



An
Bord
Pleanála

Inspector's Report PL29N.248726.

Development	Student accommodation with 444 bed spaces. The renovation, extension and change of use of an existing gate lodge to student accommodation.
Location	274 North Circular Road, Dublin 7.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4262/16.
Applicant(s)	Ziggurat ROI NO 1 LP.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party versus decision.
Appellant(s)	<ol style="list-style-type: none">1. The Rathdown Road and District Residents Association.2. Alan Fitzgerald.3. Great Western Square and District Residents Association.4. Siobhan Long and Others.
Observer(s)	<ol style="list-style-type: none">1. James and Josephine

O'Donoghue.

2. Marie Sherlock and Ciaran Doherty.
3. Lorraine Rowland and Brian Foley.
4. Siobhan Ni Chulachain and Floren Cache.
5. Damien Morgan.
6. Damien and Lucy Donlan.
7. David and Ciara Burke.
8. Ciaran Dyar and Elva Duffy.
9. Joe Costello TD.
10. Phibsboro' Village Tidy Towns.
11. An Taisce.

Date of Site Inspection

18 August and 22 September 2017.

Inspector

Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The subject site is accessed from a gate lodge entrance on the southern side of the North Circular Road, in the north Dublin suburb of Phibsborough. The site is located to the rear of Rosemount Road and behind houses along the eastern side of Rathdown Road. The newly constructed cross city Luas Line is located along the eastern boundary of the site and a stop is located adjacent to the appeal lands. The Dublin Bus Broadstone Depot is located south east of the site and Great Western Square Architectural Conservation area is situated to the east. A fish processing plant is located to the southern tip of the site. The development site of Grangegorman DIT campus is located close by to the south. The overall site area is 1.3635 Hectares.
- 1.2. The appeal site comprises the former grounds of Highfield House, now demolished, the gate lodge remains. There are a large number of mature trees throughout the site and on the boundaries. A laneway separates the site from the rear boundaries of houses along Rathdown Road. Properties along Rosemount Road are separated from the site by a narrow pedestrian passage and by garden boundary walls. A water tower associated with the former railway infrastructure in the area is located within the site but does not form part of the application lands.
- 1.3. The sight is generally level, but slopes gently downwards south from the North Circular Road. In addition to the water tower, there are portions of a substantial stone wall that divides the site. The boundary to the east and southern portion of the site adjacent to the Luas line comprises a green mesh fence and stone wall topped with concrete. The bank to the cutting has been landscaped with shrubs and trees. A stout concrete block wall mounted with a box section railing forms the boundary to the rear laneway of Rathdown Road. The boundary to the rear laneway with houses along Rosemount Road comprises a poorly maintained chain link fence, vegetation and garden boundaries.

2.0 Proposed Development

- 2.1. Permission was initially sought for Student accommodation comprising 444 bed spaces (420 bedrooms), gross floor area of 16,389 sq.m., nine blocks comprising:

- Block A, a two storey extension to the existing Gate Lodge on the North Circular Road.
- Block B, a linear single storey building with two storey pop up elements to the rear of Rosemount Road.
- Block C, a part two storey and three storey building.
- Block D, a three storey building.
- Block E, a five storey building.
- Block G, a six storey building.
- Block H, a seven storey building.
- Block J/K, a building of two, three, four and five storeys.

All buildings combine a mixture of brick finishes with coloured architectural aluminium cladding.

2.2. As a result of revised plans submitted as further information, the amended proposal before the Board now comprises the following:

- A reduction to 429 bed spaces.
- Blocks J/K reduced from four and five storeys to four storeys.
- Block J amendments including block articulation and selection of alternate materials.
- Reconfiguration of the gate lodge and private amenity space, for use as a caretaker's residence.

