



An
Bord
Pleanála

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

Inspector's Report ABP-300666-17

Strategic Housing Development

Demolition of the former "Matts of Cabra" public house and associated structures. Construction of mixed use development comprising of student accommodation (208 bed spaces) and retail floor space.

Location

Former "Matts of Cabra" public house, Faussaugh Avenue, Cabra, Dublin 7

Planning Authority

Dublin City Council

Applicant

Labinies Limited

Prescribed Bodies

Commission for Railway Regulation

Observers

James Temple

Stephen and Helena Connell
P. Eastwood
Caroline Brennan
Frank, Maureen and Michelle Bibby
Monica Goggins
Brenda Douglas
Corah Lanigan & Edmond Buckmaster
Cllr. Cieran Perry
Cllr. Ray McAdam

Date of Site Inspection

22nd March 2018

Inspector

Sarah Moran

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1.0 Introduction

- 1.1. 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 (stated area 0.4959 ha) is located at the former “Matts of Cabra” public house on Fassaugh Avenue, Cabra, Dublin 7. The building is vacant and derelict and has a prominent location on Fassaugh Avenue, close to the centre of Cabra. It is set back from the road edge, with a parking area to the front. The area to the rear is long and narrow, bound by the Heuston – Connolly railway line to the west and by 2 storey residential properties on St. Attracta Road and Lanigan’s funeral home on Fassaugh Avenue to the east. It is currently under grass and is characterised by raised ground levels relative to the railway line and to the adjacent rear gardens on St. Attracta Road. This is due to the dumping of spoil from the construction of the railway line. There is evidence that the area has been used for antisocial behaviour, i.e. burnt out cars, rubbish, etc.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises:
- Demolition of existing public house and associated outbuildings (798.9 sq.m.). Removal of stockpile of material from the rear of the site.
 - 3. no. 4/5 storey blocks containing 208 no. student bedspaces in 44 no. 4/5/6/7/8 bed units and 10 no. studio units. Associated facilities including a central access lobby, a central hub, recreation spaces, administration areas. The development is to be used as tourist accommodation outside of term time.
 - 2 no. retail units (657.65 sq.m.) fronting onto Fassaugh Avenue
 - Vehicular access to Fassaugh Avenue and set-down area.

- Site development works including landscaping, amenity areas, roof garden, car and cycle parking, refuse storage, ESB substation, connection to the public watermain and sewer.

4.0 Planning History

4.1. 3420/16

- 4.1.1. Permission granted at the development site for 11 no. 3 storey houses and a 4 storey block at the Fasssaugh Avenue frontage containing a ground floor retail unit and 8 no. apartments.

4.2. 3942/04

- 4.3. Permission granted at the development site for a public house, bookmaker's office, ancillary services and 28 no. 1 / 2 bed apartments in a series of 4 no. 3 storey over basement stepped blocks.

4.4. Adjacent Site ABP-300492-17

- 4.4.1. There is a recent SHD application on adjacent CIE lands on the opposite side of the railway bridge at Fasssaugh Avenue, to the south west of the development site, a larger site measuring 3.89 ha. Permission was sought for 420 no. residential units (419 no. apartments and 1 no. house) and a neighbourhood centre comprising a supermarket and 3 other retail units, office, community centre, crèche, associated car and bicycle parking spaces, open space and all associated site works. Permission was granted on 21st March 2018.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

- 5.1.1. The pre-application consultation related to a proposal to construct 224 no. student bedspaces comprising 34 house units in a linked 4 and 5 storey building and 10 no. studio units in a 3 storey block, also 2 no. retail units at ground floor, ancillary uses and 10 car parking spaces and 114 cycle parking spaces.
- 5.1.2. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 21st November 2017. Representatives of the prospective applicant, the planning

authority and ABP were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised were as follows:

1. The scale, form, massing, elevational treatment / expression and finishes of the development, having regard to the context of this elevated site within an established residential area.
2. The retail element of the scheme, in particular relating to public accessibility and availability for use by the wider public.
3. The open space provision and the public realm. Documents to clearly show that the public open space is comprised of high quality, functional and accessible areas. In addition, further justification in relation to connectivity between the development and the public realm, including the proposed gateway.
4. The internal layout of the development, in particular the extent of communal facilities concentrated at basement level with limited natural light.
5. Drainage details require further examination having regard to the Pre-Connection Enquiry Report of Irish Water dated 21st March, 2017.

The applicants were advised in all instances that further consideration of the issues may require an amendment to the documents and / or design proposals submitted.

5.1.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. A schedule of the proposed floor areas relative to the Development Plan standards, as set out in section 16.10.7 of the Dublin City Development Plan 2016.
2. Colour coded drawing indicating individual clusters within the student accommodation scheme.
3. Additional photomontages and cross sections showing the proposed development from various vantage points in the public realm.
4. Lighting Plan.
5. Construction Management Plan.

5.2. Applicant's Statement of Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- Introduction of a variety of materials, building form and massing.
- Reduced height to Fassaugh Avenue, modified roofscape with roof garden. Remodelled upper levels of blocks to address potential overlooking and create variety.
- Reduced total no. of bedspaces from 225 to 208.
- Increased total retail floor area from 530.72 sq.m. to 657.65 sq.m. Permission was granted for 314.8 sq.m. of retail floorspace at the site under 3420/16. The retail floorspace will be accessible to the public and as a facility for the student population.
- New landscaped entrance area to the development with active retail frontages, designed to be generally accessible to the public through the use of retractable bollards. South facing orientation optimises use of outdoor seating. Shared surface strategy for the inner street such that it can be used as a leisure space with privacy buffer planting to ground floor units. Area on the western side of the site to be used as outdoor space with barbeque areas. Roof garden on Block A, accessible to all residents.
- Revised internal floor plan. Split level amenity space at basement level with study areas and common room with natural daylight from light wells. Reduced depth of light wells to basement level of Blocks A and B to facilitate natural light to the communal areas. Also uses that require less natural light are located on the eastern side of the basement (kitchen area, TV room, cinema and gym). Shared amenity space including the reception area and a first floor dual aspect mezzanine area overlooking the railway line.
- The applicant has met with representatives of Irish Water and Dublin City Council to agree in principle the drainage arrangements for the development, details of same are submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. The following is a list of relevant section 28 Ministerial Guidelines:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ including the associated Urban Design Manual.
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS)

