



An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-300184-17.**

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#### **Strategic Housing Development**

399 bed student accommodation bed spaces in 90 residential cluster units and studios, retail / café unit (114 sq.m.), all within a in a 6-7 storey building.

Demolition of the Donnelly Centre.

Widening of Brickfield Lane and construction of set down spaces for 5 cars.

#### **Location**

The Donnelly Centre, Cork Street, Dublin 8.

#### **Planning Authority**

Dublin City Council.

#### **Applicant**

Cairn Homes Properties Ltd.

#### **Prescribed Bodies**

Irish Water

National Transport Authority

**Observer(s)**

None.

**Date of Site Inspection**

29 November 2017.

**Inspector**

Stephen Rhys Thomas.

## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The site is located in the Coombe/Cork Street area Dublin south inner city. The site is bounded to the north by Cork Street, to the east by Brickfield Lane, to the south by industrial lands and to the west by the HSE Brú Chaoimhín complex. A large factory building occupies the overall site and is between three and two storeys in height. The stated area of the site is 0.358 Hectares.
- 2.2. The subject site occupies the northern end of the overall Donnelly factory complex. The overall complex is characterised by disused factory and storage buildings in varying states of repair. The wider area comprises a combination of historic buildings set amongst spacious grounds and terraced commercial buildings and houses. There are a number of modern apartment buildings up to seven storeys along Cork Street as well as older two and three storey terraces. Cork Street is a modern urban street with wide footpaths, cycle lane and dedicate bus lanes.

## 3.0 Proposed Strategic Housing Development

The proposed development is the construction of student accommodation and a retail/café unit. 90 apartment units contained in a single building and will comprise the following student accommodation:

- 25 studio apartments, 25 bed spaces.
- 2 twin studio apartments, 4 bed spaces.
- 22 four bed apartments, 88 bed spaces.
- 20 six bed apartments, 120 bed spaces.
- 6 seven bed apartments, 42 bed spaces.
- 15 eight bed apartments, 120 bed spaces.

- A range of indoor and outdoor communal and recreational facilities comprising: foyer, common room, lounge, games room, study room, group kitchen, laundry, store, gym, yoga room and outdoor garden and roof terrace.

A retail/café unit 114 sq.m. at ground floor level along Cork Street.

The demolition of the existing Donnelly Centre factory buildings (c. 7,858 sq.m) along Cork Street and Brickfield Lane on a site of 0.358 Hectares.

The overall building is arranged around a central courtyard and is between six and seven storeys, with a total height of 23 metres.

## 4.0 Planning History

Subject site

**PA reference 3803/09** Mixed use commercial and student accommodation development, 5 to 8 storeys in height. December 2009. PA reference **3803/09/X1**, extended the permission until July 2018.

**PA reference 3743/06** Mixed use commercial and residential development, 5 to 8 storeys in height. October 2007.

Sites in the vicinity

**PA reference 3316/16** 308 bed student accommodation, café, science and technology lab at Brickfield Lane and Brown Street South. April 2017.

**PA reference 4511/08/X1** Permission refused to extend the permission for a mixed use development at the Donnelly Centre (opposite and to the south of the subject site). February 2015.

Vacant Sites Register

**PA reference VS-1019** vacant site former Donnelly Centre. July 2017.

**PA reference VS-0042** vacant site 4 Brown Street South. July 2017.

## 5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 11<sup>th</sup> October 2017 and a Notice of Pre-Application Consultation Opinion issued within the required period. In addition, the applicant was advised of specified information to be submitted with the application under articles 285(5)(b) and 298(1) of the Regulations. Matters discussed as part of the consultation meeting between the applicant, planning authority and officials of An Bord Pleanála are summarised as follows:

- City Development Plan development standards – details of floor areas and plot ratio in the context of development plan standards, internal daylight and sunlight analysis.
- The potential impacts of the development on Protected Structures in the vicinity.
- Other matters discussed included the location and arrangement of cycle parking, flood risk assessment and impact to nearby residential properties.

Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.1.2. The Board considered that the documentation submitted by the applicant constituted a reasonable basis for an application to be made. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that specific information should be submitted, a summary of which is as follows:

- A schedule of floor areas.
- Updated/revised 'Internal Daylight/Sunlight Analysis.
- Additional photomontages in context with adjacent Protected Structures (RPS 2053 and 2054).
- Clarification of bicycle parking provision.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Irish Water
- National Transport Authority
- HSE
- Departments of Culture, Heritage and the Gaeltacht
- An Taisce-the National Trust for Ireland
- Heritage Council
- Fáilte Ireland
- An Comhairle Ealaíonn

## 5.2. Applicant's Statement Under Article 297(3)

- 5.2.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

- 6.1.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011)

The following policy documents are also relevant:

- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).

- Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005).

## 6.2. Development Plan

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

The majority of the subject site is zoned 'Objective Z4' which seeks to 'provide for and improve mixed service facilities'. Residential use is permitted under the Z4 zoning objective.

A small element of the southern and western portions of the site are zoned 'Objective Z6' which seeks to 'provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and 'Objective Z15' which seeks to 'protect and provide for institutional and community uses'.

Protected structures are located to the north and west of the appeal site along Cork Street. RPS reference number 2053 former fever hospital (now Brú Chaoimhín) to the west and RPS reference number 2054 former James Weir Home to the north. There is also a protected structure to the east of the site at Cork Street/Ormond Street, RPS reference number 2052 Convent building and chapel.

