



An  
Bord  
Pleanála

## Inspector's Report ABP-300940-18

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<b>Development</b>	Change of use from shop to student accommodation
<b>Location</b>	Building at junction of Dunard Road and Blackhorse Avenue, Dublin 7.
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4356/17
<b>Applicant(s)</b>	Michael Anglim.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	REFUSE
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Anglim
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23/07/18
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application relates to the ground floor level of a detached, 2-storey commercial building located on a corner site at the junction of Blackhorse Avenue (to the south) and Dunard Road (to the west), opposite McKee Barracks to the south and open space to the west and c.180m from Phoenix Park. The ground floor level is currently vacant but was evidently last used as a convenience shop with ancillary facilities. The first-floor level would appear to be in residential use, possibly for a number of units. The application site, as delineated by the redline boundary, has a stated area of 179.5-sq.m, but this includes only the footprint of the building, inclusive of a single-storey extension to the north but excluding the access to the first-floor level.
- 1.2. The landholding associated with the site (within blue-line boundary) measures a little under 700-sq.m. It also accommodates a single-storey unit (c.55-sq.m), attached to the north, which has signage for a barber's shop, but which appears to have closed. The buildings are situated close to the east and northern boundaries of the landholding. The balance of the site is set out in hard-surface, but only 3no. formal delineated parking spaces are provided, located adjacent the barber's shop. Vehicular access is via Dunard Road, with separate pedestrian access onto Dunard Road and Blackhorse.
- 1.3. The adjacent land to the north accommodates a single-storey detached structure, in use as a community centre. To the east the site abuts a semi-detached residential property.

## 2.0 Proposed Development

- 2.1. It is proposed to convert the existing ground floor residential unit to professionally managed student accommodation, with 4no. en-suite bedrooms, a common room, utility room, private enclosed garden area, secure bin storage and associated services.
- 2.2. Supporting documentation

- Letter from Purple Management Property Management Ltd, including of the company presentation.
- *Planning Report incorporating Planning Justification Statement* prepared by Douglas Hyde & Associates, Planning Consultants.
- *Proximity of other Student Accommodation Scheme (within 1km radius)* prepared by Thornton O'Connor Town Planning.

### 3.0 Planning Authority Decision

#### 3.1. Decision

**REFUSE** permission on grounds of substandard residential amenity contrary to policy QH31, not demonstrably high quality, professionally managed and purpose-built 3<sup>rd</sup> level student accommodation.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The report is consistent with the decision of the Planning Authority to refuse permission and the reason for same.

##### 3.2.2. Other Technical Reports

Drainage Division (20/12/17) – No objection subject to standard conditions.

#### 3.3. Third Party Observations

None.

### 4.0 Planning History

**PL29N.246239 / Reg.ref.4188/15**: Permission **REFUSED** by the Board (31/15/16), upholding the decision of the Planning Authority, for provision of a pizza facility, on grounds of being contrary to the Z1 land use zoning objective '*to protect, provide and improve residential amenities*'.

**Reg.ref.2044/14:** Permission **REFUSED** by the Planning Authority (11/03/14) for incorporation of existing separate butcher's shop into adjoining convenience food-store (Gala), for use mainly for the sale of hot food for consumption off the premises (including sale of fish and chips) ancillary to main shop.

**Reg.ref.2964/11:** Permission **REFUSED** by the Planning Authority (23/08/11) for change of use from butcher's shop to take-away, including provision of new rear door and high-level ventilation wall louvres on side elevations.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning objective Z1 '*to protect, provide and improve residential amenities*'.

**S.5.5.12 Student Accommodation: 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.

#### **S.6.5.5 Employment, Enterprise and Economic Development Sectors:**

**Objective 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

#### **S.16.10.7 Guidelines for Student Accommodation** (varied by Variation No.3)

#### **Appendix 21 Land-Use Definitions:** Student Accommodation

## 5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (c.4.7km to the east)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of this first party appeal may be summarised as follows:

- Minor amendments to the proposed development in response to Planning Authority's decision to refuse are as follow:
  - (i) Drawing no.1027 P 111 Plan shows partition wall to separate communal room from the kitchen/dining/living area, with 2 windows to both rooms with excellent sunlight and daylight, picturesque urban views and views of the mature park and a very high level of residential amenity, in addition to providing for passive surveillance to benefit the area. Benefit of a utility room. The applicant would accept a condition requiring the revised proposals be implemented.
  - (ii) A micro-room facility is proposed for the use of the licensed and regulated caretaker / security service provider (Purple Property Management) employed to manage the property on a day to day basis. Purple Property Management is licensed and regulated by the Property Services Regulatory Authority; all necessary security caretaker-type and security facilities and arrangement required by the service provider will be installed or delivered by rapid response van; a sophistic alarm system is proposed. The applicant would accept a condition requiring the revised proposals be implemented
  - (iii) The bin storage facility is shown correctly on the urban place map submitted with the application outside the redline boundary but within the blue line boundary. This can be addressed by condition.
  - (iv) Minor, non-material amendments to the internal layout include provision of access to the disabled / guest WC via the hallway. The

original proposed internal wall layout is indicated on drawing no.1027 P 111.