The application was accompanied by a number of supporting documents including: Planning Report, Student Demand and Concentration Report, Design Report, Shadow Analysis, Photomontages, Landscape Report, Aboricultural Report, Engineering Services Report, Mobility Management Plan, Sustainability Statement, Daylight and Sunlight Report, AA Screening, Ecological Impact Report, Construction Management Plan, Construction and Demolition Waste Management Plan, Conservation Report, Archaeological Assessment and Bat Survey.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 18 conditions; the relevant conditions are set out below:

- Condition 3, the development shall be used as student accommodation or holiday/tourist accommodation during academic holiday periods. The development shall not be used for permanent residential accommodation, as a hotel, hostel, aparthotel or similar use.
- Condition 4, materials and finishes shall be agreed with the planning authority prior to the commencement of development.
- Condition 9, requires a traffic management plan during construction.

The remaining conditions are standard in nature and relate to landscape, archaeology and the construction and operational phase of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report can be summarised as follows:

- An outline of the relevant objectives of the Development Plan in relation to student accommodation on backland sites in a vacant inner urban site and recognises the challenges in relation to the preservation of existing residential amenity.
- Concerns are raised in relation to the possibility of overconcentration of student accommodation and more information is necessary in relation to the need such accommodation in this area and justification as to why standard residential accommodation was not considered.
- The monolithic and out of character impact of the development on the adjacent Western Square ACA is highlighted.

Additional information was requested in relation to 7 items, reflecting the issues outlined in the Planner's report and drainage report.

The final Planner's report notes the reduction in total bed spaces from 444 to 429, design amendments to blocks J and K, revised use of the gate lodge, shadow analysis, student accommodation demand justification report, drainage and bicycle parking amendments as acceptable.

Permission was subsequently granted subject to 18 conditions, in accordance with the recommendation of the Planner.

3.2.2. Other Technical Reports

Engineering Department Drainage Division – The initial report required additional information with regard to sewer capacity issues. No objections to the revised drainage proposals, standard technical conditions recommended.

Waste Management Division - No objections, standard technical conditions recommended.

Roads Traffic and Planning - No objections, standard technical conditions recommended, specific regard to entrance off North Circular Road, upgrades to Rathdown Lane, proximity to Luas, traffic management plan.

Archaeological Report – Given the scale of development and the degree of site disturbance, there may be the potential for archaeological material, standard condition recommended.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A large number of third party submissions were received in relation to the initial proposal, and the subsequent amended proposal, the issues are similar to those raised in the grounds of appeal.

4.0 Planning History

Appeal Site:

PA reference 2313/12 and An Bord Pleanála reference PL29N.240682.

Permission for the construction of 52 apartments, 33 houses, extension and refurbishment of existing gate lodge, 93 car parking spaces, 52 bicycle parking spaces and ESB substation. March 2013.

PA reference 1384/07 and An Bord Pleanála reference PL29N.222729.

Permission for modifications to proposed development granted under Reg.Ref; 5260/04 (168 apartments) comprising modifications to gate lodge and revised entrance arrangements. October 2007.

PA reference 5260/04. Demolish existing house, relocation and rebuilding of existing gate lodge, construction of 171 no. residential units. February 2007.

There have been numerous permissions for amendments to **PA reference 5260/04**, however, in 2012 permission was refused to extend the appropriate period.

Vacant Sites Register PA reference - VS-0054.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022, is the operative development plan for the area.

The majority of the site is located in objective Z1, which seeks 'to protect, provide and improve residential amenities'. The remainder of the site towards the northern end is subject to zoning objective Z2, which seeks 'to protect and/or improve amenities of residential conservation areas'.

The site is located close to the Great Western Square Architectural Conservation Area.

A number protected structures are located to the north of the appeal site along the North Circular Road.

5.5.12 Student Accommodation, sets out a broad policy statement in relation to the expansion of the student accommodation sector.

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.

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.

16.10.7 Guidelines for Student Accommodation, sets out design criteria and considerations for the design of student accommodation.