The site is located in a zone of archaeological interest.

The site is located within the Liberties including Newmarket and Digital Hub Strategic Development and Regeneration Area (SDRA 16).

The relevant sections of the City Development Plan include:

**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 relevant standards include:

- The applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 1km of a proposal (Variation 3).
- The student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms. Given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed. Proposed Developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011).
- Amenity for students, can include terraces, courtyards and roof gardens, where appropriate, at a combined level of at least 5-7 sq.m per bedspace.
- Student accommodation to generally be provided by grouping study bedrooms in 'house' units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.
- Single/double occupancy studio units that provide en-suite bathroom facilities and kitchenettes/cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m and a maximum gross floor area of 35 sq.m.



- Within campus locations consideration will be given to the provision of townhouse, 'own-door' student accommodation with a maximum of 12 bed spaces per townhouse.
- Shared kitchen/living/dining rooms shall be provided, based on a minimum 4 sq.m per bed space in the 'house' and 'town house' unit, in addition to any circulation space.
- Minimum bedrooms sizes for 'house' and 'town house' units will be:
  - a. Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m)
  - b. Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m)
  - c. Single disabled study bedroom, with en-suite disabled shower, toilet and basin: 15 sq.m)
- Bathrooms: Either en-suite with study bedrooms/studio units or to serve a maximum of 3 bed spaces.
- Communal facilities and services which serve the needs of students shall be provided for, which include laundry facilities, caretaker/ security and refuse facilities (either on site or nearby within a campus setting).

**Liberties Local Area Plan 2009** (LAP extended to May 2020), is the operative local plan for the immediate area. The LAP identifies the Donnelly Centre as a regeneration site, other relevant objectives include:

Education - As part of encouraging the knowledge/creative economy the LAP will seek to provide opportunities for purpose built student housing for the increasing number of third and fourth level students (including foreign students) wishing to relocate to the area.

General Housing Objectives - Support supply of student housing specifically related to NCAD and other 3rd level institutions within or close to the area. These units to be built in accordance with the standards for student accommodation developed for the purposes of tax designation.

### 6.3. Applicant's Statement of Consistency

6.3.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. The following is a summary of the applicant's statement in this regard:

- Most of the site is zoned 'Objective Z4' which seeks to 'provide for and improve mixed service facilities'. Residential use is permitted under the Z4 zoning objective. A small element of the southern and western portions of the site are zoned 'Objective Z6' which seeks to 'provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and 'Objective Z15' which seeks to 'protect and provide for institutional and community uses'. The principle of the proposed student use is acceptable and incorporates a quantum of mixed uses suitable to the area.
- Part of the site is located in the Area of Archaeological Interest (RMP DU 018-0020), the Archaeological Assessment Report concludes no significant impacts will arise from the development.
- The form of the development is consistent with the existing pattern of development of the area.
- The proposed development will have a lesser impact on Brú Chaoimhín (RPS 2054) than previously permitted development.
- In terms of density, a higher plot ratio of 3.76 is acceptable given the location of the site along a public transport corridor, contribute to urban renewal and the maintenance of the streetscape profile.
- The overall building height of 23.32 metres accords with Development Plan and Local Area Plan objectives to allow heights of 24 metres in low rise inner city locations.
- In all cases the proposed student accommodation exceeds the minimum internal standards required by the Development Plan. All habitable rooms exceed Building Research Establishment (BRE) Guidelines.
- The standards for internal and outdoor communal and recreational facilities are met and exceeded, 6.06 sq.m. per bed space is provided.

- Car parking is not a requirement for student accommodation in Zone 1, however, five drop off spaces have been provided.
- The Development Plan requires 200 bicycle spaces, however, 124 spaces (110 long terms spaces and 10 short term) have been provided and this is in the context of location, mobility management plan and recent permissions. If necessary 63 additional bicycle spaces can be accommodated in the future.
- Whilst the LAP has no specific objectives for the site, the proposed development will meet the broad objectives of the plan in terms of regeneration and an increase in population for the area.

6.3.2. In addition to comments connected with the relevant development plan or local area plan the applicant has also made reference to national planning documents and section 28 guidance documents, as follows:

- The applicant states that by providing student accommodation they are complying with national policy as articulated by the 'Action Plan for Housing and Homelessness'.
- The development falls within the scope of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- The provision of Purpose Built Student Accommodation (PBSA) is entirely consistent with the National Student Accommodation Strategy- Rebuilding Ireland 2017, prepared by Department of Education and Skills and the Department of Housing, Planning and Local Government.
- The proposed student accommodation will comply with the Department of Housing, Planning and Local Government Circular PL 8/2016 APH 2/2016.
- The proposed development will consolidate a brownfield site and accord with the principles of the draft National Planning Framework: Ireland 2040.

#### 6.4. Designated Sites

6.4.1. There are 17 European sites within 15 kilometres of the site and the four in closest proximity are as follows: South Dublin Bay SAC (site code 0002100), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Dublin Bay SAC (site code 00206) and North Bull Island SPA (site code 04006) The sites are designated

for the tidal and estuarine habitats, wintering and water bird species which include roosting birds.

