



An
Bord
Pleanála

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

Inspector's Report ABP-305061-19

Strategic Housing Development	317 no. student bedspaces and associated site works
Location	355 South Circular Road, Dublin 8
Planning Authority	Dublin City Council
Applicant	Molaga Capital Limited
Prescribed Bodies	Irish Water
Observers	<ol style="list-style-type: none">1. Alison O'Donohoe2. Cllr Brid Smith3. Common Ground CLG4. Darina and Gerald Morin

5. Dolphin House Community Development
6. Dublin 8 Housing Action
7. Lisa Casey
8. Michael & Sinead Judd
9. Cllr Rebecca Moynihan
10. Rialto Housing Action

Date of Site Inspection

25th October 2019

Inspector

Rónán O'Connor

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located on the South Circular Road. The development site has a stated site area in the application form of c0.3ha and is located along South Circular Road, in the south-western inner city of Dublin. The site is the location of the former Rialto Cinema dating from the 1930s, which was used more recently for car sales until 2006.
- 2.2. The front of the site is currently fenced off and the building itself boarded up. The site borders the Dolphin House Estate to the west and south. This is currently earmarked for a major redevelopment. There are residential properties on the eastern boundary of the site. A part-one part two-storey industrial building is located to the south-east eastern boundary of the site with access from Dolphin's Barn Road. There are residential, commercial and retail uses along South Circular Road. The area itself is in transition with a number of sites undergoing redevelopment. The Coombe hospital is in close proximity to the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:
 - The demolition of all buildings and structures (c.2,575 sq m) on site with the exception of the front Art Deco section of the building, which will be retained, restored to its original form, and incorporated into the proposed development;
 - Construction of a mixed-use building (with a total area of c.11,266 sq m) ranging in height from three to seven storeys over basement comprising a student accommodation scheme of 317 No. student beds arranged in 313 No. bedrooms (276 No. 1-bed bedrooms, 4 No. 2-bed bedrooms and 33 No. studios);
 - Café with an outdoor garden area;

- 4 No. open courtyards (3 No. at Ground Floor Level and 1 No. at First Floor Level);
- TV lounge; gym; cinema; communal areas; circulation areas; reception; library; and a meeting/event room;
- Parking for 160 No. bicycles accessed directly from South Circular Road; 7 No. visitor bicycle parking spaces located to the front of the building off South Circular Road;
- Associated works.
- The proposed mix is as follows:

Student Accommodation	
Studio Units	33
1 bed	276
2 bed	4
Total No. of Student Units (bedspaces)	317

4.0 Planning History

4.1.1. The most relevant history associated with the site is noted as follows:

ABP Ref PL29S.245460 (File Ref. No. 2203/15) Permission **Refused** by An Bord Pleanála (by order dated 20/01/2016) following a grant by Dublin City Council for mixed use development consisting of 24 apartments and supermarket. The 2 no. Reasons for refusal were as follows:

1. Having regard to its height, scale and bulk, to the elevation and location of open space and the nature of its use, and to the close proximity to boundaries, it is considered that the proposed development would seriously injure the visual and residential amenities of property in the vicinity, particularly the rear garden amenity of houses to the east by reason of overlooking, overshadowing, overbearing impact, visual obtrusiveness and

diminution of privacy and daylight, as well as overshadowing and overbearing impacts for residential property and associated open amenity space to the west. The Board also considered that the proposed boundary treatment is inadequate and would be likely to result in a poor relationship between the proposed development and its surrounds, including the effective nine-metre walls at or close to the open space serving residential property to the south and west. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is proposed to add the front elements of the Rialto Cinema to the record of protected structures. The Board is not satisfied that the proposed alterations appropriately reflect the architectural heritage of the original design. Furthermore, the Board considers that the proposed development is over-dominant and would be visually obtrusive in relation to the front elements of the existing building. It is considered that the proposed development would result in the erosion of character of a structure of architectural and social value, would diminish the contribution of the cinema to the streetscape, would seriously injure the amenities of the area and of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 1st April 2019 in respect of a proposed development of 317 student bedspaces on the site. The main topics raised for discussion at the tripartite meeting were as follows:

1. Integration of proposed scheme with adjoining scheme on SDRA site and potential impacts on existing residential amenity.
2. Daylight and Sunlight Analysis having regard to concerns raised by planning authority.
3. Drainage having regard to comments from Drainage Division
4. Any other Matters

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. In the Notice of Pre-Application Consultation Opinion dated 18th April 2019 (ABP Ref. ABP-303756-19) the Board confirmed that the documentation submitted with the request to enter into consultation "constitute a Reasonable basis for an application for strategic housing development."
- 5.3. The opinion also stated that the following specific information should be submitted with any application for permission –
1. Having regard to the zoning of the site and its suitability for development with increased height, the prospective applicant should, notwithstanding that the proposal constitutes a reasonable basis for an application, demonstrate/justify the suitability of the proposed site to accommodate the increased height particularly in the context of the adjoining residential properties and the Strategic Development Regeneration Area.
 2. A report that addresses residential amenity (both existing residents of adjoining developments and future occupants of the proposed student accommodation), specifically how the development will limit the potential for overlooking and overshadowing. This report should also include a sunlight and daylight analysis for both March and December.
 3. Proposed boundary treatments should be specified having particular regard to need to protect existing residential amenities of the area.
 4. A site layout plan which clearly identifies the full extent of works to the site frontage including provision of footpaths and whether the footpaths are to be taken in charge. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
 5. A construction and demolition waste management plan which should include comprehensive details for the appropriate removal of asbestos materials that may exist on site.
 6. Additional drainage details to address matters raised in the planning authority's opinion dated 14th March 2019.
 7. Details regarding management of set down area to site frontage.

8. A site layout plan indicating all areas to be taken in charge and clarity whether the footpath to the site frontage is to be taken in charge.
9. A Student Accommodation Management Plan.

5.4. Applicant's Statement

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

Height

- Development is fully cognisant of the built environment in the area.
- Section 14.8.4 encourages the development of under-utilised sites such as this one.
- Proposed height of 20.05m is in line with Development Plan Standards.
- Proposed development will successfully integrate with its receiving environment.
- Will not impinge on the amenity of adjoining buildings.
- Will not impact on the proposed scheme for the redevelopment of the Dolphin Estate.

Overlooking/Overshadowing

- Reports submitted to demonstrate the residential amenity of adjoining developments and future student residents is in accordance with best practice standards.
- Carried out the Sunlight Analysis for December, in addition to the 21st March - submit that assessing December is not in accordance with neither the recommendations of the BRE guidelines nor any other international best practice guidance – conclusions that can be extracted are very limited.
- The assessments carried out demonstrate that the proposed development will ensure that the residential amenity of existing and future residents is adequately protected.
- The majority of the bedrooms proposed have an average daylight factor in excess of 2%.

- Scheme has been designed in a manner that ensures that the privacy of adjoining residents is protected/will significantly improve the privacy of adjoining residents compared to the existing situation, whereby from the top of the existing car ramp to the east, a person can directly overlook the rear garden of the adjoining houses.

