



An
Bord
Pleanála

Inspector's Report PL 28 248387

Development

- (1) Removal of outbuilding and boundary wall and construction of seven terraced houses for student accommodation.
- (2) Demolition of annex and outbuildings to rear of Dunleary House and conversion to student accommodation,
- (3) Ancillary development to include pedestrian access parking, amenities, and landscaping.

Location

Dorgan's Road and Magazine Road,

Planning Authority

Cork City Council

P. A. Reg. Ref.

16/37214

Applicant

Mideam Ltd.,

Planning Authority Decision

Grant Permission

Appellant (First Third Party)

Phyllis Higgins and twenty-seven other resident parties.

Appellant (Second Third Party)

Marie and Ursula O'Connell

Observer

Amy O'Brien

Date of Inspection

27th July, 2017.

Inspector

Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site is located at the corner of Magazine Road and Dorgan's Road in Cork city and is that of Dunleary House, a five-bed detached two storey house constructed on the early twentieth century which has a steep pitched gable bay, cantilevered bay window and mock Tudor detailing to the façade. Much of the original fit out appears intact and staircase, doors and architraves, decorative tiling and parquet flooring and plasterwork are intact. There is a single mono-pitched extension to the side and the house itself has been subject to some later internal interventions.
- 1.2. Dunleary House which has a main access from Magazine Road along the frontage of which there is brick constructed boundary walling and gate piers possibly constructed at the same time as the house. The east side boundary extends along frontage onto Dorgan's Road enclosing a deep rear garden and an outbuilding. Walling with fencing mounted on top is along the Dorgan's Road frontage.
- 1.3. Two semi-detached houses adjoin the west boundary to the side of which there is an access lane to an additional dwelling at the rear of these houses. The west side boundary of the Dunleary House site adjoins these properties. There are further dwellings located at the southern end of the site with access from Glasheen Road. The area is primarily characterised by well-established residential development interspersed with some retail and commercial development.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
 - Removal of the outbuilding and site development and landscaping works,
 - Construction of seven terraced, six bed houses to the rear of the house for occupation as student accommodation.
 - Repair, maintenance, and adaptation of the existing dwelling to a seven-bed house for occupation as student accommodation.

- Construction of a refuse storage, cycle storage and maintenance store at the southern end of the site.
- Access is shown on the site layout plan at the location of the existing access off the Magazine Road to the front of the original dwelling. Pedestrian side gate entrances are shown at each end of the terrace of town houses. Three carparking spaces are indicated along with some landscaping and sitting out space and there is a linear strip of space along the western boundary to the rear of the proposed townhouses for communal garden use.

- 2.2. The application is accompanied by a landscaping plan, conservation report, Transport, and Mobility Management Report.
- 2.3. A request for additional information was issued on 23rd February, 2017, prior to the determination of the decision relating to access, private open space, dwelling unit entrances, boundary treatment in respect of lighting, accommodation management and footpath construction.
- 2.4. The further information submission received on 10th March, 2017 omits use of the access from Magazine Road for the townhouses. They are provided with individual entrances. The communal space, to the rear of the town houses is replaced with individual patio areas separate from the communal open space for Dunleary House. The houses are repositioned so that there is a 250 mm setback. Footpath widening originally sought is omitted and the historic boundary wall at the northern end of the frontage is retained. A student accommodation management plan is also included in the submission. (The planning application and assessment are outlined in section 3 which follows).

3.0 Planning Authority Decision

Decision

- 3.1.1. By order dated, 4th April, 2017 the planning authority decided to grant permission subject to twenty conditions of a standard nature.
- 3.1.2. Condition No 2 restricts the residential use of the development to student accommodation. A prior grant of planning permission is required in the event of any

future proposals for change of use to alternative residential accommodation. The reason provided is to ensure consistency with Objective 6.5 of the development plan.

Planning Authority Reports

3.1.3. Planning Reports

The planning officer indicated satisfaction with the proposed development following review of the further information submission received on 10th March, 2017. In his final report he stresses the need for balance between conservation objectives and the widening of the footpath as recommended in the Transport and Mobility Engineer's report. (See section 3.2.2 below) He concluded that the boundary and vegetation at the corner of the two roads proximate to Dunleary should be retained because of the ACA designation and the inclusion of Dunleary house on the National Inventory of Architectural Heritage.