## 7.0 Observers Submissions

None.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report was received by An Bord Pleanála on the 16 January 2018. The report describes the proposed development, site location and surrounding area and details the relevant site planning history, section 247 pre-planning discussions and Development Plan policies.

8.2. A summary of the views of elected members as expressed at the South Central Area Committee Meeting, held 13 December 2017 is outlined as follows:

- The elected members were advised in relation to their role in the planning process.
- Broad concern at the overconcentration of student accommodation and the impact of a transient population. Variation 3 to the Development Plan was referenced and it was stated that the level of student accommodation in the study area is not excessive.
- The commercial zoning of part of the site was queried, it was stated that the ground floor commercial use is located in this area.
- Concerns about the lack of ground floor activity and passive surveillance of the street are seen as issues in other parts of the city. The proposed development provides opportunities for passive supervision of the street.
- The use of the communal facilities should be open to local residents.
- Future changes of uses should be the subject of planning permission.
- That the Board should reconsider the use of this site for housing and address the loss of Part V social housing as a result of the proposed development.

8.3. The following is a summary of issues raised in the assessment section of the report:

- Zoning – the proposed mixed use development is consistent with the relevant zonings on site.
- Plot Ratio and Site Coverage – though the site exceeds Development Plan indicative plot ratio of 2.0, increased plot ratios are acceptable in areas in need of renewal and where streetscape profiles will be maintained. The proposed site coverage of 75.9% is acceptable so too is the plot ratio of 3.76.
- Active Frontage – the retail unit along Cork Street and gym facilities along Brickfield Lane will contribute to an active street frontage.
- Guidelines for Student Accommodation – firstly, it is considered that the proposed student accommodation facility will not lead to an overconcentration of similar development. The proposed student accommodation management plan is acceptable. Daylight and sunlight analysis and justifications submitted by the applicant are acceptable. Each of the units proposed exceed the minimum standards and adequate living areas are provided.
- Local Area Plan Context – key objectives for the area include improved permeability, new links, day and night time uses and active frontages. All new developments along the Cork Street/Coombe Corridor are acceptable up to a maximum of between 6-8 storeys.
- Conservation and Visual Impact – the site is located to the east of the Brú Chaoimhín complex (RPS2053), opposite the James Weir Home (RPS2054). It is not considered necessary to amend the design of the proposed development in the context of the nearby protected structures. The Visual Impact Assessment submitted with the application demonstrates that the overall design and scale of the building is an appropriate response for the site.
- Building Height – the proposed development is consistent with the Development Plan and LAP objectives to limit height to between 6-8 storeys. The inclusion of green roofs is welcomed.

#### 8.4. Other Technical Reports

- City Archaeologist's Report – the site is partially located in the zone of archaeological potential for RMP DU018-020 (Dublin City) and partially within the zone of archaeological interests in the Development Plan. A standard

condition should be attached in line with the applicant's archaeological assessment.

- Conservation Officer's Report – Given the scale of the building, it is thought that the James Weir Home (RPS 2054) and contemporaneous brick terrace will be overwhelmed despite the substantial street setback. The visual impact on the Brú Chaoimhín complex to the west could be mitigated if the upper three storeys are set back. The impact of the six storey building to Brickfield Lane and the Sophia Housing Association Apartments (the former St Joseph's Nigh Refuge) could also be mitigated by the set back of upper storeys. It is noted however, that the principal aspect of these structures is north/south.
- Engineering Department Drainage Division – There is no objection to the proposed development, subject to its compliance with the relevant standards. A new surface water pipe must be laid at the developers cost. Sustainable Urban Drainage Systems, flood risk mitigation measures shall be in accordance with the submitted reports.
- Road and Traffic Planning Division – The principle of a car free development is acceptable. The revised building line along Brickfield Lane is also acceptable, subject to footpath and loading bay areas in accordance with Council standards. Busy periods of student drop-off will be managed by a Student Management Plan, this is acceptable and will not cause unacceptable levels of disruption to the local road network. There is a shortfall in cycle parking, it is noted that a reserved area indicates future capacity for 63 spaces. Conditions are recommended in relation to the standard of works to be carried out and a management plan during construction, in conjunction with standard technical conditions.
- Parks and Landscape Services – the landscape proposals are acceptable, street tree planting is welcomed and green roofs should be considered.
- Waste Regulation Section Waste Management Division – standard technical conditions are recommended with respect to construction and demolition waste and operational waste management standards for apartments and commercial facilities.

8.5. The planning authority's conclusion considers the proposed development to be broadly consistent with the relevant objectives of the CDP and LAP. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions.

8.6. A total of 17 conditions are recommended should permission be granted. Of note are:

Condition 3 refers to the use of the development as student accommodation.

Condition 4 refers to proposals for green roofs.

Conditions 5 and 17 relate to protected structures and archaeology.

Condition 10 relates to shopfronts, signage and retail opening hours.

Other standard conditions relate to external finishes, management of construction works, landscaping, waste management, and financial contributions.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water (IW),
- National Transport Authority (NTA),
- Department of Culture, Heritage and the Gaeltacht,
- Health Service Executive,
- An Taisce,
- The Heritage Council,
- Fáilte Ireland or An Chomhairle Ealaíonn.