Boundary Treatments

- Landscape Plan (Drawing No. 300 Rev. 2 prepared by The Big Space) and Drawings Nos. SB-2017-015-401, Rev E; and, SB-2017-015-402, Rev E, by ShipseyBarry, which illustrate the proposed boundary details.

Works to the Site Frontage and Taken in Charge Areas

- Drawing No. SB-2017-015-202 Rev. E, prepared by ShipseyBarry, and Drawing No. 300 Rev. 2 prepared by The Big Space for comprehensive details on the extent of works to the site frontage.
- Drawing No. SB-2017-015-002, Rev. E, prepared by ShipseyBarry for the proposed Taking in Charge Plan.
- Letter of Consent dated 12th June 2019 by Mr John Flanagan, City Engineer, providing consent for the inclusion of lands in control of DCC within the SHD Application is submitted as part of the Application documentation.

Construction and Demolition Waste Management Plan including details on Asbestos

Removal

- Outline Construction & Demolition Management Plan, Rev. 02 dated 4th July 2019, prepared by Murphy Matson O'Sullivan accompanying the current SHD Application.
- Outline Construction & Demolition Management Plan, Rev. 02 by MMOS and the Asbestos Survey Report, dated 3rd July 2018, prepared by Phoenix Environmental Safety for full details regarding asbestos removal.

Details Regarding Management of Set Down Area to Site Frontage/Student Management Plan

- Additional information regarding the management of the set down area is contained within the Student Management Plan dated June 2019 prepared by

CRM. Management regarding the use of the set down area for unloading cars, getting taxis, parcel deliveries and food deliveries are detailed within the document.

6.0 Relevant Planning Policy

6.1. National Policy

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Dept. of Education and Skills 'National Student Accommodation Strategy' (July 2017)
- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).

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

6.2. Local Policy

The Dublin City Development Plan 2016-2022

The site is zoned ‘Z4 – to provide for and improve mixed-services facilities’. The primary land use zoning categories identifies Z4 as district centres. The objective is to maintain their role as district centres and new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and night. Higher densities will be permitted in district centres, particularly where they are well served by public transport.

Student Accommodation

Chapter 5 Quality Housing. Policy QH8:

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

Section 5.5.12 on student accommodation states:

“To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which can make the city’s educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas.”

Policy QH31:

“To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy.

Proposals for student accommodation shall comply with the ‘Guidelines for Student Accommodation’ contained in the development standards.”

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

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

Policy CEE19:

“(i) To promote Dublin as an International Education Centre / Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language Colleges) and high quality custom-built and professionally-managed student housing.

(ii) To recognise that there is a need for significant extra high-quality, professionally managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities.”

Development Management Standards Including Building Height

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

Development plan section 16.5 specifies an indicative plot ratio standard of 2.0 for Z4 District Centres and section 16.6 specifies an indicative site coverage standard of 80% for Z4 zoned lands.

Development plan section 16.7 indicates that the general height limits for inner city locations are up to 24m for residential development.

Development Plan Variation No. 3 Student Accommodation

Development plan Variation No. 3, adopted September 19th 2017, amends section 16.10.7 such that the applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 1km of a proposal (previously 0.25 km).

Dolphin Estate (Dolphin House and Park) – SDRA 13

The site is adjacent to the Dolphin Estate – A Strategic Development and Regeneration Area. Section 15.1.1.15 SDRA 13 Dolphin House sets out guiding principles for regenerating the area, which is defined in Fig 33 – SDRA 13 Dolphin House. These are as follows:

- The regeneration of the Dolphin Housing Estate to provide an attractive and sustainable residential community, alongside appropriate community, commercial and leisure facilities.
- The development of a vibrant mixed-use element with high-quality streetscape will be promoted to consolidate the southern end of Dolphin's Barn and to promote the reinvigoration of Dolphin's Barn village centre.
- The heritage, tourism and recreational opportunities of the Grand Canal will be promoted as a key feature for the site and for Dolphin's Barn.
- Permeability will be promoted through the site to encourage active streets and connections to the adjoining neighbourhood, in particular pedestrian and cyclist routes; east-to-west connections from Dolphin's Barn towards Herberton Road and north-to-south connections from the South Circular Road to the Grand Canal will be encouraged; the feasibility of a new pedestrian crossing point over the Grand Canal to connect with Dolphin Road will be explored.
- The provision of new senior citizen housing to replace the existing Dolphin Park is supported.
- The development of synergies with other regeneration areas in close proximity will be promoted for co-ordination in the provision of new facilities; new parks, recreation and community facilities will be promoted as features accessible to the wider neighbourhood for inclusion and integration of the site with the adjoining area.

6.3. Statement of Consistency

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

Dublin City Development Plan 2016-2022

- Will revitalise an under-utilised site, adjoining a Strategic Development and Regeneration Area.
- Contributes to Compact City Vision.
- Contributes to the intensification and consolidation of the city as per the Core Strategy.
- Will revitalise the area while preserving its character
- Will help to provide economically, socially and culturally mixed and sustainable neighbourhoods.
- Will support the education sector.
- Site is within walking and cycling distance to the City Centre.
- Is also within close proximity to a number of bus stops.
- Development is car free/will reduce traffic congestion/and half the number of car trips to Dublin by 2030/promote modal shift towards more sustainable forms of transport.
- Development will maximise energy efficiency.
- Is compliant with the requirements and standards for student accommodation.

National Planning Framework

- Well connected through sustainable means of transport to a range of third level institutions.

Eastern and Midlands Regional Spatial Economic Strategy 2019

- Supports compact urban growth.

Greater Dublin Area Transport Strategy 2016-2035

- Non-provision of parking spaces on a site proximate to public transport is compactable with the ethos of the transport strategy

Subject Proposal is Fully Consistent with the Provisions of the Planning System and Flood Risk Management Guidelines, 2009

- Site specific Flood Risk Assessment has been prepared/Is fully compliant with the guidelines.

Sustainable Residential Development in Urban Areas Guidelines, 2009

- Meets the requirements in relation to density and efficient use of resources.
- Promotes sustainable travel patterns.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'

- Provides purpose- built accommodation for third level students, contributing to alleviate the pressure on the housing market.

National Student Accommodation Strategy

- Proposal for a student accommodation facility will contribute to addressing the shortage of student accommodation.

Design Manual for Urban Roads and Streets/DMURS (2013)

- Development has taken into account the principles set out by DMURS.
- Pedestrian and cycle use encourage/development is free of car parking.
- Increases the footpath width in front of the site/dedicated lay-by for set down.

7.0 Third Party Submissions

7.1.1. 10 submissions on the application have been received from the following parties; Darina and Gerald Morin; Michael & Sinead Judd; Rialto Housing Action; Lisa Casey; Cllr Rebecca Moynihan; Dolphin House Community Development; Alison O'Donohoe; Common Ground CLG; Cllr Brid Smith; Dublin 8 Housing Action

7.1.2. The submissions can be summarised as follows:

General

- Redevelopment of the site positive for the area/Area urgently requires high quality public realm enhancement and regeneration projects.
- Negative impact on the masterplan for the Dolphin House regeneration.

