



An  
Bord  
Pleanála

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

## Inspector's Report ABP-302749-18

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<b>Strategic Housing Development</b>	289 student bedspaces within 47 no. bedroom clusters across 2 residential blocks.
<b>Location</b>	Nolan Seafoods Ltd., Rathdown Road, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Applicant</b>	NTM ROI Seed Capital LP
<b>Prescribed Bodies</b>	Irish Water National Transport Authority Transport Infrastructure Ireland
<b>Observer(s)</b>	17 no. submissions/observations

**Date of Site Inspection**

31<sup>st</sup> December 2018

**Inspector**

Joanna Kelly

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The development site is located within the jurisdiction of Dublin City Council. The site has a stated site area of 0.43ha and is a triangular shape, bounded to the east by the Cross City Luas line (Grangegorman stop), the west by a lane serving the rear of two storey Victorian houses along Rathdown Road and the north by no. 274 North Circular Road, where a permitted student accommodation development is under construction. The Dublin Bus Broadstone Depot is located north east of the site.
- 2.2. The development site is located at a higher level than the Luas line and is accessed via a short laneway to the south of the site. The properties along Rathdown Road lower are also located at a lower level than the site however there is a private lane that separates the site from these residential properties. This lane was gated and locked at time of inspection.
- 2.3. The area is generally undergoing transformation with the Grangegorman DIT campus located to the west of the site. Grangegorman Primary Care centre is located on the opposite side of the road, accessed via Grangegorman Upper. There is a 'bring centre' located just south of Marne Villas which was notably busy during time of inspection. During inspection, it was noted that the 'East Quad' located south of the 'bring centre' adjacent to Grangegorman lower 'Clock Tower' was under construction. This 'Quad' will accommodate the majority of academic activities and facilities required for the College of Arts and Tourism.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed residential development consists of 289 residential units as follows:

Table 1: Number of clusters proposed

<b>Units Type</b>	<b>No of cluster units</b>	<b>No of bedspaces</b>
4 bed	13	52
5 bed	0	0
6 bed	12	72
7 bed	11	77
8 bed	11	88
<b>Total</b>	<b>47</b>	<b>289</b>

3.2. The following table provides key details as stated by the applicant for the proposed development:

**Table 3: Key development details**

<b>Detail</b>	<b>Proposal</b>
<b>No. of Units</b>	289 student spaces in 47 bedroom clusters
<b>Site Area</b>	0.43ha (as stated in application form)
<b>Site Coverage</b>	43%
<b>Density</b>	110.6 clusters per hectare net (stated by applicant)
<b>Building Height</b>	Block A - 3 storey Block B - 5 storey rising to 7 storeys
<b>Amenity Space</b>	2,141sq.m. of which 1,602sq.m. is external amenity space
<b>Car parking</b>	0 car parking spaces – set down area only
<b>Bicycle parking</b>	90 spaces

## 4.0 Planning History

### Relevant History

Immediately North of the development site

**File Ref. No. 4262/16/PL.248726** Permission granted for development, circa 1.3635 ha site located at 274 North Circular Road, Dublin 7. The site also has frontage to the existing public laneway located off Rathdown Road (between 25A and 51 Rathdown Road). The proposed development comprises the construction of a student accommodation development with 444 no. bedspaces (420 bedrooms) with a gross floor area of 16,389 sq.metres contained within 9 no. blocks which range in height from 1 no. storey to 7 no. storeys with a single storey basement under Block E. The proposal includes the refurbishment, change of use and extension of the single storey gate lodge to the north of the site from residential dwelling to student accommodation providing 4 no. bedrooms. Access to the development for vehicles and pedestrians is to be via the existing site access from North Circular Road, with access for pedestrians also provided via the existing gates onto the laneway from Rathdown Road.

## 5.0 Section 5 Pre-Application Consultation

### 5.1. Overview

A section 5 pre-application consultation took place at the office of An Bord Pleanála on 25 May 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Residential Amenity – Standards, noise, daylight/sunlight and overshadowing.
- Development Plan – Zoning Objectives, height and mixed-use development.
- Pedestrian/Cycle permeability and public realm.
- Traffic – Junction Design
- Open Space – Roof gardens – Access and Surveillance
- Building Finishes – quality and durability

- Any other Matters

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

## 5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Further consideration/amendment of the documents as they relate to the scale and design of the development. A justification of the proposal in this regard should be provided that refers to the objectives in national and local planning policy to secure a sufficient quantum of development on brownfield sites in urban areas served by high capacity public transport corridors, as well as to the existing context of the site. Consideration should also be given to the possibility that the new guidelines on building heights would be material to a decision on the application having regard to the recently issued draft guidelines on the topic, and to the provision of supervision of the private lane to the west of the site from circulation spaces at ground floor level within the development.
2. Further consideration/amendment of the documents as they relate to stormwater drainage of the site, having regard to the extension of the surface water sewer serving the area and the need to provide appropriate attenuation/SuDS measures to serve the development.
3. Further consideration/amendments of the documents as they relate to access to the site, including the provision of access to and from the adjoining site to the north and the possibility of more direct access to the Luas stop, improvements to

the access from Rathdown road that has been taken in charge by the Council, adequate storage and parking for bicycles, as well as appropriate management measures and physical facilities to accommodate vehicles accessing the site for deliveries and for drop-offs and collections by students beginning and ending their occupation of the proposed units.

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

1. An environmental management plan for demolition and construction.
2. A management plan for the proposed development including details of its use outside of term time.
3. A schedule indicating compliance with the development management standards for student accommodation set out in 16.10.7 of the Dublin City Development Plan 2016-2022, as well as a statement of evidence that there is not an over-concentration of student accommodation in the area including a map showing all such accommodation within 0.25km of the site as is required by that section of the development plan.
4. A daylight and sunlight analysis demonstrating the impact of the proposed development on neighbouring properties and the level of light available within its.
5. Photomontages of the proposed development showing its appearance from public streets around the site and to those using the Luas stop and trams.
6. Details of water supply, foul drainage and refuse management.

### **5.3. Applicant's Statement**

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

#### Item 1



## Scale and Design of the development

### Response

The design and scale of Block A ensures that the amenity of residential units to the western perimeter of the site is not impacted upon by the proposed development. The scale of this block has been informed by the height and footprint of the industrial building currently on the site. With regard to Block B, this has been amended to include 1 additional storey in comparison to that originally submitted to ABP at pre-application stage. This additional storey results in the proposed Block B extending to 25.575m above ground level at the building's highest and most northerly point. The rationale for the increase in height for Block B is justified having regard to the NPF provisions and the Draft Guidelines on Urban Development and Building Heights. It is set out that the proposal visually integrates with the permitted development immediately to the north and introduces a landmark building to a public space associated with the Grangegorman Luas stop, whilst having a negligible visual or amenity impact upon the adjacent residential dwellings to the west and south.

