



An
Bord
Pleanála

Inspector's Report PL29N.247225

Development	Demolition of existing commercial building and the construction of a residential student accommodation development and all associated works at 58-64 Dominick Street Upper (bound by Henrietta Lane), Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2382/16
Applicant(s)	Rhonellen Development Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	Thomas Russell An Taisce
Observer(s)	MPM Residents Association BLEND Residents Association
Date of Site Inspection	12/12/2016
Inspector	Lorraine Dockery

1.0 **Site Location and Description**

- 1.1 The subject site, which has a stated area of 910 square metres is located on the southern side of Upper Dominick Street, off Dorset Street, Dublin 1. The site backs onto Henrietta Lane. To the west is a car park while an existing five storey residential building is located to the east. Mountjoy Street, a residential conservation area is located opposite to the north of the site.
- 1.2 The site currently contains an existing factory building, that appears vacant at ground floor level. It is possible that there is some use at upper floors. This three storey over basement structure has a stated floor area of 3062 square metres.

2.0 **Proposed Development**

- 2.1. The proposed development, as described in the submitted public notices, comprises the demolition of the existing vacant commercial building and the construction of a residential student accommodation development of 17 no. student accommodation units (130 no. bedspaces). The proposed development consists of the demolition of the existing four storey commercial building and all associated ancillary structures and the construction of a seven storey building (5 storey plus set-back 6th storey penthouse level over basement) with roof garden.
- 2.2. Permission is also sought for two outdoor garden areas at basement level to the rear/south of the proposed structure. The proposed development also provides for ancillary services including 1 no. café/restaurant (118 sq. m) with terrace to the rear/south, reception/management suite with office, study room and social room all at ground floor level with gym, laundry room, bin store area, plant room and 25 no. bicycle spaces provided at basement floor level.
- 2.3. Access to the development is to be via controlled pedestrian accesses on Dominick Street and Henrietta Lane.

2.4. Permission is also sought for signage to the front façade along Dominick Street Upper and all ancillary engineering and site development works necessary to facilitate the development.

2.5. The application was accompanied by

- Planning Statement
- Student Accommodation Demand Report
- Daylight and Sunlight Analysis
- Pedestrian Level Wind Microclimate Assessment
- Draft Student Accommodation Management Plan
- Engineering Services Report
- Mobility Management Plan
- Natura Impact Screening Report
- Architectural design Statement
- Photomontages

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED subject to 27 no. conditions

Further Information was requested by the planning authority regarding quality of residential amenity at basement level; engagement at street level and design concept of front elevation.

Clarification of Further Information was requested by the planning authority in relation to the articulation of the façade.

3.2. **Planning Authority Reports**

The report of the area planner reflects the decision of the planning authority

3.3. **Other Technical Reports**

Engineering Department: No objections, subject to condition

Roads and Traffic Planning Division: No objections, subject to conditions

Waste Management Division: Conditions attached

TII: Conditions attached

An Taisce: Refusal recommended- concerns regarding height of proposal

4.0 **Planning History**

4.1. 3453/15

Permission GRANTED for change of use, conversion and extension to existing vacant commercial building to provide for a residential student accommodation development of 18 no. student accommodation units (108 bedspaces).

Condition No. 4 of this permission omitted the fourth floor level resulting in a reduction in height from six storeys over basement to four storeys with setback fifth floor over basement.

5.0 **Development Plan**

5.1. The Dublin City Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning

'Z1' - which seeks to 'to protect, provide and improve residential amenities'.

'Residential' is a permissible use while 'Restaurant' is a use that is 'open for consideration under this zoning objective.

Section 5.5.12 Student Accommodation

Section 6.4 Strategic Approach recognises the need to enhance the role of Dublin as an Education City and a destination of choice for international students

Policy CEE12 (ii)

To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors

Policy QH31:

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.

Section 16.10.7 Guidelines for Student Accommodation

The subject site is located outside of the Henrietta Street Architectural Conservation Area

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The grounds of appeal lodged by An Taisce can be summarised as follows:

- Six to seven storey height is inconsistent with the recent previous decision for development of the site (Ref. 3453/15), does not maintain profile of the streetscape of Upper Dominick Street, does not protect the Z8 zoned

Henrietta Street Conservation Area and would be contrary to the provisions of both the Henrietta Street Conservation Plan and the operative City Development Plan