- Development relies up a master plan for the Dolphin House estate which is in fact only a draft Master Plan/not yet been approved by the community, the Regeneration Board, the Area Committee of Dublin South Central or Dublin City Council/Granting on the basis of this could lead the Board open to judicial review and further delay development.
- Current Dublin City Development Plan is currently under review.

Nature of Use/Overconcentration of Student Accommodation

- Concerns in relation to the type of accommodation proposed and the lack of mixed-use services.
- Ask the Board to refuse this application as in effect it is a material contravention of the City Development Plan.
- Concerns in relation to the lack of affordable accommodation
- Goes against National Planning Framework Guidelines which state that student accommodation needs to be well connected and proximate to educational institutions.
- High number of student accommodation despite there being only a limited number of colleges nearby/ Intensive concentration of student accommodation is not in the interests of the sustainable long-term development of the area/ Policy to prevent over concentration of such schemes in the area has not been adhered to.
- Student accommodation developments are already saturating the local and surrounding Dublin 8 areas.
- Already 1,500 student beds completed in 2018/another 3,279 beds are varying stages of construction in 2019 (May/June) not including this proposed development.
- Is unaffordable for even the well-off students
- Concerned that they may be rented as regular accommodation in ten years
- The services provided are private to residents of the development.

- Previous applications on the site were for residential apartments which are much needed in the city.
- Ask that conditions be applied to the development to ensure that a mix of residential apartments are included in the development to ensure that some residential development is coming on stream in the area.
- Little evidence that other types of accommodation are being freed up by student accommodation as many of the units are unaffordable.
- Excessive concentration of single use/aspect apartments is unsustainable in terms of mix, type and density – an increase in diversity of residential/student tenure should be proposed.
- Such development is not conducive with the housing or development needs of the community.
- Student accommodation is transient in nature and exclusive/offers very little to community development or sustainability.
- With the completion of the Children’s Hospital there will be higher numbers of people working in the area and this site could provide accommodation for families rather than students.
- Zoning is intended for district centre use/student accommodation does not meet the threshold for such uses.
- No evidence put forward in relation to the need for new student bedspaces.
- 5097 bedspaces proposed for Dublin 8 – almost 25% of the total requirements/Dublin 8 already has 4,000 student accommodation units that are or have already been built.
- Not affordable, no security of tenure/no regulatory system in place.
- There is a move away from the construction of transient tenures to developments more conducive and acceptable to surrounding communities.
- Currently approx. 2,000 families and individuals awaiting housing in the Dublin 8 area with many living in over-crowded conditions in Dolphin House.

- Integration of this site into a regeneration project creating permanent residences would be more beneficial.
- Entire block of the Fatima Mansions regeneration project was developed as student accommodation/never blended with the community/eventually failed/now has returned to much needed social housing.
- This would be a better use for the Rialto Cinema site, and refusing this application would remove the risks of any obstacles to the development of an integrated and sustainable community.
- Cannot easily be converted at a future date.
- Dearth of cultural amenities in the community – particularly following the closure of the Tivoli Theatre/ Plans should make provision for cultural facilities that could be accessed by the community.
- Rialto Cinema is an opportunity to create the provision of sustainable cultural infrastructure in an area undergoing distinct urban regeneration/This is outlined as Policy in the Dublin City Development Plan.
- No social inclusion measures/No arts or cultural uses proposed/Once built, any possibility of incorporating any cultural activity will be completely gone for any future generations.
- Need for housing for families, hospital workers, older people wanting to downsize.
- Preference should be for long term, affordable housing.
- Objection to the tourist use during the summer.

Design/Visual Impact/Conservation

- Welcome the restoration of the Art Deco section of the building/ welcome plans to retain the façade.
- Concern in relation to the density.
- Design impinges and dominates the South Circular Road streetscape.
- Proposal does not achieve the same high standard of design as the adjacent Dolphin House regeneration.

- General massing out of character with the two-storey residential area/impacts on the vernacular housing adjacent.
- Overall reduction of 2-3 storey would be more appropriate.
- Adjacent SDRA area is predominantly 5 storey residential blocks.
- Inclusion of brick façade treatment to the inner courtyard elevations reflect the neighbourhood setting/character.
- Welcome restoration of the Art Deco section of the building/condition should be imposed ensuring that any damage is repaired.
- Urban form and scale is injurious to the neighbouring community of Dolphin House.
- Is bulky and the massing is overbearing.
- Visual obtrusiveness from South Circular Road and from Dolphin House.
- Extremely dense development not in keeping with the masterplan of Dolphin House as agreed and set out in the SDRA within the City Plan.
- Proposed draft scheme for the schematic masterplan identified in the SHD application has not been agreed by the community of Dolphin House/Currently a review of this being undertaken by DCC/is confidential to DCC planners.
- The approved scheme/SDRA 13 is the only scheme that should be referenced in the SHD application/proposal in front of the Board is not a true representation of the planning configuration.
- Character of the site is almost devoid of its original form and use.
- Only the front facade remains/site is being demolished/disturbance for residents of Dolphin House.
- Proposal is dependent upon the change in height, density and separation distance on the Dolphin House Site.
- Consider the inclusion of an unagreed Master plan ultra vires.

Impact on Amenity

- The height of the development may have a negative impact on residential areas having regard to privacy/overlooking and noise from the proposed open courtyard areas.
- May impact on light to existing private open areas and living areas, in particular 349 South Circular Road, due to excessive scale and massing.
- Daylight studies and sun shading show units will be adversely affected – is another reason for refusal.
- Noise from the basketball court/badminton on first floor/curfews should be placed on their use.

Transport Issues

- No direct bus from any of the Dublin 8 locations to 3 of the 4 main campuses in the City (UCD, DCU and TU Grangegorman).
- Any increase in traffic numbers in this area would not be sustainable in the long term.
- Limited car parking/limited access/adjacent site will bear the brunt of traffic and parking.

Development Standards

- Welcome the provision of three open courtyards at ground floor level but would request that there is public access to these /conditions be imposed that these not be closed off in the future.
- Units are very small and lacking in storage space/no specific mention of kitchen facilities in the proposal/plans only show a small number of such facilities.
- Quality of design and allocated space for each student apartment is poor.

Other

- Existing infrastructure may not be equipped to deal with the anticipated higher densities with this application/concern in relation to the urban drainage system.
- Proximity of boundaries to the Dolphin House site/how development will proceed without access any of our premises.

8.0 Planning Authority Submission

8.1. Dublin City Council (DCC) has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from the relevant departments of DCC, which are incorporated into the following summary.

EIAR

- The submitted EIAR screening report is noted and note the conclusions that a mandatory EIAR is not required in respect of this development. The overall assessment findings as detailed in the EIAR are acceptable to the Planning Authority.

Appropriate Assessment

- The Appropriate Assessment Screening report is noted. The Ecology Assessment is also noted. The AA screening report concludes that the project does not present any risk of a direct adverse effect on either the habitats or species, and will not have significant impact on the Natura 2000 network. The overall assessment findings as detailed are acceptable to the Planning Authority.