### Item 2

#### Stormwater drainage

### Response

The proposed development will implement a sustainable drainage strategy for foul and surface water treatment and disposal in accordance with relevant national policy and guidelines and development plan standards. An Irish Water letter confirming the feasibility of a connection to the IW network accompanies this application. This states that a new connection to mains water supply on Rathdown Road is required to service the development. Drainage layout drawing 1822-C01 includes the implementation of this pipeline, alongside new foul water and surface water pipes which will be installed in agreement with and on behalf of DCC. This ensures no disposal of surface water to the existing combined sewer as the surface water outflow will be connected to the newly implemented surface water sewer laid as part

of the development to the north at 274 North Circular road. Dublin City Council has confirmed its acceptance of the proposed drainage strategy which includes gravity surface water flows and an attenuation tank located beneath the proposed external amenity courtyard to the south of Block B. The accompanying Flood Risk Assessment considered the content of the Dublin City Development Pan and the GDSDS and notes that risk of flooding at the site is minimal.

### Item 3

Access to the site

### Response

The proposed development is considered to increase legibility and permeability within the surrounding area through the implementation of pedestrian connections to the adjacent student accommodation scheme currently under construction to the north of the site. Following completion of the scheme the Rathdown Road scheme will be linked with the 274 North Circular Road site. This will remove any physical perimeter between the two sites and implement an area of landscaping which will connect the developments, integrating both under single management. The introduction of this pedestrian link will add to the cohesiveness of the adjoining student accommodation schemes and will enhance the permeability within the development, which will operate as a single development under joint management in the event that planning permission is secured. This will be conducive to improved pedestrian flows throughout the area, providing easy access for residents staying in the north of the site with a safe and secure route to DIT's campus and the Grangegorman Luas stop through the adjoining proposed scheme to the south. A formal meeting was held with TII and DCC to discuss the possibility of incorporating a controlled pedestrian link from the subject site directly to the platform of the Grangegorman Luas stop in order to improve permeability through the development. An additional point of entry to the pedestrian walkway to the south of the boundary wall providing access to the Luas platform by forming an opening in the existing stone wall was also a point for discussion. TII concluded that they were not in a position to support either proposal as direct connections from privately owned and

operated developments are resisted by the body on the basis that this would set an unwanted precedent. Any connection through the existing stone wall was considered to have potential archaeological implications owing to the presence of a burial ground in the area. The applicant remains open to the possibility of a direct link from the proposed development to the Luas platform. The site entrance is approximately two minutes' walk to Grangegorman Luas stop and 7 minutes to the Phibsborough Luas stop. The site is considered highly accessible in terms of adjacent and nearby Luas public transport links.

With regard to site access, the access laneway linking the proposal to Rathdown Road is taken in charge and these lands have been incorporated into the red line boundary of the proposed site as the applicant intends to carry out surface upgrade works. With regard to vehicular access, it is considered that service vehicles will access the site at a low frequency throughout a typical week, with access arrangements to be managed to avoid periods of anticipated peak movement to and from the site. Service vehicles such as refuse and delivery vehicles will be permitted to enter the site via a point of controlled access at the reception which is in clear view of the gates. Sufficient space is provided within the specified vehicular access and turning area for vehicles to enter the site, perform a simple 3-point manoeuvre and exit safely. A comprehensive strategy for the management of the 'move in' and 'move out' periods are included within the Student Accommodation Management Plan. The proposed development now includes spaces for 90 no. bicycles, 58 of which are covered.

With regard to the specific additional information required, the applicant has responded as follows:

**Environmental Management Plan for demolition and construction** – A construction and demolition waste management plan and an operational waste management plan prepared by AWN consulting engineers are submitted.

**Management plan for the proposed development including details of its use outside term time** – A comprehensive student accommodation management plan prepared by GSA and Uninest is submitted. The management plan notes that the accommodation will be offered to students, leisure and business travellers and will

complement the provision of visitor and tourist accommodation during the summer months.

**Schedule indicating compliance with the development management standards for student accommodation as set out in the CDP** – A student concentration and demand report has been prepared and concludes that the proposed development itself would represent only 7.2% of an increase in the existing student population within the 1km catchment area and would contribute to an overall student population of 10% of the area's total population.

**Daylight and sunlight analysis** – An analysis report has been submitted and assesses the quantity and quality of light access as a result of the proposed development from the adjacent residential development to the west on Rathdown Road, as well as within the development. It concludes that all windows and amenity spaces at Rathdown Road and within the proposed development meet with the recommended BRE Guidelines relative to daylight and sunlight with just one exception. A kitchen/living/dining area at the eastern façade of Block A falls marginally below the threshold for daylighting and therefore fails to meet the Guidelines.

**Photomontages of the proposed development** – A visual analysis of the area has been undertaken and submitted.

**Details of water supply, foul drainage and refuse management** – Details has been submitted including a rationale for the provision of foul water disposal to a combined sewer at Rathdown Road and the proposed connection to an existing watermain at Rathdown Road through the implementation of necessary pipelines. Provision for the management of refuse on site is specified within the Operational Waste Management Plan.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 – National Planning Framework**

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Planning Objective 13 provides that “in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

## 6.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the planning authority, I am of the opinion, that the directly relevant S.28 Ministerial Guidelines are:

- ‘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’
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘Urban Development and Building Heights, Guidelines for Planning Authorities’

The following documents are also considered relevant:

- Dept. of Education and Skills ‘National Student Accommodation Strategy’ (July 2017)
- Dept. of Education and Science ‘Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999.’ (July 2005)

### 6.3. Local Planning Policy

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

The site is located on lands with a zoning objective ‘Z1’ which seeks ‘to protect, provide and improve residential amenities’.

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

**QH31:** To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the ‘Guidelines for Student Accommodation’ contained in the development standards.

**CEE19:** (i) To promote Dublin as an international education centre/student city, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English language colleges) and high-quality, custom-built and professionally managed student housing. (ii) To recognise that there is a need for significant extra high-quality, professionally-managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities.

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

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

#### **6.4 Applicant's Statement of Consistency**

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act. The statement refers to various guidelines and statutory documents and provides, *inter alia*:

- The proposed development is at a strategically located brownfield, infill site which is considered highly suitable for student accommodation given its immediate location adjacent to Grangegorman Campus.
- There is an identified need for purpose built student accommodation within Dublin.
- Each bedroom and internal living and study space are considered generous and are compliant with development standards, as noted by the Accommodation Quality Assessment which accompanies the application.
- The majority of students will have full access to a range of leisure and recreational facilities at their college campuses. Nonetheless, the range and type of indoor and outdoor amenity spaces are considered appropriate and provides a mix of active and passive amenities.
- It is intended that the student accommodation scheme will be under the management of GSA and Uninest with a single management strategy operating across this site and the adjoining student accommodation site.
- The integration of both developments will allow ease of access to the Grangegorman campus for students living in the scheme under construction to the north by providing an alternate route of travel south through the proposed scheme at Rathdown Road.