- The proposed development compliant / consistent with the policies and objectives of the Development Plan as follows:
  - S.5.5.12 – meets the need for appropriately located, high quality and provisionally managed student accommodation;
  - Policy QH31 – 1300m from pedestrian entrance to DIT Grangegorman Campus and on the bus route of the 37 bus serving TCD, King's Inn, etc, and near bus route 46A serving UCD Belfield, and future BRT route along Navan / Cabra Road. The proposal respects the residential amenity of surrounding area, including through use of a vacant shop premises. The proposal respects the character of the surrounding area.
  - Compliant with '*Guidelines for Student Accommodation*', including making a positive contribution to the built environment, having optimal orientation and provision of an appropriate level of private open space (29.5-sq.m) and facilities (secure bike storage, etc) and will benefit from proximity to the Phoenix Park. There is no concentration of student accommodation within 1km of the site – the Planner's Report noted 115no. spaces with permission for 600no. Compliant with internal standards. Management scheme proposed. Integrated with its surroundings.
- The proposed development, with proposed minor amendments will have a high standard of residential amenity with excellent layout, amenities and views, with minimal traffic intrusion due to setbacks from the street, with large bedrooms, guest WC, study spaces, utility room, communal laundry facilities, private garden, bicycle storage, within a pleasant and convenient residential area with a wide range of amenities.

## 6.2. Planning Authority Response

The Planning Authority (07/03/18) notes the content of the appeal but has no further comment other than requesting the Board to uphold its decision.

### 6.3. Observations

None.

## 7.0 Assessment

The main issues arising in this case may be addressed under the following headings:

7.1 Policy

7.2 Development standards

7.3 Impact on residential amenities

7.5 Other issues

7.5 Appropriate Assessment

### 7.1. Policy

- 7.1.1. The proposed development is consistent with Council policy QH31 to support the provision of student accommodation under S.5.5.12 *Student Accommodation*, and objective CEE 19 under s.6.5.5 *Employment, Enterprise and Economic Development Sectors* to promote Dublin as an international education centre/student city and to support and encourage provision of necessary infrastructure such high quality, custom-built and professionally managed student housing. The land use zoning objectives under the Development Plan only explicitly provides that student accommodation is permitted in principle on lands zoned Z15. On other lands, including the subject Z1 lands, student accommodation is neither listed as permitted in principle or open for consideration, however as a residential use it may be considered permitted in principle with the Z1 zone, the objective of which is ‘*to protect, provide and improve residential amenities*’.
- 7.1.2. The Planning Authority raised no issue with the principle of the use on this site, including with reference to any potential overconcentration of student accommodation within 1km as referred to under the Guidelines under s.16.10.7 of the Plan (as was addressed in the report of Thornton O’Connor Town Planning attached to the application).



7.1.3. I consider the proposed use to be positive addition to the area and a beneficial use of a currently underutilised building and to be acceptable in principle. Should the Board decide to grant permission, a condition should be attached restricting the use to use as student accommodation and prohibiting a change of use to standard residential use without a prior grant of planning permission as per the provisions of s.16.10.7 of the Plan.

## 7.2. **Development Standards.**

- 7.2.1. The planning authority's reason for refusal was on grounds of substandard development, with specific reference to the proposal for the communal area to be combined with the shared kitchen/living/dining room and to the lack of caretaker or security facilities and of bin storage in addition to the question of professional management of the facility.
- 7.2.2. The standards for student accommodation are set out under s.16.10.7 *Guidelines for Student Accommodation*, including general principles (appropriate accessible locations, respect existing residential amenities, make a positive contribution to the built environment, optimum orientation for access to daylight and open space, no overconcentration within 1km, communal facilities and services to serve the needs of students including laundry facilities, caretaker/ security and refuse facilities on site or nearby within a campus setting) and quantitative standards (minimum area of communal/recreational facilities – indoor and outdoor combined - 5-7-sq.m per bedspace, maximum 8-bed and/or 160-sq.m per accommodation unit, minimum 4-sq.m per bedspace for shared kitchen/living/dining excluding circulation space, and minimum GFA per single / double en-suite at 12-sq.m / 18-sq.m, minimum of 1 bathroom per 3-bedspaces if not en-suite). It is also a requirement that the application be accompanied by documentation outlining how the scheme will be professionally managed including confirmation that all occupiers will be students registered with a third-level institution and an outline of how the scheme will support integration with the local community, through its design and layout.
- 7.2.3. In response to the appeal the appellant has addressed the reason for refusal through amendments to the proposed design and specifying how it meets the aforementioned standards. In particular, I note the proposal to provide a separate living/kitchen/dining space from a communal room and to reduce the size of the

utility room from c.5.5-sq.m to c.3.4-sq.m. Notwithstanding the standards, the subdivision of the space is hardly warranted and is, in my view, counterproductive for a such a small scheme comprising of a single student house unit of 4- bedspaces, notwithstanding the interconnecting sliding doors. The reduction of the utility room floor area would also reduce the usefulness of the space and is unwarranted. Should the Board decide to grant permission I would advise that the dividing wall between the two rooms be omitted and the utility room be increased to 5.5-sq.m, generally as per the application layout plan drawing no.1027 P 101 submitted with the application.