Technical Reports

- 3.1.4. The internal technical reports of the Drainage, Environment and Roads Design sections and the report of Irish Water indicated no objection to the original proposal subject to conditions, whereas the reports of the conservation officer and Transport and Mobility Engineer indicated recommendations for additional information requests. The supplementary Transport and Mobility reports on the further information submission (details of which are in section 2.5 above) recommends that it be ensured that the footpath be of adequate width given the amount of pedestrian traffic in the area and a condition to this effect is also recommended.

Third Party Observations

- 3.1.5. Thirty-eight objections were lodged with the planning authority in which the concerns primarily relate to potential oversupply of student accommodation, over concentration of student accommodation in the area, intensity of development, scale, height, design and overdevelopment of the site, architectural heritage conservation, traffic congestion and vehicular and pedestrian safety, cycle and refuse storage and anti-social behaviour.

4.0 Planning History

- 4.1. The appeal site does not have significant relevant planning history. Under P. A. Reg. Ref. T. P 06/3031 permission was granted for a vehicular entrance. (Details of are not available.)

5.0 Policy Context

Development Plan

- 5.1. The operative development plan is the Cork City Development Plan, 2015-2021 according to which the site is subject to the zoning objective: *ZO 4: Residential, Local Services, Institutional and Civic Uses*". Provision for and protection of residential development is a central objective according to para 15.20. Strategic objectives for existing and future residential development are set out in Chapter 6.
- 5.2. Objective 6.5 provides for a requirement for a planning application in the event of future proposals for change of use from student accommodation to alternative residential use. (This is repeated in section 16.69) Change in use is to be resisted unless it is demonstrated that there is an oversupply of student accommodation. Standards for student accommodation are set out in section 16.68.
- 5.3. The area within the north east of the site, that which fronts onto Magazine Road and Dorgan's Road at the corner and which includes Dunleary house, is within the University College Cork Architectural Conservation Area. (ACA) Use of historic buildings is encouraged.
- 5.4. Dunleary House is not included on the record of protected structures but is recorded in the national inventory of architectural heritage as a building of special architectural and artistic interest with a Regional Rating.
- 5.5. Conservation principles are set out in section 9.32 in which adaptation and re-use of the existing historic building stock is encouraged

Strategic Guidance

- 5.6. Relevant Section 28 Strategic Guidelines are listed below:
 - Architectural Heritage Protection: Guidelines for Planning Authorities (DOEHLG, 2005)

- Sustainable Residential Development in Urban Areas, 2009 and accompanying Best Practice Urban Design Manual
- Design Manual for Urban Roads and Streets, 2013 (DMURS)
- Quality Housing for Sustainable Communities, (2007)

5.7. Separately, qualifying criteria for design (For financial incentives) are set out in: Guidelines for residential developments for third level students (Section 50 Finances Act 1999)

6.0 The Appeals

6.1. First Third Party Appeal. Phyllis Higgins and Others.

6.1.1. An appeal was received from Phyllis Higgins of Westbourne Park, Magazine Road on her own behalf and on behalf of residents of twenty-seven other properties in the vicinity. According to the appeal:

- The proposed development is excessive in scale, mass, bulk and height for the location.
- There is an under-provision of carparking on site and it is unrealistic to have an expectation that residents would not use cars.
- There is lack provision to address of traffic and pedestrian safety.
- There are concerns about the management of waste and the location selected.
- There is a poor public realm.
- There is lack of lighting, drainage and sewage plans.
- There is disregard for heritage and cultural importance of Dunleary House.
- The proposed development does not satisfy the strategic objective for residential development in chapter 6 of the development plan.
- There is risk of anti-social behaviour. The developer recognises the need as twenty-four-hour security is proposed.

- There is a lot of student accommodation in the area and a further 2,086 student accommodation bed spaces planned within the city for UCC. A list follows:

Carrigrohane Road	400
Square Deal city centre	162
Former Muskerry filling station	200
Former Crow's Nest Victoria Cross	200
Former Beamish and Crawford Site	470
Riordan's Joinery	350

6.2. Second Third Party Appeal, Marie and Ursula O'Connell.

6.2.1. An appeal was received from Marie and Ursula O'Connell of, The Pharmacy, 67 Magazine Road on their own behalf on 25th April, 2017. According to the appeal:

- The scale of the proposed development is excessive for the site.
- Three car parking spaces on the site is insufficient. There is an undersupply of parking available to residents in the area and most students now have cars.
- An addition seven entrances (from the townhouses) direct onto Dorgan's Road will exacerbate existing hazardous conditions for pedestrians. The carriageway is narrow, there are double yellow lines along it and traffic lights are at both ends of the road.
- The existing one hundred year old sewage and drainage in the area is problematic and does not have capacity to accept additional sewage.
- There are existing difficulties with refuse vehicles gaining access along the narrow roads along with the on-street parking causes obstruction. There is a problem with litter in the area which will be exacerbated by students.
- Magazine Road is a residential road and should not be changed.
- Dunleary House should be protected.
- A three storey building is out of character for the area.
- The building will obstruct light to the other houses in the area.

6.3. **Observer: Amy O'Brien.**

6.3.1. A submission was received from Amy O'Brien of Rosenheim Terrace, Magazine Road on her own behalf on 22nd May, 2017. Ms. O'Brien supports the appeals and indicates that she is concerned about:

- The protection of the building and curtilage of Dunleary House.
- Overconcentration of the short-term accommodation in the area.
- Inadequate parking provision.
- Inadequate drainage infrastructure to cater for additional development.
- Lack of evidence that there is a need for more student housing. 2,000 spaces have already been permitted and are to be developed in the near future.

6.4. **Planning Authority Response.**

6.4.1. In a letter received from the planning authority on 29th May, 2017 it is stated that the planning authority has no comment to make on the appeals.

6.5. **Applicant's Response to the Appeal.**

6.5.1. A submission was received from the applicant's agent, McCutcheon Halley on 22nd May, 2017. According to the submission which includes a number of images:

Suitability for the site location:

- The proposed development is entirely appropriate and accords with zoning, policies, and objectives of the development plan. A shortage of student accommodation is also recognised within the Residential Strategy in Chapter 6. With regard to location and accessibility, the proposed development is: 250 metres from the UCC campus, close to research facilities such as the Tyndall Institute and other institutions, close to the city centre, 150 metres from a green route with designated public transport and, 600 metres from the Cork bikes' scheme.
- The location is in a mixed-use area in which there are several institutions in addition to the university including hospitals, commerce and education.

Mature residential development is adjacent to the site to which attention was given in the design and layout of the scheme including proposed separation distances, fenestration, boundary treatment and screening. The ridge height is 41.38 m whereas the houses on the opposite side of Dorgan's Road have ridge heights varying from 40.79 m to 40.38 m.

- The applicant has a well-established code of practice for management which will be applied to the proposed development to ensure no adverse impact on amenities of the area.

Open space and amenity areas:

- Dedicated private patios and access to communal gardens are provided for each unit. Minimum standards for residential accommodation are not applicable to student accommodation but the proposal meets the standards set out in Table 16.7 of the development plan of 30 square metres, in that the provision for the seven units ranges from 48 to 70 square metres per unit. Dunleary House provides 274 square metres of private open space. More than adequate provision is made and cognisance of flexibility providing for possible future change of use has been made. Landscaping is high standard. the accommodation is high quality and includes reception in Dunleary House with CCTV monitoring facilities.
- Mideam was specifically established to provide student accommodation and is willing to provide documentary confirmation of the proposed use and is committed to construction immediately on foot of a grant of permission.

Accommodation Need.

- There is considerable demand for student accommodation, especially in the area which is very suitable, the shortage being particularly acute for UCC. According to the HEA there is a need for 12,000 beds per annum or threefold the actual supply of purpose built accommodation. The applicant should be lauded. The case for the proposed development at the location is irrefutable.

Density, layout and height.

- A density of 44 units per hectare is proposed, the minimum development plan standard being 35-50 per hectare for the area and the planning officer considered the density entirely suitable.
- The height and design optimises the development potential without adverse impact on the amenities of the area. A three storey height to ridge of 41.38 m is proposed and that prevailing in the area is 38.10 m to 41.25 m. (A cross section drawing is included which shows the fall in the road level.) The design respects the surrounding area especially the grain on Dorgan's Road while avoiding potential under-utilisation of a key urban infill site and providing for sustainable development as required under section 16.59 of the development plan, there being limited undeveloped lands within the city providing opportunities for infill development. The development is a good quality infill with a density reflecting that of the established pattern of development.