- The Department Circular PL8/2016 'Identifying Planning Measures to Enhance Housing Supply' encourages the use of student accommodation developments for non-student related uses during the non-academic year. The proposal has been designed to be used for short term tourist related use during the non-academic year.
- Reference is made to the NPF and specific policies regarding use of underutilised land and buildings and infill and brownfield sites. The proposed development comprises the regeneration of a piece of underutilised brownfield land in a highly accessible location which will contribute effectively to achieving the content and policy objectives of the NPF.
- With regards to the RSES, the development guides high quality, compact urban use to an appropriate location which complements its surroundings and will have a long-term benefit to the area in helping to meet an identified need for student accommodation.
- The RPGs recognise that Dublin City possesses a 'large young population inflated by students, migration and a young mobile workforce' and as a result has lower housing occupancy rates, which 'drives higher demand per head of new population'. Therefore, it is vital that 'successful infill and regeneration development' continues, particularly in locations of high accessibility in close proximity to transport hubs and stations. This development will increase the quantum of student accommodation within Dublin in order to meet demand from this increasing population group, hence relieving pressure on the private rental sector.
- The scheme will help deliver the urgent need for significant additional student accommodation.
- The national student accommodation strategy notes the targets for purpose built student accommodation bed spaces up to 2019 and 2024 reducing the need for private rental accommodation. The strategy recognises Dublin as the central focus for PBSA and the need for such accommodation in areas close to third level education campuses. The proposal will support the overall objectives of the NSAS.
- The Guidelines for Planning Authorities on Sustainable Residential



Development in Urban Areas do not make specific reference to student accommodation as an element of residential land use, however the principles set out within have been considered in the planning and design of these proposals. The subject lands are located in close proximity to the Key District Centre of Phibsborough approximately 500m north east with additional convenience and retail services located at Park Shopping Centre, 550m west.

- The site is located immediately adjacent to the Luas stop at Grangegorman and within 350m of a high quality, frequent Dublin Bus service providing connections to city centre. In this regard, the proposed density on site can be justified.
- The design of the proposed development has taken cognisance of the 12 no. criteria as set out in the Urban Design Manual as detailed in the Architectural Design Statement.
- With regard to the Draft Guidelines on Building Heights, they introduce a more flexible approach to building heights in urban locations in order to deliver compact growth in accordance with the NPF outcomes.
- The scale of development is considered to integrate appropriately with its surroundings. There is a clear graduation in height on the site, as Block A has been informed directly by the height of the existing industrial building.
- The scale and design of Block B has been informed by the adjacent permitted development to the north at 274 North Circular Road as well as the topography of the site which falls moving south.
- The proposal will enhance the public realm and surrounding urban environment providing a sense of place to the public transport corridor.
- The application is accompanied by a daylight and sunlight analysis report. There is no perceptible increase in overshadowing at the rear gardens of the residential dwellings in comparison with the existing situation. All but one of the interior rooms in the proposed development complies with the Guidelines for daylighting, where a living/kitchen/dining area at Cluster A2 falls below the 1.5% minimum values. The increase in the height of Block B in response to the pre-application consultation has resulted in this minor non-compliance with BRE

## Guidelines.

- It is considered that the minor non-compliance with the BRE Guidelines is compensated for through the provision of adequate internal and external amenity space within the development. The proposal provides an average 7.4sq.m. of amenity space per bedspace significantly in excess of the 5sq.m. requirement of the development plan.
- The proposed development seeks to prioritise pedestrian and cyclists throughout and around the site in accordance with the policies set out in DMURS. The proposals include the upgrade of the laneway linking the site to Rathdown Road. This lane is taken in charge by DCC.
- The proposed development equates to a plot ratio of 2.02 and site coverage of 43% and are considered broadly acceptable in the context of the development plan standards.
- It is a strategic approach of Chapter 6 of the development plan to enhance the role of Dublin as an education city and a destination of choice for international students. The proposal will add to the stock of student bed spaces.
- Section 16.10.7 of the development plan provides guidelines for student accommodation development. The proposal is for a professionally managed scheme at a highly accessible location immediately adjacent to the Grangegorman Luas Green Line Stop. Dublin Bus and Dublin Bike stations are found within a 500m radius of the site.
- The proposal will make positive contribution to the area.
- A justification for the proposal has been outlined having regard to recent market data and market housing stock data.
- The statement concludes that the proposed development will provide an appropriate form of high quality student accommodation development for this underutilised brownfield site. The development is of quality design and finish. It is accessible and ideally located to deliver much needed student accommodation in close proximity to a number of third level institutions.

## **7.0 Observer Submissions**

7.1. A total of 17 no. observations were received in respect of the proposed development. There is a significant degree of overlap with the various issues/concerns raised by observers and in the interests of brevity and clarity, I have amalgamated the issues and summarised the main planning issues raised thereunder. A summary of each submission received is attached as an Appendix to this report.

Main planning issues/concerns raised:

- Scale, mass and height of the proposal is excessive for the site.
- Out of character with the existing residential developments.
- Loss of privacy to existing residential amenities along Rathdown Road
- Concerns regarding security due to increased traffic and pedestrian activity
- Concerns regarding traffic movements along private lane.
- Over-concentration of student accommodation in the area leading to population imbalance.
- Concerns regarding local flooding/drainage issues.
- Lack of car parking provision.
- Concerns regarding use of bedspaces as tourist accommodation.
- Concerns regarding noise during construction and at night.

## **8.0 Planning Authority Submission**

### **8.1. Overview**

The planning authority, Dublin City Council has made a submission which was received by ABP 4<sup>th</sup> December 2018. The report notes the observations/submissions received and summarised the issues raised.

## 8.2 Summary of Views of Elected Members

- Letter of consent from Council should not be viewed as agreement to dispose of lane.
- Difficulties navigating the developer's website and quality of the drawings.
- Negative impacts of student accommodation on long term residents and communities arising from overconcentration of such accommodation.
- Increase of student accommodation will not alleviate private rented accommodation.
- Overdevelopment of the site.
- Quality of life – lack of integration, impact on older residents, buildings could be used for AirB&B.
- Visual Impact – height not in keeping with existing low rise development, overlooking and overshadowing.
- Community Gain – what benefit to the community is there? Development levies applicable may not benefit the local community.

## 8.3 Planning Analysis

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

Zoning/Site Development Standards – The site is zoned “Z1 – to protect, provide and improve residential amenities.” It is noted that that student accommodation is not referred to as a specific use within the list of uses which are permissible or open for consideration but is considered to fall under the general definition of residential use, which is permissible within the zoning. Having regard to the surrounding context, the site is considered to be generally suitable for student accommodation.

Height – The site is in an inner-city area for height purposes. The proposed height is acceptable subject to not being seriously injurious to the residential amenities of the area.