6.1.2. 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. Dublin City Development Plan 2016-2022

6.2.1. The majority of the development site has the zoning objectives Z1 “*To protect, provide and improve residential amenities*”. Residential use is acceptable in principle under this zoning objective. The definition of ‘residential’ includes student accommodation. The area of the site fronting onto Fassagh Avenue is zoned objective Z3: “*To provide for and improve neighbourhood facilities*”. Retail and residential uses are permitted under this zoning objective.

6.2.2. Chapter 5 Quality Housing. Policy QH8:

“To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.”

Section 5.5.12 on student accommodation states:

“To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which

can make the city's educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas."

Policy QH31:

"To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards."

- 6.2.3. Chapter 6 City Economy and Enterprise. Section 6.4 Strategic Approach recognises the need to enhance the role of Dublin as an education city and a destination of choice for international students. Policy CEE12(ii):

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

Policy 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."

- 6.2.4. Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design. In particular the guidelines for student accommodation set out in section 16.10.7; section 16.24 in relation to retail development; section 16.38 car parking and section 16.39 cycle parking.

- 6.2.5. Development plan Variation No. 3, adopted September 19th 2017, amends section 16.10.7 such that 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 (previously 0.25 km).

6.3. Applicant's Statement of Consistency

6.3.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the County Development Plan. The following points are noted:

- The development is consistent with national policy set out in the National Planning Framework, the Action Plan for Housing and Homelessness and the National Student Accommodation Strategy regarding the location of student accommodation in urban areas.
- The development of the subject site close to several public transport routes is in accordance with the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the 12 criteria set out in the accompanying Urban Design Manual.
- The development is consistent with DMURS.
- The development is in accordance the development plan policies on student accommodation QH31 and CEE19 and the Z1 and Z3 zoning objectives, also development plan policies on building height, plot ratio and site coverage, car and cycle parking standards and the guidelines for student accommodation.

7.0 Third Party Submissions

7.1. The submissions were primarily made by or on behalf of residents of St. Attracta Road. There were also submissions by 2 no. elected representatives, i.e. Cllr. Cieran Perry and Cllr. Ray McAdam. The submissions may be summarised as follows.

- Inadequate notification of local residents prior to lodging the SHD application.
- Site should be used to accommodate local families rather than students due to a shortage of new housing in the area. There is an excessive amount of student accommodation in the Dublin 2 / Dublin 7 area.
- Lack of community gain in the development, no Part V provision.

- Development is overbearing and out of character with the surrounding area. Unacceptable height and density, overdevelopment of the site. Higher density than that permitted at the site under 3420/16.
- Overshadowing. The shadow analysis submitted does not include sufficient photographs and does not show the full impact of overshadowing.
- Overlooking of adjacent residential properties.
- Concerns about light and noise pollution from the development.
- Particular concerns about the roof garden on Block A, resultant noise and overlooking.
- Inadequate parking provision.
- Adverse impacts on local property values.
- Drainage and flooding impacts. There has been serious fluvial flooding on roads in Cabra West and Cabra East, primarily caused by the limited capacity of existing surface water drains.
- The existing treated water supply to Cabra residents is poor due to the age of the pipe work. The development requires careful planning for the treated water system.
- The submission of Cllr. Ray McAdam requests conditions to regulate construction works including noise emissions, waste management and traffic management.

7.2. There is also a submission by Corah Lanigan and Edmond Buckmaster, proprietors of the adjacent funeral home, Lanigan's Funeral Directors. This repeats several of the issues raised in the other third party submissions overlooking, overshadowing, impacts on amenities, etc. The main site-specific points made may be summarised as follows.

- The observers' property is used for two sensitive purposes, i.e. a funeral home and residential (an apartment at first floor level).
- Block C presents a blank wall to the rear of the funeral home and will result in overshadowing and the eastern façade of Block A will overlook the area. The front of the observers' site is zoned as a neighbourhood centre and the rear is zoned for residential development. the development will therefore have an

adverse impact on the current use, amenity and development potential of the observers' property. It would therefore result in the sterilisation of zoned and serviced land.

- Location of bin storage adjacent to the rear yard of the funeral home. This should be located adjacent to established properties.
- Potential impacts of construction works on the operation of the funeral home and on residential amenities. The construction management plan submitted does not refer to the observers' business. The observers seek assurance that the forecourt in front of their business is not used for temporary construction loading / unloading or parking. Any artwork on construction hoardings should be suitable in the context of the observers' funeral home.
- Potential impact on the existing well established vehicular access to the funeral home, located in the front forecourt, adjacent to the public house. The development includes lighting standards at the location of this access. The Board is requested to impose a condition requiring that no element of the development encroach on this area such that it would inhibit vehicular access to the rear of the observers' property.
- Due to the removal of spoil, the development will involve the construction of a retaining wall at the boundary with the observers' property. The application does not provide any details of same. The Board is requested to require the submission of details of the retaining walls for agreement prior to the commencement of development. Concerns about potential structural impacts of the basement of Block C on the observers' property, they request a condition requiring a structural survey of their property prior to commencement of development, also monitoring of structural stability during construction work.
- The Board is requested to impose a condition omitting Block C, also to require a set back of the relevant portion of the east façade of Block A or appropriate redesign to prevent overlooking of the observers' property.