General/Principle of Development

- Concerns from observers in relation to overconcentration of the student accommodation noted.
- Planning Authority welcome redevelopment of the site and retention of the Art Deco façade.
- Considered that the use will provide some welcomed activity and mix to the area and bring some much needed life back into the SCR frontage.
- Would be a considerable planning gain if the cinema and possible gym were open to members of the public, especially during the summer months.

Plot Ratio and Site Coverage

- Plot ratio is 3.76:1 – Development Plan standard is 2.0:1

- Indicative site coverage is 80% for Z4 lanes and the overall scheme provides 59.9% which is acceptable. Having regard to the brownfield nature of the site and the need to create a profile on the streetscape, the proposed plot ratio and site coverage are considered acceptable.

Design/Building Height

- Planning Authority have some reservations in relation to the massing and scale of the proposed building/Concerns in relation to the scale and massing of the proposed development and how it will impact on phase 2 of the Dolphin House redevelopment, located to the west and south of the proposed student housing.
- Architectural Report notes Dublin City Council Housing and Community Services are currently engaged in a major regeneration of the neighbouring Dolphin House Estate which borders the proposed site on the south and west side.
- Welcome restoration of the front part of the former 1930s art deco cinema.
- Did not agreed to the applicant utilising early design studies that relate to the Dolphin House regeneration – images are exaggerated at a 5 storey height.
- Concerned in relation to the massing and bulkiness of the building.
- While the height is only a few metres higher than the former auditorium, the visual impact is greater as the massing continues to the parapet and is not tempered with a pitched roof as is currently the case.
- Impact is greatest on the boundaries/These wing elements will form the boundaries to the proposed redevelopment/will impact on new private courtyard areas.
- Concerned about the overall bulk to the rear and the visual impact on the surrounding area where it borders with the Dolphin Estate and recommend lowering the height.
- A reduction of height to three storeys on the western boundary would help to minimise the impact/On the southern boundary a reduction in height to at least three or four stories would be desirable.

- In order to reduce the bulkiness it is suggested that the height is reduced by at least one storey so that the overall height matched the apex at the highest point of the stepped gable of the former cinema.
- Recommended that a condition be attached omitting the 3rd floor – reducing the number of units by approximately 55 bedrooms so bringing the total number of units to 258.
- Subject site is considered to be ‘inner-city’ where a maximum height of 24m is set for residential. The proposal of 20m respects the building form of its environs.
- Imperative that the proposed glazing system is of high quality so as not to detract from the existing elevation of the former cinema.
- Concerned that drawings do not accurately reflect the impact on the proposed open space.
- The active street frontage is welcomed.
- More durable finishes on some elevations required (block adjoining boundary wall backing onto the factory unit; eastern and southern elevations). Brick finish is acceptable where shown as is the aluminium curtain walling.

Conservation

- The report of the Conservation Officer report dated 19th September 2019 states the Dublin City Council is currently in the process of adding cinema buildings from this period to the record of protected structures.
- The report considers that the proposed retention of the front part of the cinema (including the façade and the front section of the cinema) is appropriate.
- Conservation Officer has concerns in relation to the proposed 4-storey glazed extensions that are proposed to flank the cinema entrances – are overbearing and should be reduced in height and pulled further behind the façade of the cinema/also concerned that the 4 storeys are overbearing in relation to the immediately adjoining buildings, which are predominantly 2-3 storeys.
- Materiality does not complement the architectural character of the retained cinema façade/Visual assessments are disingenuous as the glazed elements

seem to disappear into the sky/reality is that glass is dark and can be overbearing in nature.

- Sufficient evidence to warrant a complete restoration of the original shopfronts including the Bakelite glazed shopfronts.
- Concerns in relation to the front entrance.

Residential Amenity

- In terms of the impact on adjoining properties, it is stated that the properties that would be most affected are the two storey dwellings to the north-east of the site and in particular the property at No. 353
- Boundary treatment should be addressed.
- Concerns in relation to overlooking from the courtyard/boundary treatment and landscaping plan should be submitted.
- Note that the stated opening hours of the courtyard garden on Drwg. Differ from what was stated in other documents/recommended that hours of opening of all the courtyards be conditioned/noise buffer zone would be required

Transport

- Cycle parking provision considered acceptable.
- Transportation Planning Division Report dated 17th September 2019 notes that the principle of a car free student development is accepted.
- Plaza-café area conflicts with the proposed cycle parking and bin store access-request that a revised ground floor plan is submitted with a revised planting layout along the boundary of the plaza-garden café.

General

- The various reports submitted by the applicant have been summarised and noted by the Planning Authority.
- Recommended is to grant permission subject to 26 Conditions. Conditions of note include the following:

Condition 3. The proposed development shall be amended as follows:

(a) The scheme shall be reduced in height by one floor. In this regard the third floor shall be omitted from the scheme, which will reduce the number of bedrooms by 55 units, giving a total of 258 bedrooms.

(b) The render finish as indicated on the east, south and west elevations shall be substituted by a more durable material, either a brick or other approved.

8.1.1. A summary of the views of elected members as expressed at the South Central Area Committee Meeting, included in Appendix B of the Chief Executives Report, held 18th September 2019 is outlined as follows:

- Development on this site is welcomed by Members and local residents.
- Serious concerns in relation to the student accommodation/overconcentration of same in the Dublin 8 area/Site would be better used for social/affordable/cost rental housing.
- Will not foster good community development in the area.
- Affordability of units/uncertainty in relation to occupancy if students cannot afford them.
- Will be used for short-term/Air BnB during summer months/use should be restricted by condition.
- Contravenes mixed-use zoning with only one small café envisaged.
- Query the size of the bedrooms.
- Cannot impact on the delivery of the Dophin House Plan.
- More desirable that this proposal is assessed against the guidelines in the current City Development Plan.
- Retention of façade is positive.
- Lack of Part V social housing regrettable.
- Trend in Dublin 8 is that key sites are being developed for student accommodation/maximises profits/does nothing to alleviate the shortage of good quality residential units in the area.
- No flexibility for families with this lower standard of development.

9.0 Prescribed Bodies

9.1. Irish Water

9.2. Based upon the details provided by the developer and the Confirmation of Feasibility issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

10.0 Screening

10.1. Environmental Impact Assessment (EIA) Preliminary Assessment

10.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development involves 317 no. student bedspaces on a site of c0.3ha. The site is located in an urban area that may come within the above definition of a “business district” but is below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the

environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects. This preliminary examination has been carried out and it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

10.2. Appropriate Assessment (AA) Stage I Screening

10.2.1. An Appropriate Assessment Screening Report (dated July 2109) was submitted with the application. I have had regard to the contents of same. This report concludes that the proposed development will not have a significant impact on qualifying interests and conservation objectives for Natura 2000 sites, and that the integrity of these sites will not be adversely affected. It is further stated that no significant direct, indirect or cumulative impacts on Natura 2000 sites have been identified and a Stage 2 Appropriate Assessment is not necessary.