Archaeology	Site is outside the zone of archaeological constraint. Recommend condition for archaeological impact assessment.
Environmental report	No objection subject to conditions

#### 8.4 Recommended Conditions

Appendix 1 of the Chief Executive's report recommends that permission is granted subject to conditions. A summary of the conditions outlined in section 6 of the Chief Executive report is provided as follows:

Condition 1	Accord with plans and particulars
Condition 2	Development Contribution
Condition 3	Bond
Condition 4	Amend development by omitting one storey i.e. 4 <sup>th</sup> floor from Block B and redesign the roof profile to reduce the impact of the sloping parapet level.
Condition 5	Limitation of use
Condition 6	External finishes
Condition 7	Bicycle parking details
Condition 8	Entrance details
Condition 9	External signage to be subject to separate application
Condition 10	Landscaping
Condition 11	Comply with TII requirements
Condition 12	No advertising signs
Condition 13	Archaeology
Condition 14	Comply with Codes of Practice
Condition 15	Environmental health requirements
Condition 16	Construction times

## **9.0 Prescribed Bodies**

### **9.1 Transport Infrastructure Ireland**

The authority notes that there is no direct access from the proposed development to the Grangegorman Luas stop proposed. This lack of direct access to the Luas platform by a private development is endorsed by TII in this instance. The Authority notes that the walking distances from the proposed development to the Grangegorman Luas stop are very short with most of the residents being able to reach the stop within 2-4 minutes.

The provision of an effective 'private access' to the Luas infrastructure would set a precedent which, in TII's opinion, is contrary to the public infrastructure function of Luas and not in the interests of the proper planning and sustainable development of the site or Luas catchments.

The Authority acknowledges the draft Construction Management Plan submitted and has no objection to the current proposal to conditions.

A further submission was received dated 8/01/2018 in response to an invitation from ABP to Transdev, the light rail operator to make an observation. TII advise that Transdev is the current Luas operator under contract and not the light rail authority. TII made submission 25 October 2018 (comments which are outlined above).

### **9.2 Commission for Railway Regulation**

Reference is made to the need to consult with TII and any comments raised by TII should be addressed in particular with regard to the site interface with the Luas green line.

## **10.0 Environmental Impact Assessment**

An EIA Preliminary Examination for this application has been undertaken dated 16<sup>th</sup> October 2018 and is attached to the file.

## 11.0 Assessment

### Introduction

Pursuant to site inspection and inspection of the surrounding environs, examination of all documentation, plans and particulars and submissions/observations on file, I consider the following the relevant planning considerations for this application:

- Zoning Objective
- Need for Student Accommodation
- Concentration and Management of Student Accommodation
- Density, Height and Scale
- Layout, Internal Configuration and Communal Facilities
- Existing Residential Amenity
- Access and Parking
- Drainage
- AA Screening

### 11.1.0 Zoning Objective

11.1.1 The site has a land use zoning objective “Z1 – to protect, provide and improve residential amenities.” The vision for residential development in the city as set out in the Dublin City Development plan is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres. The permissible uses within this land use zoning includes “education” and “residential”. Hotel, bed and breakfast and hostels (tourist related accommodation) are listed as “open for consideration uses”. The proposal for student accommodation with short term summer letting is, in my opinion, compatible with the zoning objective.

11.1.2 Many of the observations received have raised concerns about the use of the site for tourist accommodation and are seeking that the use of the accommodation outside of



the academic year is not permitted. This is considered unreasonable. The use of the student bed spaces for tourist accommodation outside of the academic year is both a similar and acceptable use. Tourists will be subject to similar management arrangements to that of students and the documentation on file confirms this. The Board will be aware that Circular PL8/2016 APH2/2016 issued from the Department of Housing, Planning, Community and Local Government in July 2016 provided clarity that the use of student accommodation complexes outside of the academic year for short term rental purposes is a permitted activity. There are no planning considerations in this instance that would preclude the use of the bedspaces for tourist accommodation outside of the academic year.

#### 11.2.0 **Need for Student Accommodation**

11.2.1 The National Student Accommodation Strategy was launched in July 2017 as part of the Government's overall strategy to accelerate the supply of accommodation in the student rental sector. A target of 7,000 additional purpose built student accommodation bed spaces to be delivered by end 2019 was set. While there were 179,354 full-time enrolments in the 2015/2016 academic year, in terms of increased demand, the Department of Education and Skills (DES) has previously indicated there is potential for the number of full-time enrolments in DES aided HEIs (Higher Education Institutes) to increase by 27% by 2030.

11.2.2 The strategy provides an estimate of existing PBSA (purpose built student accommodation) in 2017 in Dublin with 7,147 HEI spaces and 5,285 spaces providing a total of 12,432. The strategy looks at projected supply and demand for purpose built student accommodation (PBSA) in the State and for Dublin, noting that in 2019 there will be a demand for 35,913 bed spaces with a supply of 18,142 bedspaces and a shortfall of 17,771 bed spaces. The projected demand rises to 42,375 by 2024 with a projected supply of 28,806, thus providing an excess demand of 13,569 bed spaces. I also note that the applicant references recent market data on the Irish Student Accommodation Market published in May 2018 by Cushman and Wakefield which notes a current stock of 11,343 bed spaces across 36 schemes in Dublin. Of this total, PBSA schemes account for 36% of the stock, with Higher Education Institutions providing the remainder. Reference is also made to the

substantial undersupply in PBSA in Dublin, with a ratio of 4:1 students per bed space.

11.2.3 While many of the observations reference the proposed student accommodation to be built at the Grangegorman campus, it is clear that the shortfall will not be met by the proposals within the Campus and developments within the private sector and as such the proposed development is necessary to help meet the demands. PBSA schemes are predominantly distributed in close proximity to third level institutions across Dublin, which as the applicant sets out is considered logical and sustainable in terms of commuting distances to educational campuses. What is clear is that there is a substantial shortfall in spaces for the projected student population in the short to medium term and in this regard, I consider that the principle of the proposal is acceptable.

### **11.3.0 Concentration and Management of Student Accommodation**

11.3.1 Local residents are concerned that the proposed development will result in an overconcentration of student accommodation in this area resulting in a population imbalance. International experience is cited as showing the negative impacts of an overconcentration of a student population on existing residential communities. The applicant has submitted a “student accommodation report” as required under variation no. 3 of the Dublin City development plan to demonstrate that there is not an overconcentration of student accommodation within 1km of the site. The report indicates that the site is ideally placed in respect of educational institutions. DIT’s campus at Grangegorman lies less than 100m to the south-west, the King’s Inns Law School and DIT at Bolton Street are located approximately 450m and 750m respectively to the south-east, with the Mater Dei Institute of Education approximately 800m to the north-east. Commuting times to Trinity College Dublin is reduced due to the direct link provided by the Luas Green Line.

11.3.2 The report also indicates that the proposed development would represent an 8% increase in student accommodation bed spaces within a 1km radius of the proposed site and will provide for 289 students representing only 0.75% of the total resident population of 38,587 within a 1km radius. I do not consider such to represent an overconcentration of student population. I note the observers’ comments that DIT

plans to deliver 2,000 bed spaces on the Grangegorman site, but this will take many years to accomplish and while student spaces may increase so too will the general population in the area thus helping to counter balance the student population figures.