7.3. I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

8.1. Area Committee

8.1.1. The application was presented to the North West Area Committee of Dublin City Council on 20th February 2018. An extract from the minutes of the meeting is submitted. Issues were raised in relation to the height, density and scale of the development; impacts on residential amenities by way of overlooking and overshadowing; potential congregation of students at the amenity space at the end of the development; impacts of student accommodation on a settled, suburban area; lack of Part V provision; car parking provision.

8.2. Chief Executive's Report

- The development is consistent with the relevant zonings on the site.
- Permission was recently granted for standard residential accommodation at the development site under 3420/16. The applicant is required under development plan Variation no. 3 to demonstrate that the development will not result in an overconcentration of student accommodation in the area. The application includes a map showing all such facilities within 1km of the development, such that there are no other approved or existing student accommodation schemes within 1km of the site. The PA considers that the development will not result in an over concentration of student accommodation in the area.
- The retail provision is welcomed as it provides an active frontage to Fassaugh Avenue.
- The site is located in the outer city, c. 750m from the Cabra Luas stop and is not in a rail hub (500m from existing / proposed Luas, Dart, Dart underground and Metro stations). The maximum allowable height at the site is therefore 16m, which is considered to be appropriate for this location along Fassaugh Avenue.
- The shadow analysis submitted indicates that excessive overshadowing of adjoining development will not occur.

- There should be a 1m separation distance between Block C and the shared boundary with regard to the submission of the adjoining Funeral Directors.
- Block B should be reduced in height where it is closest to the rear boundaries of properties on St. Attracta Road, in response to third party submissions. This can be achieved by the omission of units nos. 20 and 21 at second floor level. This will result in the retention of the existing roof profile at a lower level including setbacks, feature aluminium panels, etc., which break up the visual massing of Block B and are welcomed from a visual and privacy protection point of view.
- The development should be amended to avoid overlooking of properties in St. Attracta Road. Undue overlooking is most likely to occur at second floor level due to the relative height difference. Windows at the upper floor are of a varied design from which undue overlooking is not an issue. This could be achieved by way of incorporating angled windows for all units at second and third floor levels in the eastern elevation of Block A and for all remaining units (following the omission of units nos. 21 and 22) at second floor level on the eastern elevation of Block B.
- The recreational facilities provided are inadequate with regard to development plan requirements for student accommodation. In particular, the lightwell areas in the basement have a poor level of amenity and are considered areas primarily for emergency access rather than for amenity. The reception and seating areas are considered to be circulation space rather than amenity areas. The majority of internal indoor amenity space is provided at basement level in Blocks A and B and there is no indoor amenity space in Block C. The application does not include a Sunlight Daylight Study, therefore the amenity of the residential spaces in terms of daylight and sunlight is not clear. Outdoor recreational spaces along Fassaugh Avenue are not provided specifically for the amenity of students. On site outdoor spaces are constrained and in many instances likely to be significantly overshadowed. The outdoor basketball area adjoins the rear boundaries of properties on St. Attracta Road and is unacceptable in terms of potential for noise and general disturbance of residents of those dwellings. The PA therefore has serious concerns regarding the quality and quantity of amenity / recreational spaces provided. It recommends the omission of 2 no. studio units from Block C, unit no. 26 in Block B and unit no. 22 in Block A, all to be replaced with common rooms / reading rooms / recreational spaces. This would provide an increase of c.

336 sq.m. of additional internal recreational spaces, in addition to the external spaces and the basement amenity areas.

- The submitted student accommodation management plan is acceptable.
- The PA recommends that permission is granted for the development as it is consistent with development plan policies and is in the interests of the proper planning and sustainable development of the area. Conditions are recommended.

8.3. Technical Reports

- DCC Roads & Traffic Planning Division No objection on the basis that any disruption to the local road network associated with the arrival and departure of a high volume of students would be temporary over a relatively short period. The proposed 2 no. parking spaces adjacent to the vehicular access should be omitted, it is more desirable that drop off occur within the site. The remaining quantum of car parking is acceptable given the location of the site. Cycle parking provision is acceptable. Conditions are recommended.
- DCC Parks & Landscape Services The area contains existing vegetation, trees / shrub growth around the perimeter, which provide habitat and screening to adjacent residential properties and the railway corridor. There is insufficient information provided on the existing vegetation and proposals for its removal and retention, a revised landscaping scheme should be required by condition. Impacts on off-site vegetation at the railway embankment should also be assessed. The lands should be surveyed for invasive alien species. Conditions are recommended.
- DCC Waste Management Division recommends conditions.
- DCC Drainage Division recommends conditions.

9.0 Prescribed Bodies

9.1. Commission for Railway Regulation

- Transdev should be consulted to ensure that the risks associated with railway trespass are not increased in the vicinity of the development during construction or operation.

- Any future works which may affect the safe operation of the railway should be undertaken in consultation with Transdev and in accordance with RSC Guideline REC-G-010A. Particular care should be taken with works near the railway boundary that may increase loading on cuttings, affect stability of embankments or change the water table / drainage.
- Particular consideration should be given to the potential risk of falling from the roof terrace on to the railway property and to the risk associated with proximity to overhead electrification.
- The applicant should consult with Iarnród Éireann regarding drainage issues and address any observations of same.
- The applicant should consult with TII and Transdev regarding the road / rail interface.

10.0 **Assessment**

10.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Design and Layout
- Impacts on Residential Amenities
- Roads and Traffic Issues
- Drainage and Water Supply
- Appropriate Assessment

These matters may be considered separately as follows.