- Previous grant of permission which retains and extends existing structure on site is considered acceptable
- Sensitive location insofar as it backs onto houses and rear sites of Henrietta Street
- Outline site context and planning provision
- Impact on Conservation Area must be considered
- Policies relating to transitional zones should be considered given the Z1 zoning of application site and Z8 zoning of Henrietta Street
- Considered that proposal would constitute an excessively high building facing the rear elevations of the houses on the north side of Henrietta Street and their rear gardens and other property in the rear sites
- Proposal does not protect the more environmentally sensitive zone and would be severely detrimental to its amenities and overall historic setting
- High plot ratio in a sensitive setting- under construction LUAS line does not constitute a major public transport corridor- proposal cannot be described as mixed use
- Proposal considered to be oversized, would amount to overdevelopment and fails to avoid a visually obtrusive impact on the Conservation Area as required by the Development Plan
- Does not protect the setting and character of important Protected Structures nearby

- Upper Dominick Street enjoys a consistent historical scale to the streetscape- impacts on views to and from Henrietta Street
- May wish to address concerns made in third party submissions to planning authority
- Appropriate that proposed development should retain the simple, restrained character of the buildings on Upper Dominick Street with brick as the primary facing material

6.3 The grounds of appeal lodged by Thomas Russell primarily raises concerns regarding qualitative assessment of the elevational treatment fronting Upper Dominick Street and terminating the vista at the end of Mountjoy Street

6.4 **Planning Authority Response**

No further comments

6.5 **Other Party Responses**

6.6 A response was received on behalf of the first party which refutes the claims made within the appeal submissions. The main points may be summarised as follows:

- Principle of residential student accommodation has been established on the lands
- Extant permission on the lands for a similar development- proposed development is similar in scale and height to that previously granted under 3453/15-current proposal has less of a floor area- height is circa 1m higher than that previously granted
- Proposal will not be viewed from any vantage point on Henrietta Street- development will not have an impact on the architectural conservation area- Henrietta Lane and Dominick Street do not form part of Conservation Area
- Located on residentially zoned lands, proposal permitted in principle

- Complies with policies of operative City Development Plan
- High quality development that revitalises an otherwise vacant and dilapidated structure- meeting demand for residential accommodation in Dublin
- Proposed development is in accordance with the height policies for inner city commercial development
- Will enhance the surrounding built environment
- Similar height to that previously granted on site- proposal maintains the profile of the streetscape with a gradual increase in height in line with existing streetscape- in excess of 60 metres distance between proposed development and the residential dwellings on Henrietta Street- further separated by underutilised, derelict and dilapidated buildings on Henrietta Lane
- No Protected Structures within the vicinity of the subject lands- nearest Protected Structure is on Henrietta Street which are 60 meters from subject lands- proposal will not prejudice the integrity of Henrietta Street nor the subsidiary outbuildings on Henrietta Lane- structures on Henrietta Lane and part of rear gardens of properties on Henrietta Street do not form part of Architectural Conservation Area
- Plot ratio less than that granted previously on the lands
- No abrupt transitions in scale and use- not considered a transitional zone as development proposal is not contiguous to the Z8 zoning
- Residential amenity will not be adversely affected- proposal will increase vitality and viability of the area
- Refutes claims that planning authority not competent authority in which to assess application

- Proposed development assessed in light of Dublin City Development Plan- proposal designed by RIAI qualified architects and complies with design standards as set out in operative Plan- high standard of design provided

6.7 Observations

6.8 Two observations were received which may be both summarised as follows:

- BLEND supports An Taisce's appeal submission in relation to conservation arguments regarding height of proposal and termination of vista as seen from Mountjoy Street
- Concerns regarding impacts of proposed height on rear elevations of properties along Henrietta Street
- Concerns regarding plot ratio
- Omission of roof garden- more appropriate to provide public open space at ground floor- requests restriction in hours of use
- Concerns regarding lack of resident caretaker
- Unacceptable that precise form of elevation treatment being dealt with by condition
- Annual sustainability report should be prepared by applicants with particular focus on waste reduction/minimisation
- MPM Residents Association write in support of appeal of Thomas Russell
- Dominick Street has suffered historically from a burden of social decline- considers that the potential of Dominick Street to become a different place will depend on the rigorous application of considered design standards- the current proposal offers a potential to change but only if permitted to highest standards as advocated by City Development Plan

- As the first of significant student developments proposed for Dominick Street, this set has the potential to set a precedent for future standards and be pivotal in the social development of the area
- Request a revised design for the front elevation
- Considers that current application may be premature in light of additional development planned in area- cites extracts from newspaper

7.0 **Assessment**

7.1 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.