11.3.3 I refer the Board to section 5.5.12 of the Dublin City development plan which identifies, *inter alia*, the need for appropriately located high-quality, purpose-built and professionally managed student housing schemes. Policy QH31 encourages the provision of such accommodation close to third level campuses and high quality public transport corridors and cycle routes. The proximity of the site to nearby educational institutes has been mentioned heretofore. The Dublin Bus 46A route passes along the North Circular Road, it serves the city centre and terminates at University College Dublin. Furthermore, the Luas Cross City light rail line is operational and provides a stop adjacent to the site. Accordingly, I consider that the site is a highly appropriate location for student accommodation. The applicant has justified the use at this location setting out that the proposal will complement the existing residential use in the area; reduces impact on residential amenity by providing a use that does not require deliveries by heavy goods vehicles on a regular basis; will regenerate and revitalise an underutilised site and is compliant with the land use zoning objective. The proposed development, in my opinion, accords with City Development Plan policies in relation to the need for and location of good student accommodation.

11.3.4 With regards to management of the proposed scheme, a student accommodation management plan has been submitted. It is set out that GSA (Global Student Accommodation) will manage this development as an extension to the existing Highfield Park development i.e. site immediately north. The two sites will be linked and effectively managed as a single entity which is considered appropriate. The scheme will be managed by an in-house residence team. CCTV security will be installed and the documentation outlines general registration process with regards students seeking accommodation. A 'move-in and move-out strategy' has been outlined which is considered appropriate and will not impact on existing residential amenities of the area.

#### **11.4.0 Density, Height and Scale**

11.4.1 Many of the observations received state that the density and scale of the proposal is excessive and incompatible with a low-density residential character of the area. The Sustainable Residential Guidelines for Planning Authorities express density in terms of unit per hectare. The density of the proposal in this regard is 109 units per ha based on site area of 0.43ha site and while the ‘apartments’ or ‘clusters’ in this instance have more bedrooms than would normally be the case in terms of more traditional apartment developments they do not have internal kitchen/living spaces so I would suggest that the density proposed could be similarly assessed. Having regard to the proximity of the site to good public transport and neighbourhood facilities including the city centre and the relative short distance to educational facilities, the density is both appropriate and acceptable.

11.4.2 The Urban Development and Building Heights, Guidelines for Planning Authorities, provide for specific planning policy requirements which take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. These guidelines expressly refer to “reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities”. As set out heretofore, the development site is located within a well serviced urban location, in close proximity to student campuses and supporting services. Building height is an important measure for urban areas to deliver and achieve compact growth as required. As set out in the National Planning Framework and more specifically ‘National Planning Objective 13’ which provides “in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth.....provided public safety is not compromised and the environment is suitably protected”.

11.4.3 Block A, which is located along the rear boundary of the existing residential properties along Rathdown Road, is a three storey structure containing 88 bedspaces. I am satisfied that the structure will not unduly detract or injure the

existing residential amenities of these properties. Overlooking is not an issue and adequate separation distances are maintained. Overshadowing is not considered to be an issue. This specific issue is dealt with in more detail under existing residential amenity section of this assessment.

11.4.4 Block B contains 201 bedspaces and rises from five stories at the southern end of the site to seven stories at the northern end of the site. The height of this structure is considered appropriate and will provide a strong urban edge along the Luas line thus assisting in reinforcing and contributing to a sense of place, particularly by creating a sense of arrival through the use of height and appropriate design at the Grangegorman stop which contributes and enhances the urban environment at this location. I do not agree with the planning authority's recommendation to remove a floor i.e. 4<sup>th</sup> floor from this block so as to reduce any undue adverse impacts on the visual amenities and character of the area. This block is located along the boundary with the Luas line and provides a strong urban environment particularly when viewed from the Luas track. There is sufficient set back of Block B from the properties along Rathdown Road whereby the visual impacts arising can be absorbed without unduly impacting on the two storey properties. I am also satisfied that overlooking and overshadowing are not an issue arising from Block B. There are balconies along the western elevation of Block B which observers have raised concerns about, however, they are sufficient distance from the rear of the Rathdown properties so as to not result in overlooking of these properties. I do not consider that the concerns raised in the observers' submissions regarding overlooking or overshadowing can be sustained.

#### **11.5.0 Layout, Internal Configuration and Communal Facilities**

11.5.1 In terms of the quantum and distribution of communal facilities including the provision of amenity space to serve future students, I am satisfied that the location of such creates a central focus within the scheme and in the vicinity of the reception which in turn facilitates passive surveillance by the residence team. The reception and administration office are located at the entrance to the scheme via the laneway to the south.

11.5.2 Block A provides a study room, tv room, laundry, reception and administration areas located at ground floor. While the study area would have benefited from better separation from more active/noisier areas such as a tv room, additional study areas are provided within Block B. A gym approx. 198sq.m. including an exercise area and room is provided at ground floor of Block B. The fifth floor in Block B also contains an amenity area of 111sq.m. and a roof terrace.

11.5.3 I would suggest to the Board that the nature, quantum and location of the communal spaces provides for a high-quality living environment. Furthermore, the two proposed blocks are laid out such that they all address areas of open space.

11.5.4 I note that with regards to daylight provision to the proposed clusters, that the applicant indicates that a living/kitchen/dining area at Cluster A2 ground floor falls below the 1.5% minimum value. It is submitted that this is compensated for through the provision of adequate internal and external amenity space. I consider the shortfall minimal and is not such that would be detrimental to the quality of student accommodation given that the bedrooms in this cluster receive exceed the ADF.

#### **11.6.0 Existing Residential Amenity**

11.6.1 The potential impact of the proposed development on the residential amenity of adjoining properties has been raised in many of the observations received. I would also note that the Board, in the specific information requested, sought a daylight and sunlight analysis demonstrating the impact of the proposed development on neighbouring properties and the level of light available within it. Photomontages were also requested showing the development's appearance from public streets around the site and to those using the Luas stop and tram. I would note that the applicant has submitted a daylight and sunlight analysis report and shadow study in addition to the architectural drawings included with the application.

11.6.2 In relation to overlooking, I do not consider that the proposal would impact on the amenity of adjoining properties along Rathdown Road. I consider that there is sufficient separation distance between the proposed elevations and existing properties such that there will be no undue overlooking of existing residential properties. Clearly, the proposed development will considerably change the visual context of the area however, I do not consider that the impact on the residential

amenity of the properties along Rathdown Road would be significant or adverse by reason of being overbearing.

11.6.3 In relation to daylight/sunlight and overshadowing, many of the observations state that the proposal will overshadow their properties. The application includes a daylight and sunlight analysis which demonstrates that there would be an imperceptible impact on existing sunlight to the rear gardens on Rathdown Road. In relation to daylight (VSC – vertical sky component) the study outlines the BRE Guidelines that in order for a proposed development to have a noticeable impact on the VSC of an existing window the value needs to both drop below the stated target value of 27% and be reduced by more than 20% of the existing value. The study outlines the windows which have been analysed in each of the properties. There is no instance of the VSC exceeding the 20% target value.

11.6.4 In terms of overshadowing, the shadow analysis provided indicates that there are negligible differences c. 9.00 to 10.00 on 21<sup>st</sup> December to the rear gardens of some of the properties along Rathdown Road. However, given the existing overshadowing (outlined in the baseline) and the orientation of the site and development vis a vis the adjoining development the potential impacts by way of overshadowing is not considered to be significant.