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 13 November 2017. Irish Water and the National Transportation Authority provided submissions and a summary of their comments is included as follows:

- **Irish Water** – based upon the details submitted, subject to a valid connection agreement the proposed connections to the Irish Water Networks can be facilitated. Note that the developer must sign a Project Works Services Agreement in advance of development.
- **National Transport Authority** – recommends the application of the City Development Plan standards in relation to cycle parking. To facilitate the Greenhills Road Core Bus Corridor along Cork Street and the provision of segregated cycle lanes the developer should liaise with the NTA in relation to building lines and road interface.

No comments were received from the Department of Culture, Heritage and the Gaeltacht, the Health Service Executive, An Taisce, The Heritage Council, Fáilte Ireland or An Chomhairle Ealaíonn.



## 10.0 Assessment

10.1. The Board has received a planning application for student housing under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines as they refer to student accommodation and residential amenity. I have examined the proposed development in the context of the statutory development plan and the local area plan. In addition, I have examined all the documentation before me, including, inter alia, the Record of Section 5 Consultation Meeting, Inspector's Report at Pre-Application Consultation stage and Recommended Opinion, the Notice of the Pre-Application Consultation Opinion, the Chief Executive report from the Planning Authority. My assessment also considers and addresses issues raised by observers under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of development
- Urban Space
- Building Height
- Residential Amenity
- Protected Structures - Heritage
- Traffic and Infrastructure
- Appropriate Assessment

### 10.2. Principle of Development

10.2.1. The Liberties LAP supports the regeneration of inner city locations such as the Donnelly Centre, in order to support and drive sustainable development. In broad terms the LAP looks to support the development of educational facilities, specifically in terms of student accommodation.

10.2.2. The City Development Plan land use objectives for the overall site area are supportive of residential development. In this case student accommodation and the ancillary services are considered to be primarily residential development. In relation to student accommodation the Development Plan has specific objectives to ensure

that development proceeds in an orderly manner and is acceptable from a residential amenity perspective.

- 10.2.3. The site is conveniently placed for St James Hospital and the Coombe Women's and Infants University Hospital (teaching hospitals), Griffith College and the National College of Art and Design. In addition, Trinity College Dublin is located in the city centre to the east and other educational institutions are to be found throughout the city. A number of Dublin Bus routes pass along Cork Street and serve the city centre. Furthermore, the Fatima Luas stop is located to the west of the site. Accordingly, I consider that the site would be an appropriate location for student accommodation.
- 10.2.4. With reference to the supply and concentration of student accommodation in the vicinity of the site and with reference to Variation 3 of the City Development Plan, the applicant prepared a Student Demand and Concentration Report in support of the planning application. The report outlines the need for Purpose Built Student Accommodation (PBSA) in line with the national student accommodation strategy prepared by the Department of Education and Skills in 2017. Specifically, the report states the total number of existing and planned student bed spaces in a 1 kilometre radius from the site is 3,279. The report concludes that the potential number of students living in the catchment area would be up to 8% of the total population and that this would not be an overconcentration of student accommodation. I note that the planning authority do not consider that the proposed development will lead to an overconcentration of student accommodation. I note the concerns raised by elected members in relation to the provision and overconcentration of accommodation rather than conventional residential units. However, in this instance I consider that the small proportion of students that may be resident in the area will result in the release of private rented accommodation that would otherwise have been occupied by students.
- 10.2.5. It is my opinion that the proposed student accommodation accords with both the Liberties LAP for the area and the broader Development Plan objectives for the city as a whole in relation to student accommodation.

### 10.3. **Urban Space**

- 10.3.1. The proposed development will replace existing factory buildings. These buildings do not contribute to the public realm in any beneficial way, the interface with street level

is very poor and the condition of the buildings detracts from the visual amenities of the area. Whilst there may be some architectural merit in the factory building composition, the lack of a meaningful street level interface is a negative. In addition, the existing building elevation along Brickfield Lane is foreboding and limits the usability of the laneway for safe and secure pedestrian activity. In my view, the demolition of the existing factory buildings will not be a loss to the physical appearance of the area.

10.3.2. Firstly, the scale of the proposed student accommodation. The proposed building will rise to an overall height of 24 metres above the existing ground level and equates to between six and seven storeys. The surrounding environment comprises a mixture of new and old buildings. Notably, a protected structure Brú Chaoimhín, an institutional building set in its own grounds is located to the west. There are also residential buildings of varying heights and design to the east, across the narrow Brickfield Lane. Development along Cork Street is characterised by a number of large modern structures constructed in the recent past and arguably these buildings are well suited to the broad dimensions of the new road. I note also that the proposed Cork Street elevation is broken into three distinct upstanding blocks by the use of a change in materials, mirroring the three blocks of Brú Chaoimhín to the west. The scale of the proposed student accommodation is therefore acceptable at this location along Cork Street.

10.3.3. Secondly, in my view the contemporary design of the proposed building is comfortably reconciled with other historic and modern developments in the vicinity, both along Cork Street and to the east across Brickfield Lane. The selection of a brick finish and cladding details around window openings is characteristic of both modern and traditional elevation treatments found in the area. Most notably the domestic scale terraced housing, the James Weir Home across Cork Street and the convent/chapel buildings along Ormond Street. All of these buildings use brick in their elevations and I consider the proposed use of grey and cream brick cladding to be appropriate. Brick projection and recess details on elevations will also add visual interest and detailing.