7.2 Further Information and Clarification of 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 responses 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 including impacts on Architectural Conservation Area
- Appropriate Assessment
- Other issues

7.3 **Principle of Proposed Development**

7.4 The subject site is zoned 'Objective Z1' within the operative City Development Plan, which seeks to protect, provide and improve residential amenities'. 'Residential' is a permissible use while 'Restaurant' is a use that is 'open for consideration under this zoning objective. I note that there are a number of different zonings within the general area. In particular, I note the Z8 zoning on Henrietta Street which seeks to protect the existing architectural and civic design character of the area and to allow for only limited expansion consistent with the conservation objective. However, I note that the subject site does not immediately adjoin these Z8 zoned lands and that there are residentially zoned lands between the subject site and the conservation area. I therefore would not consider this to be a transitional area per se. I note the policies of the Dublin City Development Plan 2016 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. The proposed development could be described as being part of an emerging transformation of the general north inner city area and I am aware that much development is either planned or underway to meet targets for the supply of student accommodation within the city. The subject site is a short walk from the DIT Grangegorman site. The subject site, in its current form adds little to the streetscape- it is a dilapidated commercial structure that presents a weak edge to the street. It is also considered to be a gross under-utilisation of a prime inner urban site.

7.5 Most importantly however, I note that there is an extant permission on the site for a similar type development to that proposed, permitted by the planning authority in early 2016 under Reg. Ref. 3453/15. Therefore, it may be argued that a precedent has been set for development of the nature proposed on the site and that it has previously been established that the proposed use is acceptable on this site.

7.6 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.

7.7 **Design and Layout of Proposed Development**

7.8 It is acknowledged that there is an extant permission on the site for a similar type development to that proposed (Reg. Ref. 3453/15) of similar height as that proposed. The scheme as permitted, as amended by Condition No. 4, is a four storey plus setback penthouse over basement level. The proposed development has five storeys with setback penthouse over basement level. The permitted ridge height is 30.57 metres OS datum while that proposed is 31.77 metres OS datum. The proposed development is therefore 1.2 metres higher than that previously permitted on site. The additional floor can be achieved within a similar building height as a result of the demolition of the existing structure on site and subsequent reduction in floor to ceiling heights in the new build over and above what was previously permitted. This proposed demolition is considered acceptable. Permitted on site are 90 bedspaces under Reg. Ref. 3453/15 while proposed are 126 bedspaces, as a result of the reduction in numbers by the planning authority at Further Information stage. 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 the existing structure is 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.

7.9 The proposed stepping of the ridge heights as one travels along Dominick Street Upper is reflected on the proposed design and is considered acceptable. The existing structure on site detracts significantly from the streetscape at this location and I consider that the proposed development would impact positively on the visual amenity and character of Dominick Street Upper. The elevational design was a matter of concern for the planning authority. Two options were submitted at Clarification of Further Information stage and the planning authority considered that Option 1 was the superior design. The matter was dealt with by Condition No. 3 with final detailed design of varying elements being dealt with by Condition No. 4. The

primary materials proposed are brick and reconstituted stone cladding with zinc/metal cladding on the setback upper floor. 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. The proposed polished stone finish to ground floor level should be omitted and replaced with an unpolished finish. Having examined the proposal before me, I also consider that Option 1 as submitted to the planning authority on the 15th day of July 2016 is the superior option. I concur with the planning authority that further details relating to the fenestration at the upper floors would be beneficial. This issue however could be satisfactorily dealt with by condition, if the Bord were so disposed. 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.

7.10 Having examined the proposal before me, I am satisfied that the scheme as amended in the Further Information requests of the planning authority will provide for a good quality development, providing a relatively high level of amenity for any future occupiers. Bedroom sizes range generally from 13-16 square metres with three rooms at penthouse level being a stated 20 square metres. Rooms at basement level with northerly orientation were omitted by the planning authority, a decision which I consider to be appropriate. Gym, laundry and bicycle storage at basement level, together with seminar/study room, social room, well defined entrance with public area and public coffee shop at ground floor level will all provide for a good quality environment. The arrangement of the floor plan along 'apartment' lines with each 'apartment' having its own kitchen/dining/living room provides for a more intimate living arrangement. These common rooms are generally around 39 square metres catering for 8 bedspaces. The social room at ground floor level measures a stated 98 square metres. Adequate open space is provided to ensure an acceptable level of amenity for any future occupiers. All of the above is considered acceptable and an adequate level of residential amenity will be afforded to any future occupiers of the scheme.

7.11 I note the concerns raised in a submission regarding the provision of a full-time caretaker on site. I note that this issue is dealt with in the Draft Student Accommodation Management Plan submitted with the application. This states that

there will be a 24hour front of house services staffed by the site management team during the day and by members of the security team at night.

7.12 Having regard to all of the above, I am satisfied that the proposed development would generally accord with the provisions 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.