10.2. **Principle of Development**

10.2.1. The proposed residential and retail development is in accordance with the Z1 and Z3 zoning objectives that apply at the development site. The scale of the retail development (657.65 sq.m.) is such that it would serve local retail demand only and therefore would not have any impacts with regard to the city retail strategy. The application states that the development is to be primarily occupied by students of DIT Grangegorman (c. 1 km) and DCU (c. 3 km) and submits that there is a pressing

need for additional student accommodation in Dublin city, as per the National Student Accommodation Strategy (July 2017). This is considered reasonable. Dublin City Development Plan 2016-2022 Variation no. 3 requires the applicant to submit evidence to demonstrate that there is not an overconcentration of student accommodation in the area, including a map indicating all such facilities within 1km of the development. The application includes a map indicating that there is no student accommodation within 1km of the development site. The submission of Dublin City Council (DCC) notes that there is no other approved student accommodation within this area. I am therefore satisfied that the development will not result in an over concentration of student accommodation.

10.2.4. The proposed use as visitor / tourist accommodation outside term time is in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is therefore acceptable in principle.

10.2.2. The development does not include any social and affordable housing provision for Part V of the Planning and Development Act 2000 (as amended). Section 16.10.7 of the Dublin City Development Plan 2016-2022 provides that Part V does not apply to student accommodation in the City Council area.

10.3. **Design and Layout**

10.3.1. Proposed Design and Layout

The layout has vehicular access from Fassaugh Avenue and a set down area at the eastern side of the Fassaugh Avenue frontage. There is a vehicular circulation area on the eastern side of the site, which is laid out as a shared surface to be used by cars, pedestrians and cyclists. The eastern side of this area contains car and cycle parking areas, a covered bin store and an ESB substation. The development is laid out in 3 blocks as follows:

- Block A at the Fassaugh Avenue end of the site. 4 floors plus penthouse. The southern end of Block A contains retail unit 01 at basement, ground floor and first floor level (368.47 sq.m.) fronting onto Fassaugh Avenue. Block A also contains student facilities including study area, laundry room, TV room, common room, gym, communal kitchen, all at basement level; management suite at ground floor level; student accommodation comprising 3. no. 4 bed units, 1. no 5 bed unit, 7

no. 6 bed units and 3 no. 7 bed units; amenity roof garden at the Fassaugh Avenue frontage; biodiversity brown roof system.

- Block B at the northern end of the site. 4 storey. Student accommodation comprising 1 no. 5 bed unit, 6. no 6 bed units, 2 no. 7 bed units and 5 no. 8 bed units; biodiversity brown roof system.
- 2 storey over basement glazed structure linking Blocks A and B containing student facilities in the basement; reception at ground floor level; break out area at first floor level; circulation space.
- Block C at the eastern site boundary, close to the access from Fassaugh Avenue and adjoining Lanigan's funeral home. Retail unit 02 at basement and ground floor levels (289.18 sq.m.) and 10 no. studio units at first and second floor levels. The roof of Block C has a wildflower meadow.

10.3.2. Building Height, Plot Ratio and Site Coverage

The development plan provides quantitative standards on building height, plot ratio and site coverage as controls to prevent overdevelopment. Development plan section 16.5 states an indicative plot ratio of 0.5 – 2.0 for 'Z1 Outer City' and 1.5 – 2.0 for 'Z3 neighbourhood centres'. The development has a stated plot ratio of 1.67. Development plan section 16.6 states indicative site coverage standards of 45%-60% for 'Z1' lands and 60% on 'Z3' lands. The development has a stated site coverage of 35.4%. Development plan section 16.7 defines Dublin City as a whole as 'low rise' except for areas specifically designated as 'mid rise' or 'high rise', or subject to the provisions of a Local Area Plan, Strategic Development Zone or a Strategic and Regeneration Area, or at a rail hub. The site is not subject to any of these designations and therefore a maximum of 16m applies at this 'outer city' location. The development has a maximum height of 15m and thus complies with this policy. It is therefore acceptable in terms of the development plan standards.

10.3.3. Public Realm and Amenity

Development plan standards for student accommodation require the provision of adequate open space of suitable orientation within developments, which can include terraces, courtyards and roof gardens where appropriate. All proposals must provide

appropriate indoor and outdoor communal and recreational facilities at a level of at least 5-7 sq.m. per bedspace, i.e. a requirement of 1,456 sq.m. in this instance.

The development provides a stated area of 2,304 sq.m. of indoor and outdoor communal and recreational facilities. However, much of the outdoor public realm within the site is taken up by vehicular circulation areas, car parking, an ESB substation and bin storage. The layout is a cul-de-sac and does not provide any connectivity to surrounding areas. There is no possibility to create any vehicular or pedestrian connection due to the boundaries being formed by rear gardens within St. Attracta Road, the rear of Lanigan's funeral home and the railway line. The circulation space is to be a 'shared surface' as per DMURS, with a carriageway width of 4.8m and the edges defined by buffer planting, paving and dished rainwater channels. While the area will have low traffic levels, I consider that its elongated layout and hard surface allow for limited amenity use. There is a 'basketball half-court' at the northern end of the site. There are concerns about impacts on the residential amenities of adjoining properties on St. Attracta Road and I consider that the area would be best used as passive amenity space for residents of the scheme, however its dual use as a vehicular turning area (as per the swept path analysis) necessitates a hard surface. The area to the west of Blocks A and B is landscaped but also provides limited amenity value due to its narrow depth, to the presence of light wells to the basement and to the location overlooking the railway line. There is a roof garden at the southern end of Block A, stated area 145.96 sq.m., which is also included in the amenity provision of the scheme but would have limited accessibility given its location on the roof of Block A.