10.3.4. Finally, I note that the site to the south has the benefit of a previous planning permission for student accommodation arranged around a linear block of six storeys. The proposed development is designed in such a way so as to integrate with this

permitted development. Though not yet constructed, I am satisfied that the planned development of this section of the former factory site has been managed in a coherent manner.

10.3.5. In terms of the public realm, the proposed building will replace a former factory complex that no longer integrates with the emerging urban context of the site. The proposed building will introduce a new street elevation and a widened and more pleasant aspect to Brickfield Lane. I view these public realm changes as improvements and a benefit to the overall usability and safety of Cork Street and specifically Brickfield Lane. In my view, the proposed development will open up an otherwise closed urban block and provide a positive contribution to the built form and urban fabric at this location.

#### 10.4. **Building Height**

10.4.1. Cork Street is characterised by its wide dimensions, modern multi storey buildings that punctuate the streetscape and the remnants of older terraced buildings of a domestic scale. Characteristic of a main artery to the city centre, Cork Street comprises bus lanes, cycle lanes and a wide footpath. It is in this context that the City Development Plan advises a coordinated approach to taller buildings through local area plans. Consequently, the Liberties LAP considers that all new development along the Cork Street/Coombe Corridor are of an appropriate height of between 6 and 8 storeys. Heights in this range are subject to the local context, transition in scale, sensitivity to heritage buildings, protection of residential amenity and quality open spaces.

10.4.2. Firstly, I note that the precedent of a large building has been set on the site, an extant permission for a mainly five and six storey student building with an eight storey element adjacent to the Brú Chaoimhín complex. The proposal before the Board is a combination of six and seven storey elements, with a maximum height of just under 24 metres. The planning authority are supportive of the proposed building height at this location along Cork Street and note that the development responds appropriately to the provisions set out in the Liberties LAP.

10.4.3. In considering what might be an appropriate building height at this location along Cork Street I have had regard to a number of issues. Firstly, I note that the Liberties LAP accepts that buildings of up to 6-8 storeys are acceptable along the Cork

Street/Coombe Corridor, subject to an appropriate response to the characteristics of the receiving environment. In general, a building of 6-8 storeys is therefore acceptable at this location. In the context of the receiving environment, I note that there are two protected structures in the immediate vicinity - Brú Chaoimhín to the west and the John Weir Home across Cork Street to the north. Given the location of the building on the site, the provision of a significant buffer and the separation distances to protected structures I am satisfied that a building of up to 24 metres would be acceptable. Furthermore, given the design response along Cork Street and the boundary with Brú Chaoimhín, the impact of a six and seven storey building has been well considered to respond to the context of the site.

10.4.4. In the context of previously permitted development, Development Plan and Local Area Plan policies guiding building height along Cork Street and the way in which the design of the proposed building integrates well with the surroundings, I find the development to be acceptable in terms of building height.

## 10.5. Residential Amenity

10.5.1. The proposed development will provide living accommodation for students during term time and short-term tourist type accommodation for other users in the summer. It is important to assess the design criteria applied to the internal living spaces to ensure acceptable levels of residential amenity are afforded to future occupants. In addition, the impact of the proposed development on the residential amenity of existing residents in the area also requires analysis.

10.5.2. Building Design – internal standards: In terms of the provision of acceptable accommodation for students I note that there are no national design standards other than those issued under Section 50 of the 1999 Finance Act. However, section 16.10.7 of the Dublin City Development Plan builds on that guidance and sets out specific guidelines for the design of student accommodation. As advised during the pre-application process, the applicant has provided a detailed schedule that outlines the internal design standards of the proposed units. A commentary is also provided that outlines how the proposed development accords with and exceeds the City Development Plan standards concerning student accommodation. The Development Plan guidelines set out the following:

- Student accommodation should be grouped as 'house' units, minimum three and up to eight bed spaces, from 55 sqm to 160 sqm.
- Single/double occupancy studio units with bathroom and cooking facilities, gross floor area of between 25 sqm and 35 sqm.
- Shared kitchen facilities shall be provided at a minimum of 4 sqm per bed space.
- Minimum bedrooms shall be; single study bedroom 8 sqm with bathroom 12 sqm, twin study bedroom 15 sqm with bathroom 18 sqm, single disabled study bedroom with bathroom 15 sqm.
- Bathrooms shall serve a maximum of 3 bed spaces.
- Communal facilities shall include laundry, caretaker/security and refuse facilities.

The ground floor of the building is dedicated to a variety of communal uses (laundry, group kitchen, study, common room, plant, refuse store and bicycle parking) and a retail/café that opens onto Cork Street. The remainder of the Cork Street elevation provides a games area, lounge and foyer area all providing an active street frontage. Management offices and facilities are provided along the Brickfield Lane elevation together with a yoga and gym provide a degree of passive surveillance of the laneway. A six bed space and a seven bed space 'house' unit are located on the ground floor. Floors 1-5 provide the bulk of the student 'house' units and comprise 4, 6, 7 and 8 bed space units with two studio units located at the southwestern corners. The internal courtyard provides separation distances between opposing windows through the various floors of between 15.6 and 30.8 metres. A distance of between 15 and 17.6 metres is proposed between windows on the southern elevation of the student accommodation and permitted development to the south. The distance between the south eastern corner of the proposed building and sheltered accommodation to the east is increased to 8.2 metres, from the existing 4.5 metre lane width. For the most part studio units are located on the sixth floor and served by access to a roof garden and large communal study room.