Scheme Design

- The scheme has a high-quality and accords with recommendations in *Best Practice Guidelines for Delivering Homes in Sustainable Urban Communities*, and accords with the Urban Design Manual standards in design and layout, enlivening the Dorgan's Road street frontage. This results in a positive contribution to the streetscape and assertions to the contrary are rejected. Dwelling design responds to the local vernacular enhancing the local setting. Reference is made to the Urban Design Manual which urges creative active frontage with front doors direct to the street and to the Section 50 Student Accommodation guidelines regarding internal size and layout namely, regard to kitchen and living room size and bedroom sizes, which the development satisfies and exceeds. Reference is also made to the patios for each dwelling, communal open space, and pedestrian facilities which with a 1.8 metre footpath width accords with DMURS standards.

Impact on Residential Amenities of adjoining properties.

- A robust assessment including design, management and heritage assessment was undertaken in which attention being given to the properties

at the rear of the site. Generous separation distances have been achieved and the stepped profile and fenestration prevents overlooking. Height does not cause overshadowing and responds to the surrounding environment.

Assertions as to anti-social behaviour in the appeals reflects a negative bias towards students which is unfortunate. The development is residential and demands similar amenity standards to other residential development.

Accommodation Management.

- The applicant is a specialist student accommodation provider and the proposed development includes on site management and 24-hour emergency cover including 'out of hours' support, a standard operational process. Management will maintain contact availability with neighbouring residences. The accommodation will be let over the summer months to other institutions while remaining under the applicant's management. The property manager and assistant manager are the point of contact for all matters, with the on-site presence ensuring smooth operation and no adverse impact on the surrounding area. Management measures include fob access for residents, control of access to and use of the communal amenity areas and maintenance. A management plan is to be agreed with the planning authority. Longer term students and management build strong relationships contributing positively to the local community and surroundings.

Waste Management.

- Waste management procedures are addressed in the accommodation management plan provided in the further information submission. It provides for separation and storage of waste in a dedicated storage area and the applicant's refuse collection service will hold a fob for the development for collection purposes. The applicant is committed to good practice in waste management.

Traffic and car parking.

- According to the development plan, maximum parking standards for student accommodation is one space per ten bed spaces. The forty-two-room development has potential to accommodate forty-nine bed spaces. The three

spaces are a positive contribution from a sustainable travel perspective. A further consideration is the proximity of the site location to UCC, institutions, the city centre, the Cork bikes scheme and public transport.

- The low level of car use generated by the development will have minimal impact on traffic movements. Vehicular access is direct to the Magazine Rod and the entrance design accords with DMURS standards, there being a three metre width and ample space for internal turning movements to provide for forward gear movements only.
- Pedestrian safety on Dorgan's Road will be significantly improved, alleviating current concerns, due to the proposed upgrade to the footpath to 1.8 metres in width along the frontage of the houses in replacement of the existing width of 780 mm. Gates and doors will be recessed and opening inwards only.
- Construction traffic will be addressed in the Construction Traffic Management Plan to be agreed with the planning authority under Condition No 18. Measures will be included to prevent potential impacts on the surrounding environment and minimal disruption to the area.

Dunleary House.

- It is not accepted that the proposed new houses would adversely affect the character of Dunleary House. The applicant was acutely aware of a need to balance conservation with the development of the site and a conservation led approach was taken. The applicant is committed to adherence to the recommendations in the heritage appraisal for the proposed development provided. The Conservation Officer favours the development as more in keeping with the area than a single institutional large scale student housing development in her report an extract of is included.

Sewage and Drainage.

- There is no evidential basis for the assertion that the proposed development would adversely affect the existing system. The local authority engineers have determined that the system is suitable and that there is no objection to the proposal subject to the four conditions recommended.

7.0 Assessment

- 7.1. The issues central to the determination of the decision can be considered under the following broad subheadings.

Student Housing Need.

Acceptability in principle of Student housing at the site location

Impact on existing residential development.

Architectural heritage and visual impact and,

Vehicular and pedestrian safety and convenience.

Student Housing Need.

- 7.2. The concerns expressed in the appeals as to potential for possible future oversupply of student accommodation are considered reasonable. However, projections as to future need and shortfall in existing supply which are supported by survey data and strategic policy objectives justify and encourage the proposed development in principle. It is considered that in the event of oversupply at a future date, the development is particularly suitable for conversion to an alternative form of residential use, subject to a prior grant of planning permission. In this regard, it is of note that the development plan includes requirements for conditions to be attached to grants of permission in which a prior grant of planning permission is to be required for change of use from student housing to alternative residential use.