The internal amenity space is primarily provided below ground level in the basement of Blocks A and B. There is no amenity provision in Block C. I note the following floor areas, as per the design statement submitted with the application:

Amenity Area	Location	Floorspace (sq.m.)
Gym	Basement	67.74
Study Area	Basement	64.79
TV Room	Basement	60.39
Common Room	Basement	292.04
Communal Kitchen	Basement	52.75
Seating Areas 01 and 02	Basement	29.17
Basement Lightwells 01 and 02 (basement garden areas)	Basement	200.66
Reception areas	Ground floor and 1 st floor	213.07
TOTAL		980.61

I share the concerns stated by DCC that much of the basement areas would provide a reduced quality of amenity due to a lack of natural light and I agree that reception areas are circulation rather than amenity spaces. In addition, as discussed above, the amenity value of many of the external spaces is compromised for various reasons. DCC suggests omitting units nos. 22 in Block A (146.66 sq.m. floor area, located at the northern end of the 3rd floor) and 26 in Block B (140.35 sq.m., located at the southern end of the 3rd floor) and 2 no. studio units at the southern end of Block C (25 sq.m. each) in favour of providing additional additional amenity areas with a combined floorspace of c. 336 sq.m. I agree that the scheme requires additional amenity space to that currently proposed and that, due to the restricted nature of the site, the only available option is to provide additional internal amenity spaces. It is prescriptive to specify the omission of specific units. However, having carefully examined the scheme I consider that this would be a reasonable response to the limited amenity provision and that the particular units specified would result in the provision of communal amenities at locations that are accessible to all of the residents. I therefore support the recommendation, which may be required by condition if the Board is minded to grant permission.

10.3.4. Interaction with Fassaugh Avenue

The southern elevations of Blocks A and C face Fassaugh Avenue. Block A to the west presents a 5 storey elevation adjacent to the railway bridge and Block C to the east presents a 3 storey elevation adjacent to the funeral home. The height and scale of both blocks are considered to be an appropriate response to the context.

The elevations are clad in brick and the finishes appear to be of good quality overall. Both blocks have retail units with active frontages at ground floor level and are set back from the road frontage to allow satisfactory sight distances at the vehicular entrance with regard to the requirements of DMURS. There is a paved area in front of Block A with landscaping and public seating. There are 2 no. car parking spaces in front of Block C to the east of the access. DCC Roads & Traffic Planning Division recommends the omission of these spaces as it is more desirable that drop off occur within the site. I support this recommendation. I also note concerns of the proprietors of the adjoining funeral home regarding the retention of their existing vehicular access and consider that the omission of the spaces would create an opportunity for a more harmonious layout in this part of the site, such that there is no impact on the vehicular access to the funeral home. The vehicular entrance to the development is to be controlled by mechanically retractable bollards to allow for pedestrian permeability while limiting vehicular access, this is acceptable.

10.3.5. Interaction with the Railway Line

The adjoining railway line connects Heuston and Connolly stations and has a low frequency of usage, c. 1 train per hour. The facades on the western elevations of Block A and B facing the railway line are to be triple glazed. This is satisfactory. The submission of the Commission for Railway Regulation states certain requirements in relation to the railway line, which could be imposed by condition.

10.3.6. Quality of Student Accommodation

I note that the overall quantum of student accommodation has been reduced from 225 no. units at pre-application stage to a total of 208 units. The accommodation comprises the following unit types:

Unit Type	Number	Floor Area	No. of Bedspaces
Studio	10	All 25 m ²	10
4 bed	3	All 98.34 m ²	12
5 bed	3	All 137.51 m ²	15
6 bed	16	137.45 - 152.98 m ²	96
7 bed	5	155.77 – 171.90 m ²	35
8 bed	5	All 172.49 m ²	40
Total	44		208

There are no national design standards for student accommodation other than those issued under section 50 of the 1999 Finance Act. However, section 16.10.7 of the City Development Plan set out the following guidance for student accommodation:

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

The development is in accordance with these requirements as per the submitted schedule of accommodation. The 'Student Management Plan' submitted with the application states that it has been designed to meet a range of student requirements. I am satisfied that the development will provide a good quality of student accommodation.

I note that the application does not include a Sunlight Daylight Study of the scheme. However, given the east / west orientation and the relatively low rise context to St. Attracta Road to the east, Fassaugh Avenue to the south and the railway line to the west, it is considered that residential spaces within the scheme should achieve satisfactory sunlight and daylight levels.

10.3.7. Design and Layout Conclusion

To conclude, I consider that, subject to conditions, the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential development and student accommodation and that there is a reasonable standard of residential accommodation for future residents of the scheme.

10.4. Impacts on Residential Amenities

- 10.4.1. Potential impacts on residential amenities arise at the eastern boundary of the site in relation to adjoining properties on St. Attracta Road and to the south east of the site in relation to Lanigan's Funeral Home.
- 10.4.2. The existing site boundaries shared with the rear gardens of properties on St. Attracta Road and Lanigan's funeral home are currently defined by mounded spoil, which rises almost to the top of the boundary walls in some cases. This spoil is to be removed, presumably along with the existing vegetation, although this is not explicitly stated in the application. The cross sections indicate that ground levels will be similar to those at the rear gardens of St. Attracta Road and the rear yard of Lanigan's funeral home. Blocks A and B are set back from the eastern site boundary and the intervening area is laid out as a circulation space, car and cycle parking areas, covered bin storage and an ESB substation. The shared boundary is to comprise a 3m high slatted timber screen inside the existing boundary walls. The landscaping scheme indicates tree planting inside most of the shared boundaries. Block C (3 storey) immediately adjoins the boundary shared with Lanigan's funeral home.
- 10.4.3. The site is currently a focus for illegal dumping and antisocial behaviour. I note third party concerns regarding impacts on residential amenities due to noise, etc. However, the submitted Student Management Plan states that the accommodation is to be managed by a professional management company with a full time accommodation manager, support staff and 24 hour security with CCTV monitoring. Anti-social behaviour by tenants is to be actively managed and the use of outdoor recreation facilities is to be limited to 11am – 8 pm. The plan includes proposals that the management company will liaise with neighbouring residents and local groups. These points are accepted. In addition, while the development will undoubtedly change the outlook from the adjoining properties, this is inevitable in the context of the development of this zoned site and I note that permission has already been granted for 3 – 4 storey residential accommodation at the site under reg. ref. 3420/16. The issue of the 'basketball half court' at the northern end of the site is discussed above, it is recommended that this aspect of the development be omitted by condition if permission is granted.