The **Grangegorman Strategic Development Zone (SDZ)** is located to the south west of the site.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A total of four third party appeals were received from local residents and residents associations. The appellants broadly support the principle of well designed residential development. Each third party appeal is summarised below:

Siobhan Long and Others

- The proposed development would result in the student population outnumbering the local population of Phibsborough. Research in the United Kingdom shows that the overconcentration of students in one location leads to challenges of social cohesion.
- The high apartment buildings will visual dominate the surrounding area and lead to issues of overlooking, overshadowing and loss of privacy. The proposal will lead to further non-conforming architecture in the area.
- The overall development should be designed to be sympathetic to surrounding residential properties. However, there are specific issues with Block B and C which will reduce sunlight and result in a loss of privacy. Block B also presents issues of maintenance and access, as the apartments abut the common boundary.
- Given the flat roofed nature of Block B, there are security implications as students could gain access.
- Not satisfied that there is an adequate management system in place to control and monitor such a large student population on a small site.
- There is not enough car parking provided and the access point off the North Circular road presents safety issues.

The appeal was accompanied by other parties to the appeal, including: David Travers and Carol Coleman, Dr. David McKeon, Maureen Dalton and Joseph and Eileen Davis, all residents of properties on Rosemount Road.

Great Western Square and District and Residents Association.

- The appeal outlines the conservation objectives of the Development Plan, stating that Great Western Square is an Architectural Conservation Area and Rosemount/Rathdown Road are Residential Conservation Areas.
- The density, massing and height of the proposed development is not in harmony with surrounding residential property. The proposed development has no regard to the ACA, the previous residential development (PA reference 2313/12) was permitted before Great Western Square was designated an ACA and may not have been permitted.

- Block H will be visible from the Square, after dark and when foliage from trees is lost, it will be overbearing. Even with changes to Blocks J/K, the ACA will still be negatively impacted upon. A further reduction of a floor from Block J/K and further reductions to all blocks will help reduce the monolithic impact. This applies to Rathdown Road and Rosemount Road.
- The proposed development would result in an overconcentration of student accommodation in this part of the city.

The appeal is supported by 3D model images prepared by an architect, adapting material prepared by the applicant in order to demonstrate the negative impacts the proposed development will have on residential property in the vicinity.

Alan Fitzgerald.

- The proposed development is out of character with surrounding development and will overlook existing houses. Specifically, 10-6 and 20-16 Rosemount Road by balconies associated with Blocks K and C.
- Trees will be lost at boundaries due to the proximity of Blocks K and C.
- The proposed development would result in an overconcentration of student accommodation in this part of the city and concern is raised in relation to the justification given by the developer in relation to interest from third level institutions.
- The lack of car parking raises concerns in relation to cars used by tourists during summer months.
- There is not enough amenity space provided for the 444 individuals on the site.
- The density of the proposal is out of character with the prevailing type and form of existing development in the area.
- Block B is out of character with 11-20 Rosemount Road, there will be a loss of privacy and light to these properties.

Rathdown Road and District Residents Association.

- The appellant discusses at length the issue of student accommodation overconcentration in the area. Whilst support is shown for the relocation of

DIT to Grangegorman, concern is expressed in relation to the additional provision of over 2,000 student bed spaces on the campus. In the wider radius of a kilometre of the North Circular Road, there are 6,079 student bed spaces either in planning, with planning permission, on site or existing. Less than 50 residential units are either permitted or on site in the recent past. The appellant points to UK research and the impact of the oversupply of student accommodation in a localised area. The clustering of student accommodation will place extra pressure on existing housing stock to turn over to student housing.

- The appeal site is more suited to residential units that add something to the existing local community. The City Development Plan seeks to resist the overconcentration of student accommodation and the proposed development is contrary to this policy.
- The existing area is mainly residential in character and low density. The influx of such a large number of students will upset this existing and mixed form of community.
- The excessive bulk of the proposed development is at odds with the Victorian character of existing houses and will impact upon the Great Western Square ACA. The design is blocky and formulaic and does not respect adjacent development. The blocks will result in overlooking, overshadowing and light pollution. The amended Block J/K will still impact upon the nearby ACA. Block J will overlook Great Western Square. Blocks B and D will result in an overbearing impact to neighbouring properties. The appellant cites other examples of student accommodation proposals which respect their location and are appropriate in terms of scale and use, Brunswick Street Lower, Prussia Street and Phibsborough Shopping Centre. The previously permitted residential scheme on the appeal site included two storey houses and apartment blocks and was more appropriate.
- The appellant believes that condition 3, that refers to the use of the scheme is contradictory and ambiguous.
- In the event of a grant of permission a condition should be attached that refers to 24 hour on-site management of the facility.