10.2.2. The development site is not within or directly adjacent to any Natura 2000 site. The following designated sites are within 15 km of the development site:

Site (site code)	Distance from site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	c5.1km east	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144]

		<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 SAC (000210)	c5.3km east	<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 Bull Island SPA (004006)	c7.9km north-east	<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>
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		Wetland and Waterbirds [A999]
North Dublin Bay SAC (000206)	c7.9km north-east	<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 (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
Glenasmole Valley SAC (001209)	c9.7km south	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) [6210]

		<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>
Wicklow Mountains SAC (002122)	c10.6km south	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs [7130]</p> <p>Siliceous scree of the montane to snow levels</p>

		<p>(Androsacetalia alpinae and Galeopsietalia ladani) [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 Ilex and Blechnum in the British Isles [91A0]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>
Wicklow Mountains SPA (004040)	c10.6km south	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
Baldoyle Bay SAC (000199)	c12.9km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Baldoyle Bay SPA (004016)	c13.1km north-east	<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p>

		<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>
Rye Water Valley/Carton SAC (001398)	c13.5km north-west	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) [1016]</p> <p>Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) [1014]</p>
Rockabill to Dalkey Island SAC (003000)	c13.5km south-east	<p>Reefs [1170]</p> <p>Harbour Porpoise (<i>Phocoena phocoena</i>) [1351]</p>
Howth Head Coast SAC (000202)	c13.6 north-east	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
Knocksink Wood SAC (000725)	c14.6km south	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>

		Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
Dalkey Islands SPA (004172)	c14.5km south-east	Arctic Tern (<i>Sterna paradisaea</i>) [A194] Common Tern (<i>Sterna hirundo</i>) [A193] Roseate Tern (<i>Sterna dougallii</i>) [A192]

Potential Effects on Designated Sites

- 10.2.10. The proposed development would not be in or immediately adjacent to any Natura 2000 site. The nearest Natura 2000 sites are South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (site code 000210) and lie to the east of the site, at a distance of 5.1km and 5.3km respectively. There are no watercourses in close proximity to the site, the nearest being the Grand Canal which is located 170m south of the site. The nearest river to the site is the Poddle River which flows south to north approx. 700m directly east of the site.
- 10.2.11. With regard to non-coastal sites such as the Glenasmole Valley SAC, Wicklow Mountains SAC, Wicklow Mountains SPA, Rye Water Valley/Carton SAC and Knocksink Wood SAC, there is no direct or indirect hydrological pathway, and consequently no likelihood of significant effects on these sites in view of their qualifying interests and conservation objectives.
- 10.2.12. With regard to the coastal sites, such as South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, North Dublin Bay SAC, Baldoyle Bay SAC, Baldoyle Bay SPA, Howth Head Coast SAC and Dalkey Islands SPA, while there is theoretically an indirect hydrological pathway between the application site and these sites via the public drainage system and the Ringsend WWTP, I consider that the distances are such that any pollutants would be diluted

and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

10.2.13. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Dolphin's Barn Area, by the Dublin City Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulation of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

10.2.14. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is 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 on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Assessment

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Building Height, Design and Layout
- Conservation/Built Heritage
- Residential Amenities
- Quality of Residential Accommodation
- Traffic and Transport
- Site Services and Flood Risk
- Ecology
- Archaeology

11.2. Principle of Development

11.2.1. The site is zoned 'Z4 – to provide for and improve mixed-services facilities'.

Residential use is permitted under the Z4 zoning objective. In this case student accommodation and the ancillary services are considered to be primarily residential development. In relation to student accommodation, the Development Plan has specific objectives to ensure that development proceeds in an orderly manner and is acceptable from a residential amenity perspective. The café use is acceptable in principle under Z4 zoning.

11.2.2. While the planning authority have not raised an objection to the provision of student accommodation on this site, and in fact support the provision of same, I note the concerns of elected members and third parties in relation to the nature of the use and in relation to the potential overconcentration of student accommodation in this area.

11.2.3. I note that the site is conveniently placed for the Coombe Women's and Infants University Hospital and St James Hospital (teaching hospitals) and Griffith College. In addition, Trinity College Dublin is located in the city centre to the east and other educational institutions are to be found throughout the city. A number of Dublin Bus routes pass along South Circular Road, and along Dophin's Barn Street and serve

the city centre. Furthermore, the Fatima Luas stop is located an 8 min walk (650m) to the north of the site. Accordingly, I consider that the site would be an appropriate location for student accommodation.

11.2.4. Dublin City Development Plan 2016-2022 Variation no. 3 requires the applicant to submit evidence to demonstrate that there is not an overconcentration of student accommodation in the area, including a map indicating all such facilities within 1km of the development.

11.2.5. The Statement of Consistency submitted by the applicant refers to a Student Accommodation Concentration Report. This notes that there is no definition of what could be considered an 'overconcentration' of student accommodation in a given area. The report refers to a specific methodology tool 'BeDSPACE' to determine the concentration of student accommodation in a particular area. The methodology used has determined that there is currently a student population of c1.5% within a 1km radius of the development. With the proposed development of 317 bedspaces, this results in total student population of c2.7%. It is concluded that this would be a low percentage of student population. A map is also included of existing and approved student accommodation within a 1km radius of the site.

11.2.6. Having regard to the above, I concur with the conclusion that a student population that accounts for c2.7% of the total population of an area within a 1km radius of the site, would not be considered an overconcentration. As such I am satisfied that the development will not result in an over concentration of student accommodation in this area. I note the comments of Dublin City Council in support of student accommodation at this location.

11.2.7. I am satisfied that the proposed student accommodation will make a positive contribution to the ongoing regeneration of this area. The development will meet the increasing demand for student accommodation at a location that is accessible to several third level institutions in and around the city centre, As per the above analysis, it will not result in an overconcentration of student accommodation at this location. The proposed development is considered to be acceptable in principle on this basis.

11.3. **Building Height, Design and Layout**

11.3.1. The development comprises the following elements:

- A retained and restored art deco element to the front of the development which is the principle entry point for residents.
- The plan form of the building is cruciform with 2 no. principle cores.
- The height of the building is a maximum of 7 storeys (c20m high). There is a stepping up of height from the retained and restored Art Deco element facing onto South Circular Road.
- The building also steps down in height from 7 to 5, 4 and 3 storeys over basement at the western wing of the cruciform building. On the eastern wing of the building there is a slight setback at the 7th floor. To the rear (south) the building steps down in height to 6 and 5 storeys.

11.3.2. Development Plan Section 16.7 indicates that the general height limits for inner city locations are up to 28m for commercial development and up to 24m for residential development. The stated total height of 20m is below this limit. The development is therefore within the required parameters and in accordance with development plan standards. Notwithstanding, the Urban Development and Building Height Guidelines (2018) state that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.