10.4.4. There is potential for overlooking from the eastern elevations of Blocks A and B to the rear gardens at St. Attracta Road and to the rear yard of the funeral home. The eastern facades of Blocks A and B are c. 25-41 m from the rear facades of houses on St. Attracta Road and c. 9m from the rear yard of Lanigan's funeral home. Blocks A and B are angled such that they do not directly face houses on St. Attracta Road and that the internal floor plans of Blocks A and B are laid out such that the bedrooms are on the eastern side of the buildings and the more active kitchens / living spaces, which have much larger areas of glazing, are on the western side overlooking the railway line. The DCC submission recommends several changes to Blocks A and B to reduce impacts on residential amenities at St. Attracta Road, i.e. (i) a reduction in height at the southern end of Block B, closest to properties on St. Attracta Road, to be achieved by the omission of units nos. 20 (8 bed) and 21 (7 bed) at second floor level, such that the overall height of the block does not exceed 9.5m and (ii) amendment to all windows on the second and third floors of Block A and those to the remaining units nos. 18 and 19 on the second floor of Block B, such that they are angled to face away from residential properties to the east. However, I note that the roof profile of Block B was amended subsequent to the pre-application consultation with ABP, such that the overall height was reduced. Block B now presents a 3 storey elevation to the east with the 4th floor set back from the eastern elevation. The development permitted at the site under 3420/16 included 3 storey housing in this part of the site. I consider that the introduction of angled windows would result in an unacceptable impact on the quality of residential accommodation in the bedrooms within Blocks A and B. I therefore consider that these amendments should not be required by condition.

10.4.5. The shadow study considers overshadowing at 10 am, 1 pm, 3 pm and 6 pm on March 20th and at the same times of the day on June 21st and December 21st, this is reasonably comprehensive. The development will result in some additional overshadowing of properties to the east at evening times in spring and summer. This is inevitable in the context of any development at this site. The development is higher and bulkier than that permitted under 3420/16 and therefore would result in a greater degree of overshadowing. This impact is ameliorated somewhat by the reduced roof profile of Block B, compared to the pre-planning submission. I do not consider that the development would result in excessive overshadowing of adjacent properties.

- 10.4.6. There are particular third party concerns about overlooking, noise pollution and other impacts on residential amenities due to the roof garden at Block A. I note that this is located in part of the site that is furthest from St. Attracta Road and the funeral home and primarily looks onto the frontage to Fassaugh Avenue and the railway line. The eastern façade of the roof garden can be designed to preclude overlooking, this could be required by condition. The issue of noise and antisocial behaviour is addressed in the overall Student Management Plan. Safety issues regarding the railway line may also be addressed by condition.
- 10.4.7. The proprietors of Lanigan's funeral home to the immediate south east of the site state concerns about impacts on the amenities and development potential of their property. The possibility arises of omitting all or the northern part of Block C by condition, with the resultant area to be used as amenity space to address some of the deficiencies noted in section 10.3.3 above. I note that 'Building A' as permitted in this part of the site under 3420/16, was a 3 storey plus penthouse structure at the Fassaugh Avenue site frontage. While it did not directly abut the funeral home boundary, it projected much further beyond the front of that building. I consider that the subject proposal represents an improved relationship to the funeral home to that already permitted (see Appendix A of the submitted Architectural Design Statement). I note that DCC recommends that Block C should have a setback of 1m to the shared boundary and recommend that a condition requiring this measure be imposed if permission is granted. In addition, the construction of a retaining wall at the shared boundary would be unnecessary given the proposed site levels. The bin storage area is to the immediate south of the rear boundary of the funeral home, however I do not consider that this would have any significant adverse impact subject to proper ongoing waste management.
- 10.4.8. An outline construction management plan is submitted, which includes measures to prevent adverse impacts on residential amenities during construction including traffic management and waste management. Pockets of contaminated material have been identified at the site. A total of 6,000 m³ of material is to be excavated at the site, subject to a detailed construction waste management plan. This will generate a significant amount of vehicular traffic, however this is acceptable on a temporary basis subject to a construction traffic management scheme.

10.4.9. I note that the development was amended subsequent to the pre-planning consultation with ABP, in order to achieve a more satisfactory relationship with the adjoining properties, with a reduction in the total no. of bedspaces from 225 to 208 and remodelling to the upper floors. I consider that the current proposal achieves a reasonable compromise overall between the need to achieve an efficient use of the site and that to protect residential amenities. I am satisfied that the development will not have significant adverse impacts on residential amenities such as would warrant a refusal of permission.

10.5. Roads and Traffic Issues

10.5.1. The development provides 9 no. car parking spaces (assuming the omission of the 2 no. spaces at the set down area next to the vehicular access as discussed above) and 114 no. covered cycle parking spaces. The development is to be accessed from Fassaugh Avenue via a vehicular entrance with retractable security bollards, preventing access to the 9 no. internal car parking spaces such that they are available for occasional use only, i.e. students moving in or out of the accommodation or people with impaired mobility. On street parking is not permitted in the vicinity. The site is c. 600m from the newly constructed Cabra Luas green line stop. There are bus stops on Fassaugh Avenue in front of the site and within a 10 minute walk, which are served by a total of 5 no. Dublin Bus routes including routes to the city centre and Ashtown rail station. The site is c. 15 mins walk from Broombridge train station. The NTA Greater Dublin Area Cycle Network Plan proposes a formalised feeder cycle route along Fassaugh Avenue, however there is no delivery timeframe.