- The proposed development is under served by car parking and will cause issues for residents in the area.
- Existing trees should be retained on the site.
- All balconies should be omitted from all blocks, to avoid overlooking and access to green roofs should not be permitted.
- Block B cannot be constructed without interfering with property to the rear.
- Working hours and construction noise will be a nuisance and the appellant requires that any use of piles be restricted because of the particular noise impact that results from pile driving.
- The proposed development will impact upon the existing water pressure, which is at times quite low.

6.2. Applicant Response

The applicant has provided a response to the issues raised by the third parties, inter alia: overconcentration of student housing, visual impact/density/character, management, drainage, trees, third level institution correspondence, student use and other issues. The applicant has compiled a detailed planning report and design related issues report. The applicant reiterates the positive elements of the proposed development and how it was amended to take account of both the concerns of observers during the planning application stage and a further information request from the planning authority. The National Student Accommodation Strategy and County Development Plan objectives are repeated to support the application and a 'student demand and concentration report' has been highlighted. The submission can be summarised as follows:

- The applicant interrogates the figures used by the appellants to demonstrate overconcentration of student accommodation. The applicant concludes that up to 20% of accommodation in a 1km radius of the DIT campus could be devoted to students, but this is an upper end figure as the appellant's figures include proposals still in the planning system. The applicant disputes the appellant's methodology for calculating population figures and potential student population and concludes that the student population in a 500 metre

radius of DIT would only increase by 5% by virtue of the proposed development. The proposed student accommodation will be the only purpose built facility within 500 metres of the DIT campus.

- The proposal to provide student accommodation was assessed, based upon its own merits and in accordance with the CDP land use zoning. The proposed development will alleviate pressure on the existing housing stock and is therefore contributing to housing provision in the area. The existing gate lodge will serve as a residential unit and provide accommodation for a responsible person/caretaker.
- The existing community is already split by the current vacant and brownfield nature of the site. The proposed development will integrate well with the existing community. The applicant clarifies issues with regard to the use by the appellants of UK experience and planning policy with relation to student accommodation. A report on the Edinburgh experience was prepared by GVA and clarifies various points of detail. Noting that students will inevitably choose to live close to third level campuses and close to other students.
- The proposed development is fully compliant with Policy QH31 of the City Development Plan, in terms of student accommodation siting and design policy. Consideration was given to the proximity of the Great Western Square ACA, in terms of design changes and brick finish selection at key locations.
- The proposed development will be managed by an experienced student accommodation management company – Atelier Property Group. A detailed student management plan was submitted as part of the planning application. There will be on-site management, a dedicated maintenance team and emergency cover.
- The applicant references the construction management plan submitted with the application and details the proposed work schedules associated with the construction phase of development.
- The applicant outlines that the proposed development can be accommodated in terms of water services, an Irish Water pre-connection enquiry confirms this.

- The proposed development will be devoted to student use, throughout the year.
- A tree survey was carried out as part of the planning application and a supplementary note has been submitted in response to the appeal. There are no grade A trees on the site and the few grade B trees (Japanese Cherry and Common Hornbeam) will be replaced by appropriate trees in alternate locations.
- The design team state that balconies cannot be replaced as they form the private space strategy of the development. However, access to terraces will be appropriately managed.
- DIT Grangegorman and Trinity College have submitted expressions of interest in student accommodation, in accordance with the further information request drafted by the planning authority.
- In terms of overlooking, careful design and separation distances in excess of 22 metres ensures overlooking will not occur. Overshadowing analysis was carried out using the appropriate methodology and the proposed development will have a negligible effect on existing property.
- The proposed development will provide an array of residential amenity facilities for students in addition to landscaped amenity areas and dedicated active amenity area. The applicant maintains that future occupants will be adequately served by amenity facilities and spaces.