11.3.3. I note the application documents, specifically the Architectural Report and the Visual Impact Report, incorporate indicative proposals for the Dolphin House Regeneration Scheme, which are not yet approved, and the accuracy of which has been questioned by the planning authority, who have stated that the scale of the regeneration proposals is exaggerated in the application documents. As such only very limited regard can be had to same, and I have considered the proposal in the context of the existing situation, in the context of the principles as set out in the Development Plan under SDRA 13 'Dolphin House', in the context of the comments from the Planning Authority in relation to future proposals for the site, and in the context of the impact on the development potential of neighbouring sites, including the site at Dolphin House.

11.3.4. The planning authority consider that the bulk, scale and massing are excessive, and consider that a storey should be removed from the building, namely the omission of the third floor. A particular concern is the impact of the development on the future amenity areas of the Dolphin House Regeneration Scheme. A number of third party

observations have also raised concerns in relation to the height, scale and massing of the proposal.

11.3.5. I note the scale of the existing building, the height bulk and massing of which is already at a larger scale than surrounding development. In my view the replacement of the existing large scale building, with a building of scale that makes a more efficient use of the site is acceptable in principle. I note the presumption in favour of higher buildings on urban sites with good public transport accessibility such as this one. The highest elements of the building are towards the centre of the site, with the lower elements closest to the boundaries. I consider this design approach to be a logical one, and minimises the visual impact on the streetscape and from adjacent sites. The cruciform approach also minimises the extent of built form on the boundaries, and I note the step down in height to 5, 4 and 3 storeys over basement on the western boundary. Having regard to this step down in height, I do not consider that the visual impact of the built form of the boundaries would materially injure the existing visual amenities of the Dolphin House site, nor injure the visual amenities of adjacent residential sites to the east, nor the visual amenities of future amenity spaces located adjacent to the boundary of the site.

11.3.6. In relation the Dolphin House site to the west and south of this site, and in relation to the site to the south-east, currently occupied by a part-single, part two-storey factory/commercial building, I consider the proposal preserves the development potential of same.

11.4. Conservation/Built Heritage

11.4.1. It is proposed to retain the façade and a portion of the front of the former cinema building and to incorporate these elements in the development. The building is not a protected structure but is identified on the NIAH as being of Architectural, Historical and Social Interest and has been afforded a regional rating (NIAH 50080224).

11.4.2. A Conservation Assessment has been submitted with the application and this gives a detailed assessment, including photographs, of the current state of the building, which is in poor condition internally, having been subject to internal alterations, vandalism and fire damage over since the closure of the former use (a motor showroom). It is noted that the front part of the original cinema building remains relatively intact however, despite the damage caused by fire and vandalism. The

report concludes that the preservation of the front portion will ensure that a significant element of the streetscape remains. It is further concluded that the proposed new buildings would not detract from the retained elements.

- 11.4.3. The report of Dublin City Council's Conservation Officer, while welcoming the retention of the front portion, expresses some concerns in relation to the proposal, namely the scale and height of the new buildings, and the impact on the retained façade, and the lack of a sufficient setback from the retained elements.
- 11.4.4. I note that the scale of the new build elements will be greater than auditorium element of the existing building, and the retained façade and front portion, will be seen in the context of the larger building elements that sit behind it. It is my view that the proposal provides an appropriate step down in height towards the front of the site, and the façade will retain its significance in the streetscape without being dominated by the larger built form behind. I do not consider that seeking a reduction in height of the new build element to three storeys at the front is justified.
- 11.4.5. I have had regard to the existing condition of the building, which is relatively poor and detracts from the streetspace. The restoration of the façade and front portion of the building will allow for the retention of those parts of the building which contribute most significantly to the streetscape, and the overall impact on the streetpace will be positive.
- 11.4.6. I note the previous refusal on this site (ABP Ref PL29S.245460), with one of the reasons for refusal relating to the impact of the new built form on the retained façade. This current proposal is proposing to retain a greater amount of the front portion of the cinema, rather than just the façade. The previous proposal sought to retain only the front wall of the cinema with the two short flanking walls at the end of each façade with the internal elements of the front portion of the building being removed. The current proposal seeks to retain the entire front section of the cinema, with the retention of the original internal features, including the staircases, the coved ceilings and the entrance foyer, and incorporate it into the development.
- 11.4.7. In addition, I note that the materiality, and built form of this current proposal differs markedly from the previously proposed development on this site. Of particular note is the materiality of the previous proposal, which was dominated by a brick finish, and was somewhat dominant in its overall appearance. This current proposal creates a

clear definition between the retained façade and front elements, and the new build behind by the use of contrasting materials, by the use of aluminium curtain walling for the new build element behind. In my view this results in a far more satisfactory relationship between the retain and new build element that was previously the case.

11.4.8. I note that the reason for refusal also referred to the potential for the front portion of the building to be included on the Record of Protected Structures. While I note the comments of the Conservation Officer in relation to same, this has not occurred since the adoption of the most recent Development Plan which occurred after the Board's decision. In addition, and as noted above, this current proposal now seeks to retain the internal features of the front portion of the façade, which was not the case with the previously proposed development on this site.

11.4.9. I am generally satisfied that the current proposal overcomes the previous concerns of the Board, and the retention of the front element of the building, and its incorporation into the new build element is successful in my view, and results in a development that retains the character of the existing structure, and will have a positive impact on the streetscape and on the area as whole.

11.5. Residential Amenities

Existing and Proposed Amenity Spaces

11.5.1. The applicant has submitted a Shadow-Sunlight Analysis Report. This addresses the effects of the proposed development on shadow/sunlight in neighbouring amenity spaces, as well as a study on future amenity spaces on the adjoining Dolphin House site. It also addresses overshadowing of the amenity spaces proposed within the development. The report concludes that the impacts on the existing amenity spaces are all within the range of the BRE Guidelines. It is also concluded that the impacts on proposed amenity areas, as envisaged by DCC, are also within the range of the BRE Guidelines. In terms on the impacts on the internal amenity spaces, all of these spaces comply with the guidelines save for a minor shortfall for the proposed basketball court.

11.5.2. The analysis prepared by the applicant is in the context of relevant Building Research Establishment (BRE) daylight and sunlight guidance, a widely accepted approach to achieve acceptable levels of development.

11.5.3. The BRE guidance states that at least 50% of the amenity space in question should receive at least two hours of sunlight on the 21st March and that any loss of sunlight should not be greater than 0.8% of its former value. This has been achieved for existing and proposed amenity spaces. I generally concur with the conclusions of the report. While I acknowledge that the proposals for the adjoining development site at Dolphin House are not finalised, the analysis does indicate that the impacts on the adjoining site are within acceptable limits, and do not impact unacceptably on the development potential of same.

Neighbouring Residential Buildings

11.5.4. The application documents include an analysis of daylight impact on existing habitable rooms in neighbouring buildings (Daylight Reception – Daylight Reception in Habitable Rooms in Neighbouring Buildings). This considers receptors A (1-12 Dolphin House - 3 storey residential block to the north-west of the proposed building), B (430-440 South Circular Road – on the opposite site of South Circular Road) and C (353 South Circular Road, a 2 storey dwelling to the south-east of the proposed building). Daylight impacts on receptor Care ruled out as it has no windows facing the proposed development. Impacts on receptor B are also ruled out as it has VSC angles below 25 degrees and does not need to be analysed. I note that this is as per the BRE Guidelines (2011). In terms of receptor A, impacts on these dwellings are greater than the BRE Guidance limits (between a 44% to 70% loss of daylight to the 6 windows analysed). The report then goes on to consider an analysis utilising multiple point VSCs which demonstrates that the impact will be less than that considered above.