10.5.3. Firstly, the planning authority note the contents of the accommodation schedule in the context of the Development Plan guidelines. I have examined the information

presented by the applicant that includes; section 7.1.3 of the Planning Report and Statement of Consistency, the schedules of accommodation contained in the Architect's Design Statement and all floor plans and elevations. In all cases the internal floor areas exceed the requirements set out in the Development Plan. The only exception is studio 34 on the sixth floor, this meets the relevant standard of 25 sqm and this is acceptable. In terms of the residential amenity afforded to future occupants in relation to internal floor standards, the development is satisfactory.

10.5.4. In terms of outdoor and indoor communal space, the Development Plan seeks 5-7 sqm per bed space. This would equate to between 1,995 and 2,793 sqm. The proposed development will deliver a combination of indoor and outdoor communal and recreational facilities that amount to 2,420 sqm. The communal spaces, amongst other things, comprise a common room, lounge, games, yoga/gym and study rooms. In particular, I note that a large study room and roof garden is provided on the sixth floor to facilitate student interaction amongst the studio units. The arrangement and provision of outdoor and indoor communal space is acceptable in terms of quantity and beneficial in terms of its distribution and design.

10.5.5. There are a small number of very minor issues to note. Larger 'house' units on upper floors are separated by a wall with access through, provided by an exit door. On the face of it this would appear to combine units thus providing a greater number of bedrooms than guidelines advise. However, I am satisfied that management procedures could be put in place to ensure that 'house' units remain a maximum of 8 bed spaces per unit and no more. I note too that 'maintenance' access is provided to the green roofs from the sixth floor. I do not anticipate any loss of residential amenity to existing or future occupants in the vicinity. However, it may be appropriate to ensure access to roofs is controlled via the management plan for the overall building.

10.5.6. Daylight – Sunlight: In terms of residential amenity and impact of the development on sunlight and daylight access. I note that the applicant has submitted a sunlight and daylight access report that assesses the impact of the proposed building on the wider area in terms of overshadowing. In addition, an analysis of the internal access to daylight and sunlight within the development has been submitted. The planning authority are satisfied that that the proposed development is acceptable in terms of access to sunlight and daylight.

10.5.7. The sunlight and daylight impact analysis was submitted by the applicant to address issues at the pre-application stage and addresses issues that may impact upon residential amenity. The analysis prepared by the applicant is in the context of relevant Building Research Establishment (BRE) daylight and sunlight guidance, a widely accepted approach to achieve acceptable levels of development. Logically, the student bedrooms located on lower floors will potentially receive less daylight (DF). In the final analysis based upon a revised area of interest that comprised just the window desk area of the student bedroom show that 98.7% of bedrooms achieve at least a 1.5% threshold for daylight factor. This exceeds the requirements for a bedroom and meets the requirement for living rooms. In relation to sunlight, I note that a relatively small proportion of bedrooms face north and a similar proportion face north east. Furthermore, common rooms along the northern elevation along Cork Street face north, allowing more bedrooms to face onto to the inner courtyard. On balance, I find that the provision of daylight to all habitable rooms is acceptable and that the penetration of sunlight dependant on a favourable orientation and a quieter courtyard setting is acceptable. The shadow analysis prepared by the applicant indicates very little impact upon the surrounding built environment. I note the findings of the report and agree that there will be minimal overshadowing impacts in the vicinity of the proposed development. This is due to a variety of reasons including: the separation distances achieved from adjacent development to the north and west and the industrial character of the development to the east.

10.5.8. Landscape: The applicant has submitted a landscape report that details the landscape strategy for the entire site and includes the interface of the development with the public realm. For the most part, the landscape strategy provides semi-private amenity space for the future occupants of the accommodation. The semi-private amenity spaces include a western garden, a central courtyard at ground level, an accessible roof garden on level six and two green roofs at the north and southern tip of the building. The landscaping proposal also includes pull-in paving detail along Brickfield Lane and a small planted island at Cork Street.

10.5.9. In my view, the landscaping strategy fulfils two purposes. The courtyard and garden spaces provide a significant level of enclosed amenity space to be enjoyed by the occupants of the building. In addition, the proposed green roofs may provide visual amenity to some studio units. The quantum of space and variety of materials used in



the design of these spaces should ensure an acceptable level of amenity. Secondly, the liner garden to the western side of the proposed building and adjacent to the protected structure Brú Chaoimhín, provides an important visual separation/buffer between the proposal and a sensitive heritage building.

10.5.10. Existing residential amenity: Existing residential development in the vicinity is primarily located to the east across Brickfield Lane and is characterised by low rise apartment units that address a Convent building (Sophia Housing Association). Four windows at first and second floor level associated with the gable end of one of these buildings look out across Brickfield Lane towards the blank elevations of the existing factory buildings, a distance of approximately 4.5 metres. The building line of the proposed student building will be offset from the apartment building by over 8 metres. This increase in separation distance between existing and proposed windows is welcomed in the context of this city centre urban environment and is acceptable. I note that permitted and existing development along Brickfield Lane and recent developments in the wider area achieve similar or greater separation distances across public streets. I see no reason to amend or alter the development proposal in order to preserve residential amenity of adjacent development.