11.6.5 Concern has been expressed by adjoining property owners at the potential impact on their properties during the demolition and construction process. While the demolition and construction process will create noise, dust and nuisance, as outlined in the Construction Management Plan these will be managed and controlled by measures including hours of construction. The impacts associated with the demolition and construction phase are temporary and therefore will not have a permanent adverse impact on the local community.

#### 11.7.0 **Access and Parking**

11.7.1 A number of observations, particularly those from residents along Rathdown Road are concerned at the impact on their residential amenity from traffic using the existing private lane to the rear of their properties. They also consider that taxis and vehicles arriving late at night will impact on their amenity. In relation to late night drop offs, I would note that given the site is secured with access gates, drops offs would most

likely be made at the end of the lane (Grangegorman Lower/Rathdown Road) rather than driving into the scheme itself. There is a locked gate to the private lane that serves the rear of Rathdown properties and hence there will be no impact to this existing lane. I note concerns raised regarding the issuing of a letter of consent from Dublin City Council for the applicant to carry out works on the access lane to the site. The lane is within the ownership of the Council hence the letter of consent. I do not consider that this letter of consent required the agreement of the members (reserved function) as alluded to in submissions. I also consider the proposed works are reasonable in the interests of public safety and full details should be agreed prior to commencement of development.

11.7.2 With regards to parking, no parking spaces are provided, which given the proximity of the site to Grangegorman campus and the Luas platform, is wholly appropriate. A 'moving in and moving out strategy' has been submitted and provides clear details as to how this will be managed. Students will book a slot which will allow for the parking of a car (up to 30 mins).

11.7.3 The proposed development will be accessible from the adjoining student accommodation development which is currently under construction i.e. 274 North Circular Road. This is wholly appropriate providing mutual benefits to both developments, particularly the provision of a more direct access for students to the Luas Platform via this development site onto the lane to the south. The generation of more pedestrian activity at this location will provide for better passive surveillance of this lane and increased movements to and from the Luas platform which is currently minimal (as witnessed at time of inspection). With regards to the provision of a direct access from the development site to the Luas Platform, I note the comments and concerns raised by TII in this regard, specifically the creation of a precedent for individual accesses to serve private developments from Luas platforms. Having regard to the nature of the proposed development i.e. student accommodation where access is generally controlled/monitored and the existence of the existing pedestrian link from the platform to Grangegorman Lower Road adjacent the development site, I consider that the layout and access arrangement will assist in generating more pedestrian movements along this short link helping to enhance passive surveillance of the area in general.



11.8.0 **Drainage**

11.8.1 Observers have raised concerns regarding local flooding/drainage issues. A flood risk assessment was submitted with the application and indicates that the rate of outflow will be limited to 2l/s so as to comply with the Greater Dublin Strategic Drainage Study. Documentation on file indicates that all surface water from the site in question will be flowing to a new public surface water sewer permitted as part of the planning condition File Ref. No. 4262/16 thus reducing the strain on the existing combined public sewer. The report from the Engineering Drainage Department of the Council indicates that this new sewer has not been constructed and therefore the applicant will be required to provide an alternative sewer to serve the site prior to discharge to the combined sewer.

11.8.2 A drainage report is noted on file from Dublin City Council and does not raise any concerns regarding the development and recommends conditions to be attached to any grant of permission. I note that the use of SuDS is recommended to be incorporated into the scheme and such should be included by way of a condition. I consider this is important as the calculations for the surface water run-off would appear to be somewhat under-estimated in that only the roofed areas appear to be included in the calculation. In any event, I am satisfied that this matter can be resolved satisfactorily by way of condition prior to commencement of development.

11.8.3 While reference is made to the submission of a revised flood risk assessment, the submission of this assessment would appear to be required to ensure that any revised proposals on foot of a grant of permission do not increase the risk of flooding. All details in respect of drainage should be agreed with the planning authority.

11.9.0 **AA Screening**

11.9.1 The application was accompanied by an appropriate assessment screening report. The application site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site.

There are a number of Natura 2000 sites within 15 km of the site as follows:

<b>Natura 2000 Code</b>	<b>Site Code</b>	<b>Distance to site (as crow</b>	<b>Qualifying Interests</b>
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		<b>flies)</b>	
South Dublin Bay and River Tolka Estuary SPA	004024	3.3km east of site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay and River Tolka Estuary SAC	000210	5km south east of site	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
North Dublin Bay SAC	000206	6.44km east of site	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p>

			<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA	004006	7.68km east of site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
Baldoyle SPA	004016	10.9km north east of site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p>

			[A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Wetland and Waterbirds [A999]
Glenasmole River Valley SAC	001209	12.4km south of site	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt- laden soils ( <i>Molinion caeruleae</i> ) 7220 Petrifying springs with tufa formation ( <i>Cratoneurion</i> )*
Wicklow Mountains SPA	004040	13.3km south of site	Merlin ( <i>Falco columbarius</i> ) [A098] Peregrine ( <i>Falco peregrinus</i> ) [A103]
Rye Water Valley/Cartron SAC	001398	14km west of the site	7220 Petrifying springs with tufa formation ( <i>Cratoneurion</i> )* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i>
Wicklow Mountains SAC	002122	14.km south of site	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia</i> <i>uniflorae</i> ) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica</i> <i>tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]

			<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
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11.9.2 I note that the elements of the project with the potential to give rise to impacts on Natura 2000 sites are site clearance and demolition, construction activities and discharges from the site. However, given the modest scale of the development, the existing site services, the design measures incorporated within the scheme for the construction and operational phases of development and particularly the absence of any hydrological pathways from the site to any of the Natura 2000 sites that the development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly. This conclusion is consistent with the appropriate assessment screening report submitted with the application. Similarly, there are no direct or indirect effects that would be likely to have significant effects on any Natura 2000 site in combination with any other plan or project.

11.9.3 It is therefore, reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Recommendation

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.

## 13.0 Reasons and Considerations

Having regard to the:

- a) site's location in close proximity to the Grangegorman Campus;
- b) the policies and objectives in the Dublin City Development Plan 2016-2022;
- c) Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) National Student Accommodation Strategy 2017;
- e) Urban Development and Buildings Heights, Guidelines for Planning Authorities;
- f) nature, scale and design of the proposed development;
- g) pattern of existing and permitted development in the area, in particular the adjoining student accommodation under construction to the north of the site, and
- h) submissions and observations received,

it is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 Board Pleanala for determination.

**Reason:** In the interest of clarity.

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

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

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

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

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

(a) An integrated public lighting design for the site.

(b) Details in respect of the upgrade works to the lane serving the development to the south of the site.

**Reason:** In the interest of traffic and public safety.

5. 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.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7. The development shall comply with Transport Infrastructure Ireland's Code of Engineering Practice for works, on, near, or adjacent the Luas Light Rail system. The following specific requirements shall be submitted for the written agreement of the Planning Authority prior to commencement of development, unless otherwise stated:
- (a) A vibration and settlement monitoring regime for Luas track infrastructure shall be submitted for the written agreement of the planning authority with written approval of TII.
  - (b) Plans and details indicating Overhead Conductor System pole protection and safety distances.
  - (c) Plans and details pertaining to lighting design which shall not create glare onto the Luas line.
  - (d) A demolition and/or construction method statement which shall resolve all Luas interface issues including the identification of all Luas alignment interfaces, contain a risk assessment for works associated with the interfaces and measures to reduce any unacceptably high risks.