10.5.2. The cycle parking provision is in accordance with development plan cycle parking standards, which require 1 space per 2 bedspaces for student accommodation and 1 space per 150 sq.m. GFA retail floorspace, i.e. c. 108 no. spaces in this case. Development plan Table 16.1 specifies a car parking standard of 1 space / 20 bedspaces at this location (car parking Zone 2) and 1 space / 275 sq.m. GFA of 'main street' retail floorspace, i.e. c. 13 spaces to serve the development. However, I note that the development plan standards for student accommodation allow for car free developments, also national policy objective 13 of the National Planning Framework 2018, which allows for a 'range of tolerance' for car parking standards in urban areas in order to achieve stated outcomes, provided public safety is not

compromised and the environment is suitably protected. The car parking provision is acceptable in the context of the use of the site as student accommodation and public transport availability in the area, also the implementation of the submitted outline Mobility Management Plan. Given the nature of the proposed land use, the limited parking provision and the availability of sustainable transport modes, it is not considered that the development will have any significant traffic impacts. I also note that DCC Roads & Traffic Planning Division has no objection to the scheme subject to conditions.

10.6. Drainage and Water Supply

- 10.6.1. The foul and surface water drainage networks will be gravity systems which will discharge to foul and surface water pumping stations inside the site boundary. Both systems are to have storage capacity in accordance with the requirements of Irish Water and DCC. The development includes SUDS measures including surface water flow control device; underground attenuation storage tank; interception volume; Class 1 bypass oil separator. There is limited space to incorporate typical SUDS systems. Discharge is to be limited to 2 l/s, as per the GDSDS. The attenuation system is designed to cater for a 1:100 year storm event, with an allowance of 20% for climate change.
- 10.6.2. The development is to connect to existing foul and surface water sewers at Carnlough Road on the opposite side of the railway line, to the west of the development site, in accordance with the requirements of DCC Drainage Division. The foul and surface water drains from the development will be routed under the railway line, close to the railway bridge, as per pre-planning discussions. Irish Rail will permit in principle drainage rising mains from the site to be installed under the railway tracks in accordance with their requirements. Due to the depth of the pipeline and to the restriction on pipeline gradient that can be achieved under the railway line, the pumped pipelines must terminate in new rising main discharge manholes located on Fassaugh Avenue. Both DCC and Irish Water state that the pumped pipelines from the site would not be taken in charge by either entity and must be maintained by the developer. New gravity sewers need to be constructed between the new rising main discharge manholes on Fassaugh Avenue and the existing sewers further west at Carnlough Road. Irish Water agrees to construct the new foul sewer from the manhole on Fassaugh Avenue to the sewer on Carnlough Road. DCC has agreed to

permit the applicant to construct the new storm sewer. This is confirmed in the submitted correspondence from Irish Water and the report of DCC Drainage Division.

10.6.3. The application includes a site specific flood risk assessment. The flood risk map for Dublin City indicates that the site is not at risk for pluvial or fluvial flooding. There is no surface water body in the vicinity that presents a risk of flooding. There is no record of flooding at the site due to ground water. The site meets the criteria for Flood Zone C as per the 'Guidelines'. The flood risk assessment concludes that the proposed surface water drainage system will result in negligible risk of flooding.

10.6.4. I note the correspondence on file from Irish Water, which states that connection to the public water supply is feasible without upgrades. Given the proposed surface water drainage measures and the flood risk assessment, it is considered that the development is acceptable with regard to flooding and drainage issues. The proposed foul drainage arrangement is also acceptable subject to compliance with the detailed requirements of Irish Water and Irish Rail.

10.7. **Appropriate Assessment**

10.7.1. The application includes an AA screening report. The development site is proximate to the following Natura 2000 sites:

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 4 km
- South Dublin Bay SAC (site code 000201), c. 6 km

The site is not hydrologically or ecologically connected to these Natura 2000 sites. There will be no emissions from the development with potential to impact habitats or species listed as features of conservation interests of South Dublin Bay SAC. There is potential for indirect impacts on wintering waterbirds that are listed as conservation interests of South Dublin Bay and River Tolka Estuary SAC, i.e. Light-bellied Brent Goose and Oystercatcher, as these species may use habitats present in the area around the development site. No other Natura 2000 sites are considered on the basis that they are too distant from the development site and are not ecologically connected via landscape features or surface water pathways. It is accepted that there is no potential for effects on any other European sites with regard to the source-pathway-receptor model.

10.7.2. It is not likely that species from the SPA will use the development site as it is enclosed on all sides by development and does not offer the open, grassy sward preferred by species such as Light-bellied Brent Goose. The development will not result in a loss of habitat within the development site as the habitat present is not suitable to support species listed as conservation interest of the SPA. There are a number of areas of potentially suitable habitat in the vicinity of the development, including the Botanic Gardens c. 1 km to the northeast; Cabra Sports and Community Centre and Belvedere Sports Grounds c. 1.5 km to the southwest and the Phoenix Park c. 3 km to the southwest. The existing urban development between the development and these locations forms a buffer and it is not considered likely that the development will result in disturbance or displacement of Brent Geese or Oystercatcher that may be feeding in suitable habitat in the vicinity. There are no other species listed as features of interest of the SPA found within the development site or the surrounding area.