11.5.5. While I accept there will be impacts on these windows at Receptor A, I note it is also proposed to demolish these buildings as part of the redevelopment of the estate. I also note that the windows in question are on the flank elevation of the building, in relatively close proximity to the development site and would be impacted by any development of scale on this site. It is also likely that the rooms in question are served also served by windows to the front and rear.

11.5.6. I consider that daylight impacts to Receptor C (353 South Circular Road) should have been considered in the report and this is not the case. However I note the existing large built form of the existing building which will have significant impacts on

existing daylight levels to the rear windows of this property. I note also the setback of the proposed development from the eastern boundary of the site, which serves to reduce any impact on daylight levels.

- 11.5.7. I also note the report does not consider impacts on sunlight levels to adjoining buildings, in terms of annual percentage sunlight hours (APSH). Having regard to the orientation of 1-12 Dolphin House, it is likely that the windows the flank elevation will be impacted upon. However as noted above it is proposed to demolish this building as part of the redevelopment of this estate, and it is likely that the rooms impacted are also served by windows to the front and rear. There may also be impacts on sunlight levels to 353 South Circular Road and other properties on this terrace of properties. However, the windows on the rear elevation of these buildings will still receive sufficient sunlight from a south-easterly and southern direction, having regard to the orientation of these buildings relative to the proposed development.
- 11.5.8. In conclusion, while I note the deficiencies of the submitted report, having regard to the above considerations, I do not consider that impacts on daylight/sunlight levels to adjacent and adjoining properties are sufficient to warrant a refusal of permission in this instance.

Proposed Student Accommodation

- 11.5.9. The application also includes a report entitled 'Daylight Reception' which considers daylight reception in habitable rooms within the new development. The report concludes that all of the habitable/student rooms within the development will have an average daylight factor in excess of 2%, and as such are in excess of the BRE recommended average daylight guidelines. The rooms analysed were generally those with the most restricted access to daylight, and therefore other rooms not analysed would have better daylight access. I concur with the results as outlined in the report.

Overlooking

- 11.5.10. I note the DCC have previously raised concerns in relation to potential overlooking from the development, impacting on the amenity of the future occupants of the proposed redevelopment of Dolphin House, namely from the Courtyard elements. The applicants have revised the boundary proposals to include additional planting on the boundary with the Dolphin House Site, and an increased boundary

height of 2.6 for the southern boundary of Courtyard 4. I note that the planning authority have requested a solid boundary in place of the proposed railings for the ground floor courtyards and I concur that this will further mitigate against overlooking of the Dolphin House estate. This can be sought by way of condition. In relation to the upper courtyard at first floor level (Courtyard One) this has a setback boundary with a solid boundary beyond, which will prevent overlooking from this space.

11.5.11. It is proposed to retain the existing 4.2m high boundary wall to the east, and to include semi-mature tree screening to 5.5m in height. It is submitted that overlooking of the sites to the east and south-east is reduced significantly as there is currently unobstructed views over the rear of these properties from the elevated ramp on the boundary, which is being removed as part of this proposal. Specifically in relation to No. 353 South Circular Road, I accept that the proposal will reduce levels of overlooking of this residential property, and residential properties beyond, by virtue of the removal of the ramp and the setback of the proposed building from the boundary of No. 353 South Circular Road.

Noise Impacts

11.5.12. Concerns have been raised in relation to potential noise impacts, including those impacts from the raised communal space at first floor level. However, subject to conditions on the hours of use of these areas, and restriction on amplified music, I do not consider that noise impacts on adjoining sites will be material.

11.6. Quality of Residential Accommodation

11.6.1. In terms of the provision of acceptable accommodation for students I note that there are no national design standards other than those issued under Section 50 of the 1999 Finance Act. However, section 16.10.7 of the Dublin City Development Plan builds on that guidance and sets out specific guidelines for the design of student accommodation. The proposed student accommodation is generally in accordance with the following guidance provided in development plan section 16.10.7 as follows:

- Student accommodation should be grouped as 'house' units between 3-8 bedspaces, from 55 sq.m. - 160 sq.m.
- Single / double occupancy studio units with bathroom and cooking facilities, GFA of 25 sq.m. - 35 sq.m.

- Shared kitchen facilities shall be provided at a minimum of 4 sq.m. / bedspace.
- Minimum bedrooms shall be; single study bedroom 8 sq.m. with bathroom 12 sq.m., twin study bedroom 15 sq.m. with bathroom 18 sq.m., single disabled study bedroom with bathroom 15 sq.m.
- Bathrooms shall serve a maximum of 3 bed spaces.
- Communal facilities shall include laundry, caretaker / security and refuse facilities.

11.6.2. A commentary is provided with the Statement of Consistency and within the Architectural Report that outlines how the proposed development accords with and exceeds the City Development Plan standards concerning student accommodation.

11.6.3. The principle entry point is through the former cinema entrance. There is a larger internal split level communal area on the ground floor from which there is access to the courtyard to the east of the site, and indirect access to the courtyards to the southern corners of the site.

11.6.4. The proposal has 2230 sq. m. of communal space which is a ratio of 7.0 sq. m. per bedspace, in line with Development Plan standards. Communal facilities include lounge areas, tv rooms, café, gym and cinema.

11.6.5. The apartment clusters range from 4 to 7 bedroom apartments, which is in line with DCC standards. The apartments are generally laid out with single ensuite bedrooms off the corridor and a combined kitchen-living-dining area accessed at the end of the corridor.

11.6.6. 33 no. studio units are provided which own kitchen and living facilities. At ground floor level off the south core are accessible studios which are larger than standard.

11.6.7. The room sizes (bedrooms, living/kitchen/dining) either meet or exceed DCC standards.

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

11.7. **Traffic and Transport**

- 11.7.1. The proposed development provides no on site car parking spaces, in line with City Development Plan standards for student accommodation. There is sufficient cycle parking proposed in line with Development Plan Standards. Given the nature of the proposed land use, the limited parking provision and the availability of sustainable transport modes, it is not considered that the development will have any significant traffic impacts. A mobility management plan has been submitted with the application and this notes that there are 10 campuses within a 3km radius of the proposed development.
- 11.7.2. Servicing will be via the proposed service set-down area to the front of the site. I note that DCC Transportation Planning Division has no objection to the scheme subject to conditions.
- 11.7.3. Having regard to the foregoing, the proposed development would be acceptable with regard to traffic and transport impacts.