**Reason:** In the interests of public safety and to protect the existing public transport network

8. 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. The following specific requirements shall be submitted for the written agreement of the Planning Authority prior to commencement of development, unless otherwise stated:

(a) Drainage details for the proposed development which shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Irish Water's combined sewer system at Rathdown Road.

(b) Cross section of the proposed surface sewer route to Rathdown Road indicating the size and depth of the sewer and adjacent utilities.

(c) Incorporation of Sustainable Urban Drainage Systems (SuDS) in the management of surface water with a minimum requirement of a two-stage treatment approach.

**Reason:** In the interest of public health.

9. (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.

10. 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.

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. 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.

13. 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. The plan shall also identify measures to protect operational Luas infrastructure.

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

14. 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.

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

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Joanna Kelly

**Senior Planning Inspector**

10th January 2018

## **Appendix A Observers**

### **1.0 Rathdown Road and District Residents Association**

- If development is granted there would be 885 student bedspaces within 250m of the subject site.
- An unacceptable population imbalance will impinge negatively on this community.
- If radius from site is increased to 300m approximately 600 further student bedspaces would be included and the submission outlines further increases as the radius increases.
- ABP should take a longer-term view of what is sustainable for the area.
- Reference is made to the Edinburgh City Student Housing Guidelines and “balanced sustainable communities”.
- Reference is made to section 16.10.7 of the Dublin City development plan where overconcentration of such scheme would be resisted in any one area and there already exists an over-concentration.
- ABP has an overarching responsibility to ensure a balanced approach to housing types in a given area.
- It is submitted that the site should not be used for student housing, but it is more suited to the provision of housing for permanent residents, particularly in the context of the critical shortage of new houses which currently exists and its proximity to the Grangegorman Luas stop.
- The implementation of Dublin City Council of the Edinburgh Student Housing Guidelines recommending that sites greater than 0.25ha would also comprise a portion of housing as part of the proposal to balance the mix of land and to contribute to housing land need would go some way towards minimising the transient/permanent resident imbalance.
- The scale and bulk of the proposal would overwhelm the two storey houses on Rathdown road. This is not a city centre site.
- The proposal is overdevelopment of the site.

- The subject site is at a higher level. The sections on sheets P-7-206 and 207 show that the eaves level of the proposed three storey Block A is considerably higher than the eaves level of the existing building referred to in the application.
- The proposed largely blank wall along the boundary to the laneway ranges from three and a half storeys high at the southern end to three storey at the northern end. This would form a very oppressive backdrop to the houses and their rear gardens, seriously damaging their amenity value and adversely affecting the value of the houses.
- Block A should be reduced from three storey to single storey or perhaps two storey at the southern end.
- Block B is completely out of scale with the adjacent 19<sup>th</sup>/20<sup>th</sup> century residential neighbourhood and in particular with the existing houses on Rathdown road.
- It is submitted that the top two floors of Block B should be removed.
- A condition should be attached which limits the use of the development to student accommodation only and not permit it to be used for tourist accommodation.
- Car parking provision is inadequate.
- Any permission should require the upgrading of the access road similar to that attached to the permission granted for the student housing on the 274 North Circular Road (Ref. No. 4262/16).
- There is a serious and continuing local flood problem at Rathdown road adjacent end of the access laneway which contributes to the problem.
- Permission should be refused outright for the proposed development.

## **2.0 Ragnal O’Riordan**

- Objects to proposed development.
- Loss of privacy.
- No parking facilities
- Development at no. 274 North Circular Road turned out to be substantially higher than realised.
- The alleged sympathy with the current Victorian /Edwardian houses is misleading.

- The issue of whether more student housing is appropriate in the area is not addressed.
- The residents have been subject to their fair share of building works in Grangegorman for many years.
- Submit that proposal should be refused and radically altered to take into account concerns and effects upon local residents.

### **3.0 Rita O'Hagan**

- Proposal completely out of place.
- Additional traffic both pedestrian and vehicular will invade the area.
- Given the amount of student accommodation and the Educate Together School for 700 students which is not built yet there will be major traffic issues in the area.
- Size and scale of buildings is much too high.
- Family homes will be overlooked.

### **4.0 Shane Wallace**

- Proposal will have considerable negative influence on the quality of life of those living on Rathdown Road.
- Level of student housing proposed is excessive and will completely change the area.
- Number of units proposed on this site is greatly excessive.
- Student accommodation by its nature is somewhat transient and they do not become imbedded in the community which is a significant concern.
- Scale and height are a cause of great concern.
- Density entirely inappropriate for the area.
- The traffic, vehicular and pedestrian, will be excessive for the size and location of the site.
- Block A – Height a significant issue as this block will border the back gardens of the houses. The site is on a hill, elevated above the houses. It is will represent an unbroken featureless expanse of wall overlooking the gardens of the houses. It should be limited to two storeys.
- Block B – Overly intrusive development right behind the residential properties on Rathdown Road.

- Insufficient consideration of traffic.
- Significant fire risk. The swept path analysis for fire tenders appears too restricted.
- Noise a concern both during construction and at night.

### **5.0 Lindley Jones and Sally-Anne Bennett**

- Size and height of the blocks are too large in the context of the existing two storey Victorian houses in a residential conservation area.
- The proposed development looks like an office park or a hotel rather than a residential development.
- The proposal is visually intrusive particularly from Rathdown Lower and Rathdown Road Centre.
- There is minimal car parking.
- Overlooking and light pollution are problems.
- No need for additional student accommodation in this area.
- Reference is made to the concentration of student accommodation developments in the area and the Edinburgh Student Accommodation Guidelines regarding balancing sustainable communities.
- It is submitted that the site should not be used for student housing.

### **6.0 Marie O'Connor and Walter Kirwan**

- Proposal would completely undermine the zoning objective.
- Proposal would add disproportionately to the student population of the area.
- The proposal would lead to a marked dis-improvement in the environment for residents of the Road both in terms of visual and residential amenity.
- The proposed design, scale and massing are entirely inappropriate.
- Proposal would lead to increased activity and noise disturbance and general congestion and traffic.



## **7.0 Monica Larkin**

- Concerns regarding privacy.
- There will be 24 hour activity bringing noise and anti-social behaviour to a quiet established area.
- Volume of pedestrians and traffic could impact the safe use of the gate to the back of Rathdown Road houses.
- Noise, intrusion and significant dust is objectionable and is a health concern.
- An area outside the observer's property is prone to flooding in heavy rain.
- Concerned about possible impact on sewerage system.
- Concerned about the proposal from Irish Water to link the development at the Christian brothers' site to 7 Rathdown Road.
- Object to the linking for pedestrians from the site to the Christian brothers' site and it will unnecessarily increase the pedestrian footfall at the back of the observer's houses.