The applicant's response is accompanied by a design report prepared by DTA Architects, Cronin Sutton Engineering Response, J McConville and Associates Arborist Response, Bernard Seymour Landscape Response and a note from GVA (Edinburgh).

6.3. **Planning Authority Response**

None.

6.4. **Observations**

Observations can be summarised as follows:

- **An Taisce:** Protected structures are located in the vicinity and concern is expressed in relation to the impact of the development on Great Western Square ACA.
- **Phibsboro' Village Tidy Towns:** The observation repeats the grounds of appeal in relation to overconcentration of student accommodation, the ACA and Z2 zoning (residential conservation areas).
- **Joe Costello TD:** Concerns are raised in relation to sustainable development and the overconcentration of student accommodation in the area. There are also issues with the form of the development and the nearby ACA.
- **Ciaran Dyer and Elva Duffy:** As local residents, the observation reiterates concerns and issues raised by the appellants.
- **David and Ciara Burke:** As residents of the North Circular Road, the observation raised particular issues about the proposed use of the Gate Lodge and the overall management of the site, together with issues already raised in the appeal.
- **Damian and Lucy Donlon:** The proposed development will not contribute to the long term sustainability of the area in relation to a stable population.
- **Damian Morgan:** Points to a contradiction in the provision of a primary school on the Grangegorman campus but that surrounding development sites are to be used for student accommodation, not families with children.
- **Siobhan Ni Chulachain and Floren Cache:** In addition to the issues raised by third parties in the grounds of appeal, concern is expressed at the impact to the wider community and the erosion of shops and other services.
- **Lorraine Rowland and Brian Foley:** As residents of Great Western Square, there are concerns that the proposed development will have a negative visual impact upon the ACA.
- **Marie Sherlock and Ciaran Doherty:** As residents of Great Western Square, there are concerns that the proposed development will have a negative visual impact upon the ACA and fail to provide conventional residential accommodation.

- **James and Josephine O’Donoghue:** The observation reiterates the issues raised in the third parties grounds of appeal in relation to student use, tree removal, residential amenity and car parking.

6.5. Further Responses

Further responses were received and can be summarised as follows:

- **Siobhan Long and Others** – the submission reiterates previous issues raised. However, clarity is provided on the fact that the rear gardens of 11-15 Rosemount Road have taken in the rear passageway as their garden. Concerns of development on the boundary have not been allayed with respect to privacy, security and repairs. It is requested that Block B be omitted or reduced to single storey with measures to protect the amenities of their property.
- **Damien Morgan** – resulting from community meetings, local concerns are not alleviated by the amended development. The submission reiterates concerns with regard to the overconcentration of student accommodation and its likely impacts. Detailed comments are made with regard to a condition stipulating the use of the development, sustainability of single tenure development and boundary treatment along the entrance road from the North Circular Road.
- **Rathdown Road and District Residents Association** – The association reiterates their wish for conventional residential development on the appeal site. The observation contends the validity of their statistics used in their earlier submission and reinforce their opposition to an influx of a transitory population. The association defend the integrity of their digital images and request the Board to have regard to the impact of the development on Great Western Square. The association prefer the development to be refused outright, or at least the student component to be reduced to 50% and the building height capped to three storeys.
- **James and Josephine O’Donoghue** – the submission reiterates previous concerns raised in their earlier observation. In addition, the layout and distribution of tall buildings is criticised in relation to the impact of existing residential amenities.

