will arise that would compromise the integrity of the conservation objectives for the cSAC.

- 7.5.5. **The North Dublin Bay cSAC (000206)** is described as a relatively recent depositional feature, formed as a result of improvements to Dublin Port during the 18th and 19th centuries. It is almost 5km long and 1km wide and runs parallel to the coast between Clontarf and Sutton. The sediment which forms the island is predominantly glacial in origin and siliceous in nature. Between the island and the mainland there occurs two sheltered intertidal areas which are separated by a solid causeway constructed in 1964. The seaward side of the island has a fine sandy beach. A substantial area of shallow marine water is included in the site. The interior of the island is excluded from the site as it has been converted to golf courses. The qualifying interests for the cSAC are Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, *Salicornia* and other annuals colonising mud and sand, Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), Petalwort *Petalophyllum ralfsii*, Mediterranean

salt meadows (*Juncetalia maritimi*), Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes) and Humid dune slacks. The conservation objectives for the qualifying interests are to maintain the favourable conservation condition of each of the interests against a set of listed targets. As with the assessment of South Dublin Bay cSAC, there is no direct source-pathway-receptor between the subject and the development site as there is no direct hydrological link. Therefore, it is considered that given the proximity of the subject site to the designated site and the scale of urban development in that buffer zone, that the likelihood of significant impact on the conservation objectives of the site is negligible.

- 7.5.6. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the South Dublin Bay & River Tolka Estuary SPA or the South Dublin Bay cSAC and the North Dublin Bay cSAC, or any other European site, in view of the site's Conservation Objectives and a Stage 2 AA (and submission of an NIS) is not therefore required.

## **8.0 Recommendation**

- 8.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016 – 2022, the planning history of the site and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the planning history of the site, to the scale and nature of the

proposed development 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, would 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.

## 10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**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 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.

4. The proposed cinema / laundry / sanitary facilities room shown on the ground floor drawing no. 15029- 4000rev1 shall be for laundry facilities only.

**Reason:** In the interest of providing for student services.

5. No unit within the student accommodation shall be occupied by persons other than current students of recognised third level institutions.

**Reason:** In the interest of clarity.

6. (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.

7. 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.

8. The roof terrace shall not be occupied or used for any purposes between 2200 hours and 0700 hours on any day.

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

9. 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 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.

10. 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, paths, 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.

11. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 property in the vicinity.

12. Prior to 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.

13. Prior to 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 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.

17. 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
18. 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 within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.  
**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.
19. 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.
20. Security roller shutters, if installed in the retail/commercial units, 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.
21. 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 developer's 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

22. 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.

*Gillian Kane*

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Gillian Kane  
Planning Inspector

09 November 2016