11.8. **Site Services and Flood Risk**

Surface Water

- 11.8.1. Site services requirements and proposals are set out in the submitted Engineering Services Report and I have had regard to same.
- 11.8.2. Storm water from the upper roof areas will drain to ground surface water sewers on the perimeter of the site at Upper Ground floor level. These sewers will drain by gravity to an onsite attenuation facility proposed on the eastern side of the site. Attenuation capacity is designed for a 1 in 100 year storm event with a + 20% allowance for climate change. Attenuation will be provided by a 75m³ below ground storage tank. Attenuated outfall from this system will fall by gravity to the existing surface water sewer via the existing manhole in the pavement directly north west of the site. Surface water outfall from the attenuation tank is to be restricted by a hydrobrake. The peak stormwater discharge is therefore to be restricted to 2 l/s. Non-return valves shall be incorporated into the SW system at points of entry of the gravity sewers into the attenuation tank.
- 11.8.3. Various SUDs measures have been incorporated into the development including green roofs and permeable paving as well as water butts and rainwater harvesting.

Flood Risk

- 11.8.4. A Flood Risk Assessment has been submitted with the application. This considers the flood risk to the site from pluvial, fluvial, tidal, surface water and groundwater sources and concludes that the site is not at risk from any of these sources, and is therefore located within Flood Zone C. Developments within such zones are not required to undergo a justification test. It is concluded that the residual risks of flooding can be managed by incorporation of good building practice in the design and construction of the Lower and Upper Ground Floor levels and associated drainage systems, and by maintenance and management of the property.
- 11.8.5. Mapping on Floodinfo.ie (accessed 30/10/2019) does not place the site within an area at risk of Pluvial or Fluvial Flooding, and there are no previous flood events identified on or near the site. Therefore the site is considered to be within Flood Zone C and no justification test is required. The submitted details, including the Flood Risk Assessment and the Engineering Service report, demonstrate that the proposed development would not be at an undue risk of flooding itself and would not exacerbate the risk of flooding on other lands, subject to the implementation of the proposed surface water drainage measures.

Foul

- 11.8.6. Foul water will discharge to the combined sewer in South Circular Road, with foul water emanating from lower ground floor level requiring a pumping station, with foul water being pumped to a transition manhole at upper ground floor level then fall by gravity within the main site foul sewer system to the combined sewer on South Circular Road.

Water Supply

- 11.8.7. Water supply is from the existing watermain on the north side of South Circular Road. I note the correspondence from Irish Water, which states that the connection to the public water supply is feasible without upgrades.

11.9. **Ecology**

- 11.9.1. An Ecology Assessment (dated 25th July 2019) has been submitted with the application and I have had regard to same. This considers the impact of the proposed development on any habitats or species on the site. The habitat survey carried out did not reveal any habitats of significant value. In relation to species, a bat survey observed single bats coming from an east/south east direction and no

bats were recorded emerging from the building onsite, leading to the conclusion that the site has low importance for bats. No other species was recorded and the site was considered of low value for birds. No invasive species was noted on site. It is concluded that overall the development will impact primarily on low value and highly modified habitats, with a minor loss of foraging habitat for bats. There are a number of mitigation measures outlined in relation to short-term construction impacts.

11.9.2. I concur with the conclusions of the submitted Ecological Assessment and I consider that there will be no material impact on habitats or species as a result of this proposed development.

11.10. Archaeology

11.10.1. An Archaeological Assessment (dated January 2019) was submitted with the application. This notes that while the site has been subject to significant ground disturbance in the 1930s, there is some limited potential for previously unrecorded archaeological remains to survive beneath the current ground surface.

11.10.2. I am satisfied that impacts on archaeology can be dealt with by way of suitable conditions.

12.0 Recommendation

The proposed student accommodation and ancillary café are acceptable in principle at this site with regard to the relevant 'Z4' zoning objective under the Dublin City Development Plan 2016-2022. The provision of student accommodation at this location is desirable with regard to the proximity of the site to several third level institutions in Dublin city centre. In addition, the site is located in an area with a wide range of social infrastructure and public transport facilities. The development will not result in an overconcentration of student accommodation with regard to the provision of existing and permitted student accommodation within 1 km of the site, as per Variation no. 3 of the Dublin City Development Plan 2022-2016. The design and layout of the scheme are generally satisfactory and in accordance with the guidance on student accommodation as set out in development plan section 16.10.7. I am also satisfied that, subject to the conditions set out below, the development would not

have any significant adverse impacts on the amenities and development potential of adjacent sites, including the Dolphin House site to the west and south of this site.

Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations below.

13.0 Reasons and Considerations

Having regard to:

(a) the policies and objectives in the Dublin City Development Plan 2016-2022;

(b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(d) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) the nature, scale and design of the proposed development;

(g) the availability in the area of a wide range of social, community and transport infrastructure,

(h) the pattern of existing and permitted development in the area,

(i) the submissions and observations received and

(j) the report of the Inspector.

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

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, such issues may be referred to An Bord Pleanála 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. a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.
- b) Access to green roofs shall be for maintenance purposes only.
- c) Student House Units shall not be amalgamated or combined.

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

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - (a) Signage throughout the development, including the shopfront to the café.
 - (b) Public lighting throughout the development.
 - (c) Details of areas to be taken in charge to be agreed in writing.
 - (d) Details of the proposed materials which will flank either side of the front elevation of the retained façade shall be submitted and approved in writing. This material shall be of high quality so as not to detract from the existing elevation of the former cinema.
 - (e) Details of the existing boundary wall treatment including the planting scheme to be submitted and agreed in writing with the planning authority. The applicant shall also clarify whether the existing boundary wall with high fence is to remain in situ as part of this scheme.
 - (f) Prior to commencement of development the applicant shall submit details of how courtyard 1, 2, 3 & 4 will be managed in relation to noise and residential amenity, and also in relation to the opening hours of these courtyards. In this regard it should be noted that amplified music will not be permitted in outdoor areas at any time.
 - (g) Details of the boundary treatment including a landscaping scheme to courtyards 3 & 4 shall be submitted to and agreed in writing with the planning authority. In this regard the current proposal for railings is not acceptable and will lead to overlooking and privacy issues from these courtyards. A more solid treatment of these boundaries shall be submitted to Dublin City Council for approval.

(i) The operating hours of the proposed café unit shall be agreed in writing within the planning authority prior to first occupation of the unit.

Reason: In the interests of visual and residential amenity.

5. The proposed café area shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission.

Reason: In the interests of residential amenity.

6. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external and courtyard facades, signage, pavement finishes and bicycle stands 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.

7. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible

from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. 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.

10. Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

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

Reason: In the interest of residential amenity.

13. 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 to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) Full details of proposed green roofs including construction and maintenance plan;

Reason: In the interest of public health.

14. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

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 mitigation measures outlined in the Ecology Report submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment.

17. 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.

18. 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.

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

Reason: To ensure a satisfactory standard of development.

20. Any asbestos found within the site shall be removed and properly disposed of in accordance with the asbestos survey report submitted.

Reason: In the interests of safety.

21. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

23. 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.

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

Reason: To ensure a satisfactory standard of development.

25. The applicant shall undertake to implement the measures outlined in the Mobility Management Strategy and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of encouraging the use of sustainable modes of transport.

26. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development.

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

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,

drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

28. 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.

Rónán O'Connor
Planning Inspector

01st November 2019