- **Alan Fitzgerald** - the submission sets out to correct inaccuracies in the detail of the Applicant's response correspondence. In addition, the letters of interest from third level institutions is queried. Finally, the issues raised in the grounds of appeal are reiterated with regard to overconcentration of student accommodation.
- **Great Western Square and District Residents Association** – the submission reiterates previous concerns as raised in the grounds of appeal. In addition, the association presents a detailed response to both the planning report and architectural assessment prepared by the applicant. The submission primarily focuses on a rebuttal of the applicants claims in relation to the accuracy of drawings submitted by the appellant. The association is still concerned that the applicant has made no effort to integrate the scheme with the existing grain and pattern of surrounding development and has not adequately addressed the Architectural Conservation Area.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Concentration of Student Accommodation
- Residential Amenity
- Great Western Square Architectural Conservation Area
- Car parking
- Appropriate Assessment

7.2. Concentration of Student Accommodation

7.2.1. Local residents are concerned that the proposed development will result in an unwelcome overconcentration of student accommodation in an area where conventional residential development is preferred and needed. There are fears that the influx of a transitory student population will upset a local community that has been built up over a long period of time. Figures presented, demonstrate that there is more than enough student accommodation planned for the area. International experience is cited as showing the negative impacts of an overconcentration of a student population on existing residential communities.

7.2.2. The applicant has submitted material with the planning application and in response to the grounds of appeal to refute the appellants concerns with regard to student accommodation overconcentration. Specifically, the applicant clarifies a report which sets out the current situation in Edinburgh in relation to student accommodation and its impacts. In addition, an alternate set of figures is presented in relation to the current and planned supply of student accommodation in the area. In this regard the applicant states that there are no permitted student accommodation units within a 0.25km radius of the appeal site.

7.2.3. In the first instance I note that the current City Development Plan zoning for the area is Z1 for the northern portion of the site and Z2 for the balance of the site. Both

zoning objectives do not specifically mention student accommodation as being either permitted in principle or open for consideration. However, I note that student accommodation is addressed under Policy QH31, which encourages the provision of such accommodation close to third level campuses and high quality public transport corridors and cycle routes. The site is conveniently placed for the Dublin Institute of Technology (DIT) Grangegorman Campus, King's Inns to the south and Mater Misericordiae University Hospital (a teaching hospital) to the east. The Dublin Bus 46A route passes along the North Circular Road, it serves the city centre and terminates at University College Dublin. Furthermore, the Luas Cross City light rail line is almost complete and provides a stop adjacent to the site. Accordingly, I consider that the site would be an appropriate location for student accommodation.

7.2.4. With reference to the supply of student accommodation in the vicinity of the site and more broadly throughout the city, it is helpful to note permitted development and schemes still in the planning process. It is also noteworthy to delineate distances from third level institutions in order to derive some sort of numerical figure in relation to existing or potential student accommodation supply. All of this was presented by both the applicant and third parties to the appeal. However, in the context of this appeal I consider it appropriate to note the views of DIT with regard to the Grangegorman campus. In this respect, DIT plans to deliver 2,000 bed spaces on the Grangegorman site, but this will take many years to accomplish and less than 200 students out of 4,200 are renting in purpose built student accommodation to date. Furthermore, DIT state that through their own sourcing of bed spaces in the private sector, locations can be over 10km from the place of study, and this is not ideal.

7.2.5. Whilst, I accept that there may be a perception that a large number of student bed spaces are planned for the wider city centre area and that planning permissions are ready to be implemented. I see no evidence that there is an oversupply of completed student accommodation at present. In addition, the Grangegorman Strategic Development Zone encompasses over 28 Hectares and the Planning Scheme predicts a student population of over 23,000 students. This will inevitably alter the physical and social character of the area and drive demand for student accommodation. It is likely that there will be even greater demand for well-designed and suitably located student accommodation in the vicinity. In the absence of any

meaningful evidence to the contrary, I consider that the proposed student accommodation development is ideally located close to existing third level institutions and good public transport corridors. Finally, the proposed development accords with City Development Plan policies in relation to the need for and location of good student accommodation.