- 7.2.4. The provision of a separate caretaker/security micro-room for the use of the licensed and regulated caretaker / security service provider would seem a little excessive for a scheme of this size but ticks a box in the Development Plan standards. At c.1.8-sq.m the room is little more than a closet and has only a minor impact on the internal layout of the house.
- 7.2.5. The appellant clarifies that the bin storage area serving the proposed unit is located outside the redline site boundary, close to the entrance to the utility room and adjacent the entrance to the enclosed garden and within the blue line boundary to lands under the control of the applicant.
- 7.2.6. Regarding open space, 30-sq.m is shown to the north of the building, which alone exceeds the maximum standard of 28-sq.m required for recreational space (indoors and outdoors combined) for a 4-bed unit. However, the said space is not accessible directly from the housing unit and is therefore of questionable amenity value to the future residents. This could be quite easily rectified by requiring the space between the entrance to the utility room and the garden be enclosed and visually screened off as part of the open space serving the unit. The proposed private bin storage area could also be enclosed as part of this space. Should permission be granted, a condition may be attached in this regard.

### **7.3. Impact on residential amenities**

- 7.3.1. It is not anticipated that the proposed development would have any material adverse impacts on the amenities of the neighbouring residential property, including what would appear to be an existing residential apartment at first floor level and would

have a positive effect on neighbouring residences and on the area generally through the reuse of an underutilised commercial building on a prominent corner site, including through proposed external changes to the elevations of the building.

#### **7.4. Other issues**

- 7.4.1. Extent of development - The proposed development will entail the demolition of the single-storey element at the northern side of the site. This is not mentioned in the application but is clearly indicated on the drawings and is acceptable.
- 7.4.2. Amenity issues - The existing building is situated on a prominent corner site which is surrounded by hardstanding, which extends up to the windows to the living space and two bedrooms and through which there is unobstructed pedestrian access between Blackhorse Avenue to the south and Dunard Road to the west. Only a small part of this area is formally delineated as parking (3no. spaces adjacent the barber's shop) although the entire area is likely to be used as informal parking. The proposed development includes no proposals to provide even a modest area of defensible space to protect the privacy of the student housing unit which has windows to bedrooms and living space directly onto the said area. In the event of a grant permission a condition should be attached requiring the provision of 1m planted privacy strips along the western and southern elevations. This will have an additional benefit in terms of the visual appearance of the site.
- 7.4.3. Parking - No car parking is proposed for the proposed student accommodation but provision is made for 4no. secure bicycle parking spaces within the private open space to the north. The site is designated as within Parking Area 3 (Map J) within which area where a maximum of 1no. parking space is required per 10no. bedspaces of student accommodation. Having regard to the site location and the appellant's submission regarding to access to public transport facilities, I am satisfied that no parking is required to serve the proposed development, although there is nothing to indicate that residents could not use the hardstanding area within the blue line boundary.
- 7.4.4. Flood risk - Regarding the recommendations of the Council's Drainage Division report, it is not apparent why the proposed development should require the carrying out of a flood risk assessment by way of condition as the site is relatively elevated

and does not adjoin a watercourse or other obvious flood risk. I am satisfied that no condition should be attached concerning same.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the small-scale nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be GRANTED subject to the conditions set out under section 10.0, below.

## 9.0 **Reasons and Considerations**

It is considered that the proposed development would be consistent with the provisions of the Dublin City Development Plan 2016-2022, section 5.5.12 *Student Accommodation*, section 6.5.5 *Employment, Enterprise and Economic Development Sectors* and section 16.10.7 *Guidelines for Student Accommodation* and with the zoning objective pertaining to the site, Z1 *'To protect, provide for an improve residential amenities'*, and would be in accordance with the proper planning and sustainable development of the area, subject to compliance with the conditions below.

## 10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by drawings submitted to the Board on 16/02/18, 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 subdividing wall between the kitchen/living/dining room and the common room shall be omitted and the utility room and kitchen area shall be as per drawing no.1027 P 101 submitted with the application.

Reason: In the interest of residential amenity within the scheme.

3. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority a revised site layout plan showing the following amendments:

(i) a soft landscaped and planted privacy strip extending for 1m from the edge of the building along the western and southern elevations;

(ii) Extending the enclosed secure garden area up the westwards up to western elevation and northwards up to the bin storage area;

Reason: In the interest of providing for an adequate level of residential amenities on site

4. The proposed development shall be used only as student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute or tourist/visitor accommodation only during academic holiday periods. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use without a prior grant of permission.

Reason: In the interests of the proper planning and sustainable development of the area

5. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.  
(b) Water supply and wastewater arrangements shall comply with the

requirements of Irish Water.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. (a) The site and building works required to implement the development shall only be carried out between the hours of: Mondays to Fridays - 7.00a.m. to 6.00p.m. Saturday - 8.00a.m. to 2.00p.m. Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

7. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets and Traffic Department and the Noise and Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

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John Desmond  
Senior Planning Inspector

7<sup>th</sup> September 2018