Acceptability in principle of Student housing at the site location.

- 7.3. It is agreed with the appellants that there has been significant recently constructed and permitted student housing accommodation in close proximity to the UCC and CIT campuses and other institutions in the area. There is no purpose-built student accommodation in the immediate vicinity of the site location. It appears that a significant percentage of the properties within the area are rental properties, and it would be reasonable to assume that students occupy a large proportion.
- 7.4. The proposed development is fully consistent with the zoning objective in principal and is modest in scale entailing conversion and adaptation of the existing dwelling, and construction of seven terraced independent dwelling units, forty-two rooms possibly providing for up to fifty bed spaces in total, and a density of forty-four

units per hectare. Concerns such as the contentions about potential for anti-social behaviour, carelessness over waste and waste storage are noted. Resolution of concerns about occurrence of these within the development itself is clearly provided for and addressed through the management arrangements which are set out in detail in the accommodation management plan available on the application file. These arrangements, which can be confirmed by condition should permission be granted, potentially results in the proposed development comparing very favourably regarding these concerns relative to non-purpose built, independent private rental properties. Given the relatively modest size of the development, the subdivision in eight independent units and, the proposed management arrangements, it is considered that the proposed development would not give rise to adverse impact on residential amenities attributable to the proposed use as student accommodation.

- 7.5. Qualitative standards for both the adaptation of the existing dwelling and the proposed new dwellings for student accommodation differ from generic residential accommodation. It is agreed with the planning authority that the modified proposal is at a fully satisfactory standard in respect of internal layout, private and communal open space and external cycle and waste storage provision and is consistent with the provisions of the development plan. (Chapter 16 Part C.) In terms of attainable standards of residential amenity for the occupants it can concluded that the proposed development is fully satisfactory.

Impact on existing residential development.

- 7.6. The site location is within an established inner suburban, primarily residential area, and it is reasonable and consistent with sustainable development interest that the subject, serviced site should be developed. It is considered that a satisfactory standard for the existing built up urban location, has been achieved in the revised site layout and dwelling design in terms of impact on adjoining residential properties having regard to potential for intrusiveness, proximity and overlooking. It is not accepted that the terraced dwellings would be overbearing relative to the dwellings on the opposite side of Dorgan's Road. Notwithstanding the three storey house type, there is a modest variation in ridge height when the difference in ground level is taken into account as demonstrated in the response to the appeal.
- 7.7. Potential for overlooking or overshadowing of properties to the south and south east of the site which have access from Glasheen Road would be negligible, due to site layout, boundary treatment and dwelling and fenestration design.

Architectural Heritage and Visual Impact.

- 7.8. The north east corner of the site at Magazine Road and Dorgan's Road junction comes within the statutory Architectural Conservation Area. (ACA.) Dunleary House is an early twentieth century house with Tudor style features and characteristics. It is categorised as being of special architectural and artistic interest with a Regional rating in the NIAH inventory. Some internal features and fittings are also of interest and are worthy of retention.
- 7.9. Even though the house has not been included on the record of protected structures it clearly is of merit and the application of appropriate specifications and methodologies for the proposed works are warranted. Subject to appropriate interventions and works methodologies ensuring the appropriateness and quality of the adaptive works being employed, the application provides for a successful continuation of use and the survival and viability of the building.
- 7.10. Development on the lands without a doubt alters the entire curtilage of the house but in this instance it is considered that a good balance has been achieved, with the new structures being clearly distinguished and removed from the existing dwelling, while linkage by way of access arrangement for existing and proposed dwellings and communal open space and management is successfully achieved. The presentation

in public views towards Magazine Road and on approach from north, east and west is substantially unaltered.