7.3. Residential Amenity

- 7.3.1. Residents who live close to or beside the proposed development are concerned that a variety of negative residential amenity impacts will result. Each appellant raise issues to do with overlooking, loss of privacy, overbearing appearance and overshadowing. All of which, it is argued, will impact upon their residential amenities. There are concerns too, that the design of some buildings will encourage access to roofs. In addition, questions are raised in relation to the construction of buildings close to property boundaries and how much room is left to facilitate maintenance.
- 7.3.2. The applicant revised the proposed development to take account of the concerns of local residents. The planning authority accepted the amendments and granted permission subject to a further assessment of building material finishes. It is in the context of the amended proposal that I have assessed the impact upon the residential amenities of neighbouring properties. The drawings and studies submitted by the applicant are sufficient to allow me to address any issues with regard to overbearing appearance, overlooking and overshadowing. It is noteworthy that permission was granted on the appeal site for 52 apartments and 33 houses arranged in a broadly similar layout comprising 1.5 and 6 storey blocks, An Board Pleanála reference PL29N.240682 refers.
- 7.3.3. Firstly, the issues raised by appellants in relation to overlooking are adequately dealt with by the design and orientation of the proposed blocks. In my view, the properties most likely to perceive issues of overlooking are located along the western side of Rosemount Road, this is the closest point at which development is proposed. However, given the blank elevation of the two storey pop up elements I do not anticipate any impact of overlooking. Appellants have raised issues with regard to access to flat roofs, but this can be dealt with by condition.

- 7.3.4. With regard to property at Rathdown Road and Great Western Square, I anticipate that the respective separation distances of between 30 and 35 metres are sufficient so that overlooking will not occur. In addition, the western elevation of Block D facing the rear elevation of houses along Rathdown Road is mostly blank with narrow openings lighting landings. If necessary, these openings can be fitting with obscured glazing.
- 7.3.5. In relation to overshadowing, I note the contents of the Daylighting Assessment submitted by the applicant in response to a further information request from the planning authority. The report highlights that the most sensitive residential properties are those located along the western side of Rosemount Road. I agree with the findings of the report and the assessment of the planning authority. I consider that there will be no adverse overshadowing impacts as a result of the one and two storey pop-up development along the back passageway and gardens associated with Rosemount Road. With regard to the remainder of the site, the layout and positioning of taller buildings to the southern portion of the site, ensures that overshadowing will not occur to other residential properties in the vicinity.
- 7.3.6. I note the concerns raised regarding the management and maintenance of the site and the provision of a full-time management on site. I note that some issues are partially dealt with by the information submitted by Atelier Property Group. In addition, the applicant states that a full time property manager will be based at the lodge on the North Circular Road. I consider that a sufficiently detailed and site specific Student Accommodation Management Plan should be submitted to the planning authority to ensure the appropriate management of the site in order to safeguard residential amenities. Such a plan should include on site caretaker services staffed by the site management team during the day and night.
- 7.3.7. Appellants have raised concerns that the proposed development will provide substandard living accommodation and provide poor levels of residential amenity for future occupants. The overall site is served by a number of centrally located open spaces, seating areas and plazas for future occupants to congregate, in addition to an active amenity space. The living accommodation provides, bedrooms, study spaces, kitchens and living rooms. There are common areas too, including a tv/games room, study areas, coffee area, internal amenity area and a meeting room.

I have no concerns that the residential amenities afforded to future occupants will be below standard requirements.