10.5.11. In the context of the wider residential amenities associated with student accommodation, I note that the applicant has prepared a Student Management Plan (SMP). The SMP covers all aspects of the operational processes of managing a student accommodation facility and includes on site management team and 24 hour concierge service. The SMP sets out its goals in relation to the local community, in terms of 'being a good neighbour' and the establishment of a community liaison committee. I do note however, reference is made in the SMP to Res Student Management at Blakes and the availability and use of the sports hall to local sports clubs. A sports hall does not form part of this SHD proposal, I consider this a minor error and can be corrected by the submission to the planning authority of an amended SMP.

10.5.12. In relation to the operational hours of the retail/cafe unit, I note the condition recommended by the planning authority to agree opening hours in advance of development. Given, the urban context of the site, the positive impact of on street activity and the intended use of the overall building, I do not anticipate adverse

residential amenity issues to arise from the operation of the unit. Therefore, control of the unit opening hours does not require further consideration.

10.5.13. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants and will enhance the existing residential amenities associated with the area.

#### 10.6. **Protected Structures - Heritage**

10.6.1. There are a number of buildings in the vicinity that are entered on the City Development Plan Record of Protected Structures. Principally, there are three buildings of note, as follows: Brú Chaoimhín on the adjacent site to the west, the James Weir Home to the north across Cork Street and a convent building and chapel to the east on Ormond Street. In addition to the listed buildings, there are a number of nineteenth century terraced buildings along the northern side of Cork Street.

10.6.2. The Design Statement prepared by the applicant outlines the design process employed to arrive at the proposed development. The process identified the impact of the new structure on the setting and context of Brú Chaoimhín to the west and the James Weir Home to the north. The position of the building on the site was dictated by the need to establish set backs from three boundaries, north, south and to the west. The massing and building form diagrams prepared by the applicant provide a visual representation of the proposed building in the context of surrounding development. A comparison with the previously permitted development is also provided. In addition, I note the contribution of the Visual and Architectural Heritage Impact Assessment prepared by the applicant to support the finalised design proposal.

10.6.3. The Dublin City Council Conservation Officer has raised some concerns about the relative height of the proposed building in relation to Brú Chaoimhín and the James Weir Home. This concern is qualified by the acceptance that a set back has been provided in relation to Brú Chaoimhín and the substantial width of Cork Street in front of the James Weir Home. Despite these factors the Conservation Officer is convinced that the scale and bulk of the proposed building could overwhelm the protected structures. With this in mind, the Conservation Officer's approach is to set

back upper floors to reduce any overwhelming impact. However, I note that the planning authority did not consider it necessary to amend the design of the proposed building and accepted that the design approach was sufficient so as not to adversely impact upon the protected structures in the vicinity.

10.6.4. Taking the entirety of the site environs and the protected structures in particular, my view is aligned with that of the applicant and the planning authority. I acknowledge the considered design approach employed by the applicant with specific reference to sensitive buildings in the vicinity. In particular, the western set back to Brú Chaoimhín and its landscaping buffer to assist in the integration of the building's seven storey height. In this context, I note recently permitted development to the south of the subject site that will closely match building scale and height.

10.6.5. Brú Chaoimhín sits in its own grounds and the James Weir Home gables onto Cork Street within its own large western forecourt. The relative distances are over 20 metres between building faces. However, it is not just the separation distances between the proposed building and protected structures to the north and west that assists integration. It is the addition of a significantly large building and the creation of a city scale street edge. As at other locations along Cork Street, large modern buildings have added a sufficiently large scale street edge to match the wide dimensions of the realigned Cork Street.

10.6.6. I am satisfied that the iterative design approach to the site has ensured that the proposed building, in terms of its design, scale and height will satisfactorily integrate with its surroundings in the context of safeguarding the integrity of protected structures in the vicinity.

10.6.7. The site is located in a zone of archaeological interest and the applicant has prepared an Archaeological Assessment Report. The report concludes no evidence of archaeological remains on site but that given the location within a zone of archaeological interest, an appropriate programme of monitoring or testing will be required. In this regard, I note and agree with the planning authority's recommendation to attach a suitable archaeological monitoring condition.

## 10.7. **Transport and Infrastructure**

10.7.1. The proposed development provides no on site car parking spaces, in line with City Development Plan standards for student accommodation. A large number of secure

bicycle parking spaces have been provided, though less than that required by the Council's Development Plan. In addition, the applicant intends to widen the dimensions of Brickfield Lane and create active street frontages with pull in and loading bay spaces. A Transport Statement and Mobility Management Plan have been prepared. The development will be served by existing water services, although a new surface water pipe is proposed along Brickfield Lane.