## **8.0 Padraig Dwyer**

- Proposal is effectively an extension to the purpose-built student accommodation adjacent the site.
- Further huge development in what is a primarily residential area.
- Proposal is visually prominent to all of the houses on Rathdown Road as well as neighbouring streets/areas.
- Proposal does not fall into the 'permissible' use or 'open for consideration' category in the zoning matrix.
- Proposal will create an overconcentration of purpose built student accommodation.
- Proposal will directly impact on rights to privacy, light and natural enjoyment of observer's house.
- Bulk, height and design of the proposal will seriously injure residential amenities.
- Unacceptable population imbalance.

- Further 2000 student bedspaces on the campus of Grangegorman should be considered. Applicant has not demonstrated requirement for proposal.
- Lower end of Rathdown Road no. 68-71 is, and always has been prone, to flooding.
- The proposal as it stands impedes vehicle and pedestrian access to observer's property via the laneway adjoining 71 Rathdown Road.
- Block A creates a seriously oppressive backdrop to observer's property and should be reduced to single storey.
- Height of Block B should be significantly reduced. The outdoor balconies face directly into observer's garden and should be removed as per no. 274 North Circular Road.
- Use of pile drivers should be forbidden.

## **9.0 Pdraig O'Sullivan**

- Strongly object to proposal at the back of his house.
- Loss of privacy due to increased footfall, overlooking and noise.
- Object to increased noise associated with the development.
- Reference is made to day to day disruption as a result of the development during construction phase.
- Impact on daylight and overlooking to the Rathdown Road homes.
- The proposal for a pedestrian route from the Christian Brothers' development on the North Circular Road will be of benefit to students to access DIT increasing the volume of pedestrians using the laneway.
- Current sewerage system is overloaded and concerns re connection.
- Has site been rezoned?
- Reference to fluvial flooding in the past.
- Incorrect reference by Irish Water to Arran Quay as opposed to Phibsboro?
- Other questions raised re use of bed spaces when college closed, security etc.

## 10.0 Diana Stuart and Kieran Martin

- Proposal is effectively an extension to the purpose-built student accommodation adjacent the site.
- Further huge development in what is a primarily residential area.
- Proposal is visually prominent to all of the houses on Rathdown Road as well as neighbouring streets/areas.
- Proposal does not fall into the 'permissible' use or 'open for consideration' category in the zoning matrix.
- Proposal will create an overconcentration of purpose built student accommodation.
- Proposal will directly impact on rights to privacy, light and natural enjoyment of observer's house.
- Bulk, height and design of the proposal will seriously injure residential amenities.
- Unacceptable population imbalance.
- Further 2000 student bedspaces on the campus of Grangegorman should be considered. Applicant has not demonstrated requirement for proposal.
- Lower end of Rathdown Road no. 68-71 is, and always has been prone, to flooding.
- The proposal as it stands impedes vehicle and pedestrian access to observer's property via the laneway adjoining 71 Rathdown Road.
- Block A creates a seriously oppressive backdrop to observer's property and should be reduced to single storey.
- Height of Block B should be significantly reduced. The outdoor balconies face directly into observer's garden and should be removed as per no. 274 North Circular Road.
- Use of pile drivers should be forbidden.

### **11.0 Elva Duffy and Ciaran Dyar**

- Reference to the over concentration of student housing in the area and requirement in the Dublin City development plan to address this.
- Accommodation proposed to entirely disproportionate with the size and scale of the residential two storey Victorian houses which it would dwarf.
- Access would cause significant disturbance to the people who live directly adjacent to the proposed entrances.
- Reference to local flooding and exacerbation of issue is a concern.
- Concern regarding use of accommodation being used as Air B&B during summer months.

### **12.0 Jeremy Ryan**

- If permission is granted a condition that the applicant should provide a well paved and adequately lit pedestrian access from Rathdown Road through the northern part of the site to the Luas Grangegorman stop should be attached.
- TII were more supportive of a link from the north east corner of the site directly onto the platform and these proposals could be developed through further consultation.
- The access from Rathdown Road through the Luas stop should be open to pedestrians at all times. This would promote permeability and improved access to the Luas Grangegorman stop.
- Provision of a high quality access would be some sort of payback to the residents of Rathdown road in addition to benefitting students.

### **13.0 Jim and Anne Kenny**

- Object to proposal as it is an application for excessive use and occupation of this space.
- Proposal would give rise to excessive student accommodation in the area.
- Scale of development disproportionate and out of keeping with the size and scale of the existing housing.

- Access through the lane would give rise to disturbance to residents.
- There is regular flooding during wet weather.
- Use as tourist accommodation is worrying due to public order offences.

#### **14. Kevin Hackett**

- Proposal represents a big increase in intensity of the use of the site which will increase the pedestrian and vehicular traffic up/down the entrance lane to the rear of 51 to 71 Rathdown.
- Lane was not designed to cater for that level of traffic.
- The problem will be greatly exacerbated by the proposed connection between this proposed development and the 444 bed space student accommodation at North Circular Road.
- Students will find it preferable to go to college via this lane.
- Deliveries, collections, pedestrian activity is of concern.
- The installation/construction of piles for the foundations should be done by 'auger drilling' and not 'impact driving'.
- The conditions attached to the permission at 274 North Circular Road should also apply to this development.

#### **15. David Dunne**

- There is a massive amount of construction in the area.
- What consideration has been given to parking?
- Proposed building is completely out of place with the current 19<sup>th</sup> Century Victorian terraces.
- Current expanse of bicycles in the area and traffic issues evident.
- Piling to date has had an enormous effect in the area.
- Proposal will add to drainage issues.
- Students will be funnelled towards the junction of Rathdown Road and the laneways impacting on current residents, and Luas access.

- Educate Together school is extremely close to the proposed site.
- Proposal does not take the environment or community of Rathdown Road and Grangegorman into account.

#### **16. Desmond Barrett**

- Object to the granting of permission
- Proposal will result in loss of privacy
- No parking provision will put further pressure on limited residential parking.
- Development at 274 North Circular Road is substantially higher than those who did not object realised.
- The issue of whether student housing is appropriate in the area is not addressed.
- School has not been built and it would appear unfair that the residents will have permanent negative after effects.

#### **17. Cllr. Ray McAdam**

- Reference is made to the letter of consent issued to the applicant by the Executive Manager of the Transportation Planning Division. The use or disposal of this lane is a reserved function. It is premature for the Council Executive to submit its support for such a measure.
- A major concern for residents is that their homes will be significantly impacted.
- Total loss of privacy due to height of buildings.
- Significant footfall travelling through the development at all hours of the day and night.
- This area is suffering from an over-concentration of one type of development running counter to the principles of good planning.
- Proposal represents overdevelopment of the site and should be rejected.
- If granted there would be a total of 1,724 student bedspaces within 250m of the subject site, an area which has a population of 500.

- There is evidence from studies in the UK that this level of concentration will adversely affect the local community.
- This is not a city-centre site and scale and bulk of the proposal would overwhelm the two storey houses on Rathdown Road.
- If proposal is to be granted, strongly contend that a strict planning condition be attached preventing this facility to be used for purposes of tourist accommodation outside of term time and the academic year.
- Supports objections/submissions made by local residents.