10.7.3. In the absence of any potential impacts on Natura 2000 sites, there is no potential for cumulative impacts.

10.7.4. The screening report concludes on this basis that the construction and operation of the development will not result in any potential impacts on the SPA and that Stage 2 AA is not required. Having regard to the nature and scale of the development, to the proposed construction mitigation measures as set out in the outline Construction Management Plan, to the nature of the receiving environment and to the proximity to the nearest European sites, it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is therefore not required.

10.8. **Conclusion**

10.8.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

11.0 Conclusion

11.1. The proposed student accommodation and retail land uses are acceptable in principle at this site with regard to the relevant 'Z1' and Z3' zoning objectives under the Dublin City Development Plan 2016-2022. The provision of student accommodation at this location is desirable with regard to the proximity of the site to Dublin City University and the Grangegorman campus of Dublin Institute of Technology. In addition, the site is located in an area with a wide range of social infrastructure and public transport facilities including the Luas Green Line. The development will not result in an over concentration of student accommodation with regard to the provision of existing and permitted student accommodation within 1 km of the site, as per Variation no. 3 of the Dublin City Development Plan 2022-2016. The design and layout of the scheme are generally satisfactory and in accordance with the guidance on student accommodation as set out in development plan section 16.10.7, aside from inadequate provision of recreational and amenity space, which may be addressed by condition. I am also satisfied that, subject to the conditions set out below, the development would not have any significant adverse impacts on the amenities of adjoining properties at Fassaugh Avenue and St. Attracta Road. The proposed roads and parking arrangements are generally compliant with the standards of DMURS and the development plan. I therefore recommend that the Board grant permission

12.0 Recommendation

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

NOTE: Special contribution in respect of the Luas Cross City extension 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, see enclosed map.

13.0 Reasons and Considerations

Having regard to:

1. the site's location within the built-up area of Dublin City on lands with zoning objectives for residential and neighbourhood centre development under the Dublin City Development Plan 2016-2022,
2. the site's proximity to Dublin City University and the Grangegorman campus of Dublin Institute of Technology and to public transport facilities including the Luas Green Line and where a wide range of social infrastructure is locally available,
3. the nature, scale and design of the proposed development,
4. the pattern of existing and permitted development in the area and on the site,
5. the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009,
6. 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,
7. submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would provide student accommodation at a location within the city that would promote sustainable travel patterns, would enhance the character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Units nos. 22 on the third floor of Block A, unit no. 26 on the upper floor of Block B and studio units no. 5 on the first and second floors of Block C shall be omitted and the resultant spaces provided as communal / recreational spaces for future student occupants of the scheme.
 - (b) The 'basketball half court' at the northern end of site shall be omitted and the resultant area used as a turning area as per the submitted swept path analysis with landscaping on the periphery.
 - (c) The proposed 2 no. parking spaces at the 'set down area' next to the vehicular access from Fassaugh Avenue shall be omitted. The layout of this part of the site shall be revised to ensure a satisfactory interaction with the existing vehicular entrance to the adjacent funeral home.
 - (d) The roof garden at Block A shall be redesigned to obviate any potential overlooking of residential properties on St. Attracta Road to the east or of the rear of Lanigan's funeral home. In addition, appropriate boundary treatment of c. 2m in height shall be provided to avoid the potential risk of falling from the

roof terrace onto the railway property and for the proximity to the overhead electrification.

- (e) The side elevations of Block C shall be located a minimum of 1m from the eastern boundary with Lanigan's funeral home.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanala for determination.

Reason: In order to provide a satisfactory standard of residential accommodation.

3. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any 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.

4. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) Materials, colours and textures of all the external finishes to the proposed buildings and any proposed render finish shall be self-finish in a suitable colour and shall not require painting.
- (b) Landscaping, boundary and surface treatments which shall generally conform to the scheme submitted with the application.
- (c) An invasive species management plan.
- (d) Signage throughout the development, including the shopfronts on the commercial premises.

- (e) Public lighting through the development.

Reason: In the interests of visual and residential amenity.

5. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- (a) Soil and subsoil cross-sections.
- (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed and ground levels relative to adjoining properties on St. Attracta Road and Fassagh Avenue.
- (c) The existing vegetation along the railway line shall be retained where possible.

Development, including landscaping, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of residential and visual amenity.

6. 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.

Reason: In the interest of public health.

7.

- (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

8. The streets and footpaths within the development shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013 and shall comply with the following requirements:

- (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 materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
- (c) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the Planning Authority for agreement and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (d) The developer shall contact the Traffic Advisory Group of Dublin city council regarding the provision of a loading bay on Fassuagh Avenue.
- (e) Drop off and collection shall be as per the Student Management Plan. Access to car parking spaces shall be proactively managed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to comply with the guidance given in the Design Manual for Urban Roads and Streets and to provide an integrated street network that is safe and convenient for all road users and in particular pedestrians and that achieves an acceptable standard of urban design.

9. All service cables associated with the proposed development (such as electrical, telecommunications, and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband

infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

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. Communal waste storage areas in the proposed development shall be designed and managed in accordance with an operational waste management plan that shall be submitted and agreed with the planning authority prior to the commencement of development. Prior to the occupation of any of the commercial units a food and bio-waste management plan shall be submitted for the written agreement of the planning authority. Grease traps shall be installed and managed in any commercial food preparation area or kitchen.

Reason: In the interest of public health

13. 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.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity

15. 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 details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. No construction traffic shall be permitted to use the existing access through Fernwood estate.

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

17. Prior to the commencement of development, the developer shall contact Iarnród Éireann to ensure an agreed safe system of work in accordance with Railway Safety Commission Guidelines RSC-G-010A. Any works associated with the proposed development shall ensure that the integrity of the railway is maintained.

Reason: To protect the railway and public safety.

18. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City extension 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

19. 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.

Sarah Moran
Senior Planning Inspector

28th March 2018