- 10.7.2. The Council's Roads and Traffic Planning Division are broadly supportive of the proposed development with respect to the widened overall dimensions of Brickfield Lane. There is support too for the absence of on site car parking, but there is concern in relation to the deficit of bicycle spaces. This concern, however, is not articulated by a condition that requires additional bicycle spaces. In terms of other infrastructural aspects of the proposal, the Council have no major issues other than the requirement that the development is constructed and operated in accordance with the relevant guidelines and standards in relation to waste, surface water and public realm. In addition, I note that the dimensions of Brickfield Lane will be increased and a new footpath of more than 2 metres is proposed. Active frontages are also proposed along both Cork Street and Brickfield Lane. All of which is in accordance with the requirements of the Design Manual for Urban Roads and Streets.
- 10.7.3. With respect to statutory consultees and infrastructure, I note the comments of Irish Water (IW) and the National Transportation Authority (NTA). Firstly, IW anticipate no obstacle to servicing the development subject to the necessary connection agreements are put in place. Secondly, the NTA are supportive of the proposed development and welcome the promotion of walking and cycling. However, the NTA express two areas of concern, and they are; that the number of bicycle spaces are increased in line with Development Plan standards and that the building line along Cork Street is maintained in order to allow future upgrades (bus lanes and cycle lanes).
- 10.7.4. In common with other well served city centre locations, it is not surprising that the infrastructural requirements of the proposed development can be met. With reference to the improvements to Brickfield Lane and the provision of a surface water pipe, it is reasonable that such works are carried out by the developer to an acceptable standard.

- 10.7.5. In terms of the provision of bicycle parking spaces. I note that the requirements with regard to safety and security are met and these are reasonable to ensure the full use of such facilities. Both the Council and the NTA have noted the deficit in bicycle spaces. The applicant proposes 136 dedicated spaces with an area for a further 63 spaces reserved within the site. Whilst I accept that adherence to Development Plan standards for the quantum of bicycle spaces should be encouraged, I note that the applicant argued otherwise. The applicant details their experience in this matter and their site at the Digital Hub (Thomas Street) where there is often spare capacity of bicycle parking. Therefore, the applicant has insisted on a reduced amount of spaces with an area reserved for additional capacity if needed. On balance, I find that the experience of the applicant in this matter to be instructive. In addition, the Council's reluctance to apply their own standards and to accept the applicant's proposal is noteworthy. The NTA's role to promote sustainable transport modes is relevant, however, given the city centre location, the provision of a significant portion of bicycle spaces and an area reserved for future parking expansion, I find it unnecessary to insist on the complete adherence to Development Plan standards in relation to bicycle spaces. In any event I note that the reservation of future additional bicycle spaces are detailed on drawing number 1705-OMP-00-00-DR-A-XX-11000.
- 10.7.6. I note that the NTA advise that the existing building line should be maintained in order to facilitate any future improvements to Cork Street, in terms of cycle lane provision. The proposed building aligns with that of the existing factory building and the width of the existing footpath is maintained, approximately 3 metres at its narrowest. In my view, there is no further action required as the proposed layout accords with the requirements of the NTA.

## 10.8. **Appropriate Assessment**

- 10.8.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated August 2017, which concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to

any SPA or SAC. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 11.0 Recommendation

11.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
  - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
  - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
  - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

11.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

## 12.0 Reasons and Considerations

Having regard to the site's location close to city centre and third level institutions on lands with zoning objectives Z4 to 'provide for and improve mixed service facilities', Z6 'provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and Z15 'protect and provide for institutional and community uses' in the Dublin City Development Plan 2016-2022; to the Liberties Local Area Plan 2009 Education and Housing policies; the nature, scale and design of the proposed development, the availability in the area of a wide range of social

infrastructure, to the pattern of existing and permitted development in the area, to the submissions and observations received and to the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

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

Reason: In the interest of clarity.

2. The development hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, and for no other purpose, without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.

(b) A revised site specific Student Management Plan for the development shall be submitted to, and agreed with, the planning authority which details the omission of references to a Sports Hall.

(c) Access to green roofs shall be for maintenance purposes only.

(d) Student House Units shall not be amalgamated or combined.

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

4. The landscaping scheme shown on drawing number 17D12-DR-200 and 17D12-DR-201, as submitted to the An Bord Pleanála on the 14 day of November, 2017 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 residential and visual amenity.

5. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Roads and Streets, in particular carriageway widths.



(c) The materials used in any roads/footpaths/pull-in areas along Cork Street and Brickfield Lane shall be provided by the developer and shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of traffic, cyclist and pedestrian safety.

6. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) The new surface water pipe detailed on Site Services Layout drawing number 170046-3001, shall be completed and connected to the existing 600mm diameter Surface Water Sewer on Cork Street by the developer in accordance with the relevant technical standards of the Council for such works.

Reason: In the interest of public health and to ensure a proper standard of development.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along the pedestrian route along Brickfield Lane, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

8. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. 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, and to permit the planning authority to assess all signage on this site through the statutory planning process.

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

Reason: In the interest of the visual amenities of the area.

11. 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 authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

13. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

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

14. 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.

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

(b) The area reserved for possible future additional bicycle spaces as shown on layout drawing number 1705-OMP-00-00-DR-A-XX-11000, shall be kept free from development.

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

16. 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.

Reason: In the interest of sustainable waste management.

17. 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.

18. 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.

19. 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 commencement of development. This plan shall provide inter alia: details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of structures retained in association with the Brú Chaoimhín complex to the west, RPS reference number 2053) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures.

Reason: In the interests of public safety, residential amenity and to ensure that the integrity of the protected structures in the vicinity are maintained and that the structures are protected from unnecessary damage.

20. 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.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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Stephen Rhys Thomas  
Planning Inspector

13 February 2018