7.4. Great Western Square Architectural Conservation Area

- 7.4.1. Local residents have raised concerns about the overall impact of the proposed development on the Great Western Square Architectural Conservation Area (ACA). An Taisce have highlighted concerns in their observations of the proposed development. There is also a perception that the design of the buildings are not sympathetic to the prevailing Victorian style of existing residences along the North Circular Road, Rathdown Road and Rosemount Road. There is widespread concern amongst all appellants that the design, scale, massing and choice of building finishes shows no respect or consideration for the prevailing residential scale and traditional design of buildings in the vicinity.
- 7.4.2. I note that since permission was granted by An Bord Pleanála on the appeal site for 52 apartments and 33 houses, Great Western Square has been designated as an Architectural Conservation Area (ACA) in the current City Development Plan.
- 7.4.3. Firstly, the separation distance between the three storey rear elevation of Block J/K is 39 metres from the two storey rear elevations of Great Western Square. Seven storey Block H will be 60 metres south west of Great Western Villas. Apartment blocks J/K and H will also be separated from the ACA by a deep railway cutting, that accommodates the Luas Cross City light rail line. I consider that the location of a three to four storey student apartment block (Block J/K) is adequately removed from the ACA by way of a deep railway cutting and an adequate separation distance of at least 39 metres. There will not be an adverse impact upon the integrity of the ACA.
- 7.4.4. Secondly, views of the proposed development, that rises to seven storeys at the southern portion of the site will be visible from various vantage points in and around Great Western Square. Specifically, there will be terminating views from the southern portion of Great Western Square and along Great Western Villas. However, the enclosed nature of the red brick terraced houses of the Square will, for the most part, screen the wider view of the entire development. In addition, I note that mature trees throughout the Square, on the appeal site and new planting to the light rail embankment will assist with the overall screening of the development. I am aware

that for the most part winter and spring views will be altered as mature deciduous trees around the Square lose foliage. However, I am satisfied that the amendments to Block J/K and the careful selection of brick finishes will be acceptable when viewed from the ACA and will serve to screen the remainder of the appeal site from view.

7.4.5. In relation to the impact of the overall site on the wider built heritage associated with the ACA, protected structures along the North Circular Road and domestic architecture along Rosemount and Rathdown Road. I anticipate that the proposed development will be intermittently visible from various points as one traverses along nearby public roads. However, given the scale, massing and design of the student apartment blocks and the overall layout of the site, I do not anticipate any adverse impact upon the setting and context of protected structures in the wider area.

7.4.6. The skyline of the area will change as viewed from public roads and property in the vicinity; this is as a result of the new light rail connections to the city centre, the development of infill sites at greater densities and the growth of the DIT Grangegorman campus. I consider that the amendments to the design and building finish of the proposed student apartments will be a positive addition to the area and facilitate re-use of a vacant backland site. 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 or Great Western Square ACA.

7.5. **Car parking**

7.5.1. A number of third parties have raised issues with regard to the limited number of car parking spaces that have been provided as part of the proposed development. The concern is that car parking will overspill into surrounding residential areas, where car parking is already at a premium.

7.5.2. There are 11 car parking spaces and 210 bicycle parking spaces on site. This is however considered acceptable considering the nature of the use, the city centre location and its associated public transport nodes. Overall, I consider that the proposal is considered acceptable in relation to car parking.

7.6. **Appropriate Assessment**

- 7.7. Having regard to the nature and scale of the proposed development and nature of the receiving environment and 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 should be granted, subject to conditions, for the reasons and considerations as 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 design, 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 occupants 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 28 April, 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. 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 and as amended by condition 4(b) of this permission.

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. (a) Full details of a legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services within the development site including drains, sewers, watermains, public lighting, paths, roads, open spaces and refuse storage areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) A revised site specific Student Management Plan for the development shall be submitted to, and agreed with, the planning authority which details proposals to provide residential 24-hour on-site management of the units, prior to commencement of development.

Reason: In the interest of the amenities of occupiers of the units and surrounding properties.

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. The glazing to windows on the first and second storey of the western elevation of Block D shall be fitted with permanently obscured glass.

Reason: In the interests of orderly development and the residential 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. Green roofs accessible from upper storey balconies/terraces shall be rendered inaccessible and divided by a permanently obscured glass screen or solid partition of a suitable height. Partition screen details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

18. Notwithstanding the provisions if Class 31 of Part 1of 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

19. No part of the proposed terrace of student apartments Block B (including fascias and gutters) shall bear on or oversail the adjoining properties or rear laneway to those properties on the western side of Rosemount Road.

Reason: To protect the amenities of adjoining properties.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. The developer shall pay to the planning authority a financial contribution in respect of 'Luas Cross City (St. Stephen's Green to Broombridge Line)' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen Rhys Thomas
Planning Inspector

27 September 2017