- 7.11. The retention of the red brick front boundary walling and entrance is essential to the preservation of the integrity of the house within its context and this has been satisfactorily achieved. The low rate of trip generation by student accommodation is to the advantage enabling the historic entrance and boundary treatment to be retained without intervention. This matter has been successfully addressed in the further information submission and planning authority assessment. It takes cognisance of the significance of the historic house through the presentation of the house and front curtilage and cognisance of the ACA designation through the retention of the boundary treatment and the front curtilage.
- 7.12. It was noted in the course of a walk through inspection of the environs along the local road network that there is a mix of house type and design in the area but the majority of houses are two storey terraced or semi-detached houses. Some mid twentieth century houses with projections above the eaves to the front and relatively narrow widths located on the east side of Highfield Avenue are the most similar in form to the proposed development.
- 7.13. The quality of the streetscape presentation on the opposite side of Dorgan's Road has been adversely diminished by the removal of front boundary walls and gates and current use of the front curtilages for off street parking and storage. The site frontage along the west side of Dorgan's Road is a dead street frontage that is defined by boundary walling with fencing mounted above, which encloses the existing rear garden of Dunleary House. The substitution of the proposed terrace of dwellings for the existing frontage along most of the west side of Dorgan's Road would be compatible with existing development, be of visual interest, would provide for a well-defined front building line and, would significantly enhance the visual amenities and characteristics of the streetscape along Dorgan's Road. Bearing the foregoing in mind it is not accepted that the proposed terrace of dwellings would not satisfactorily integrate into the established built environment as asserted in the appeals.
- 7.14. Overall, it is considered that the proposed development of the site is functional to a sustainable development of serviced lands close to transport and facilities within an inner suburban area without undue compromise to the interests or the architectural

heritage protection of the historic house and the context of the site curtilage within the ACA and environs.

Vehicular and Pedestrian Safety and Convenience.

- 7.15. At the time of inspection, (on a week day in mid-afternoon) it was noted that there was ample available on street parking spaces throughout the surrounding local road network. In addition, there was no evidence of traffic congestion at the junctions at the north and south end of Dorgan's Road or along the local road network. However, it is accepted that traffic volumes and patterns of queueing at junctions may be different and considerably heavier at peak times especially outside of the summer period.
- 7.16. The proposed development, by virtue of being student accommodation is particularly advantageous in terms of minimisation of additional traffic generation and demand for on street parking relative to other forms of residential, institutional or retail/commercial development that is permissible or open to consideration within the area subject to the ZO 4 zoning objective in the inner suburban city. The destination for most future residents' trips is likely to be within a short walking distance and also achievable by public transport, the bike scheme and occasional taxi hire.
- 7.17. It is agreed with the appellants that some students do own and use cars, but such ownership is more likely to be by students who commute from greater distances and who have fewer alternative options for travel by public transport and the city bike scheme. Furthermore, it is policy that private car trip generation should not be encouraged. The provision for three spaces, although slightly under the development plan standard of four spaces, is considered sufficient to provide for the needs of residents, services/visitors and staff /business and is considered acceptable. The application provides for sufficient good quality on site cycle storage.

Appropriate Assessment.

- 7.18. The closest European sites are the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058) Having regard to the and scale of the proposed development and to the site location within the inner suburban area of the city, it is considered that proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these two European site or any other European site.

8.0 Conclusion and Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that permission be granted on the basis of the draft reasons and considerations and conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and the site configuration, layout, scale, height and design of the proposed development, the prevailing character and pattern of existing development in the area, to the zoning objective for the site location and to the specific objectives for student accommodation development in the Cork City Development Plan, 2015-2021 it is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the residential and visual amenities of the area, would not adversely affect the integrity of the existing historic building on the site and its context or the Cork University Architectural Conservation Area within part of which the site is located, would be acceptable in terms of traffic safety and convenience and would 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 plans and particulars lodged with the planning authority on 10th March, 2017 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The development shall be occupied as student accommodation only under the management of a legally constituted student accommodation

management company and shall be managed in accordance with the Student Accommodation Management Plan submitted to the planning authority on 21st December, 2016. It shall not be used as alternative residential accommodation or in any other use unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity, residential amenity and to allow for further planning review in the event of possible change of nature of use.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface wastewater, shall comply with the requirements of the planning authority for such work works and services.

Reason: In the interest of public health.

5. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the amenities of the area and clarity.

6. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and

recyclable materials, in the interest of protecting the environment.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall be 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of work, noise management measures and off-site disposal of construction/demolition waste.

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

10. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with the planning authority, prior to

commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed surface materials, kerbs and markings within the development;
- (b) locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) boundary treatments at the perimeter of the site, including heights, materials and finishes.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be landscaped in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

12. Notwithstanding the provisions of the *Planning and Development Regulations, 2001*, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of

the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Jane Dennehy
Senior Planning Inspector.
3rd August, 2017.