7.13 Impacts on amenity of area including impacts on Architectural Conservation Area

7.14 I note the concerns raised within the submissions received, including concerns regarding impacts on the Henrietta Street Architectural Conservation Area. In the first instance, I consider that the proposed development will not impact negatively on Dominick Street Upper. The site is located in an area where social issues are prevalent and an area which would benefit greatly from appropriate development proposals and investment. The site in its current state comprises a largely disused commercial building that adds little to the streetscape at this location. The proposed development if permitted would bring vitality to this area and attract a population to the area which would aid its regeneration. I am also cognisant of the fact that an extant permission exists on the site for a similar type development. I consider the height, plot ratio and density to be acceptable considering the inner city location of the site. I note the proximity of the site to the cross-city LUAS line which is currently under construction and I do not concur with An Taisce when they state that this is not a major infrastructural project. In the context of Dublin and its existing public infrastructure capacity/service, I consider that this cross-city LUAS line is a major infrastructural project within the city. As I have stated above, I also note the demand for such accommodation and the proximity of the site to many third level institutions.

7.15 I note the concerns raised in relations to the impacts on the Henrietta Street ACA, which are considered reasonable. This is an important architectural area within the city and its appropriate conservation is of primary importance. Any development in proximity to this area needs to have cognisance of this. However, I consider that the impacts on this architectural conservation area would not be great as to warrant a

refusal of permission. I note the separation distances involved, the Z1 zoning of the land, the fact that residentially zoned lands lie between the subject site and the Z8 zoned lands and the fact that many of the buildings referred to on Henrietta Lane are disused sheds and garages. Of importance, I also note that the proposed development will not be visible from Henrietta Street. The subject development will be visible when viewed from the rear of buildings fronting onto Henrietta Street and from their rear garden areas, however this is not necessarily considered a negative. The location of the site within the inner city is noted as is the fact that the buildings on Henrietta Street do not exist in isolation, they are surrounded by city centre development. This situation exists presently with the current structure on site being visible from the rear of many of these properties. It can be argued that the proposed development will be an improvement on the visual amenity of Henrietta Lane and on the outlook from the rear gardens of the buildings fronting onto Henrietta Street. Henrietta Lane does not form part of the ACA. The view from Mountjoy Street, which is a residential conservation area is considered acceptable, although of importance is the palette of materials to be used. I consider that this matter has been adequately dealt with by the planning authority in their decision to grant permission. I consider that the proposed development would not negatively impact on the character or setting of any Protected Structures in the vicinity of the site.

- 7.16 In terms of impacts on residential amenity, I consider that impacts on such would not be excessive. The proposal is for a residential development on residentially zoned lands. The provision of a café, open to the general public at ground floor level will increase the facilities on offer in the general area. A Draft Management Plan has been submitted with the application and this is generally considered reasonable. The issue of management has been dealt with by the planning authority in their decision to grant permission and I recommend similarly worded conditions if the Bord is disposed towards a grant of permission. Condition No. 16 restricts the hours of operation of roof garden, which states that it shall not be used between the hours of 10pm and 7am. It is anticipated that with appropriate management, there should not be excessive noise. This condition is considered appropriate. Issues of overlooking, overshadowing or loss of light are considered not to be excessive. There is no parking provision on site. This is however considered acceptable considering the nature of the use, the city centre location and its associated public

transport nodes. Bicycle parking is provided at basement level and this is considered acceptable. Overall, I consider that the proposal is considered acceptable in relation to the above.

7.17 Appropriate Assessment

7.18 The subject site is located in an established inner city area on a brownfield site and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted, for the reasons set out below.

9.0 Reasons and Considerations

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, as amended by the further information submitted on the 24th day of May, 2016 and Clarification of Further Information submitted on the 15th day of July 2016, 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. 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.

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

Reason: In the interest of amenity and in order to provide an active street frontage.

6. The permitted elevation to Dominick Street Upper shall be that as proposed in 'Option 1' (Drawing No. CAI_1200_1) submitted to the planning authority on 15th day of July 2016. In this regard, prior to the commencement of any works on site, the applicants shall submit for the written agreement of the planning authority exact details at an appropriate scale, of this elevation including fenestration details, extent of proposed stone cladding and details of all other materials proposed. The proposed polished stone at ground floor level shall be omitted from the proposal and replaced with a non-polished stone, details of which to be agreed with the planning authority, prior to the commencement of any development on site. 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.

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 2200 hours and 0700 hours on any day.

Reason: In the interest 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 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, 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.

12. 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.

13. Prior to the commencement of any development on site the applicant shall ascertain and comply with all requirements of the planning authority in relation to roads and access issues

Reason: In the interests of traffic safety

14. Prior to the 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.

15. Prior to commencement of development, a detailed specification of 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.

16. Full details of proposed materials and structures to be used at roof level, including proposed planting shall be submitted to the planning authority for their written agreement, prior to the commencement of any development on site.

Reason: In the interests of orderly development

17. Notwithstanding the provisions of Class 31 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended no telecommunication apparatus that would otherwise constitute exempted development shall be installed on the application site without the written consent of the planning authority

Reason: In the interests of orderly development

18. 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 interest of visual amenity.

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

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

20. 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.

21. 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.

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, 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.

Lorraine Dockery
Planning Inspector

14th December 2016

