



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-305324-19**

---

#### **Strategic Housing Development**

Demolition of existing warehouses, construction of 368 no. student accommodation bedspaces and associated site works.

#### **Location**

Site known as a portion of the Brewery Block, bounded by Newmarket, St. Luke's Avenue, Brabazon Place/Brabazon Row and Ardee Street (The site includes Nos. 13/14 Ardee Street and No. 29 Newmarket), Dublin 8.

#### **Planning Authority**

Dublin City Council South

#### **Applicant**

Summerfix FRC Development Ltd.

**Prescribed Bodies**

Irish Water.

Department of Culture, Heritage and  
the Gaeltacht.

**Observer(s)**

Appendix A includes a list of 7 no  
observers with multiple signatures.

**Date of Site Inspection**

20<sup>th</sup> of November 2019.

**Inspector**

Karen Hamilton

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located within the Liberties area, Dublin 8, is bound to the north by St Luke's Avenue, east Brabazon Place/Brabazon Row, south Newmarket Square and west Ardee Street. There is a number of derelict structures on the site and an existing warehouse/ industrial building located to the south east facing onto Newmarket Square, a Protected Structure is included in the site. A large dwelling, a Protected Structure, is located on the North West corner of the site, facing onto Ardee Street and is not within the subject site. A dominant 5 storey red brick tower, located on the site is to be retained and integrated for the purpose of the proposal.
- 2.2. The site includes a substantial area of unused vacant land which straddles the site from south west to north east, there has been a significant amount of development to the north and west, along Cork Street. A mixed use development has recently been granted on a large site directly east on the opposite side of Brabazon Row and a Part VIII has been agreed for public realm works along the south of the site for Newmarket Square.

## 3.0 Proposed Strategic Housing Development

The proposed development would comprise of the demolition of two existing industrial warehouses (1,236m<sup>2</sup>), a brick ruins (99m<sup>2</sup>) and the remnants of other brick structures and the construction of a part-two to part- eight storey mixed use building over three blocks (12,248m<sup>2</sup>) for 368 student accommodation bedspaces with allowance for short term letting during the student holiday periods.

Table 1: Key Figures

<b>Site Area</b>	0.3968 ha
<b>No. of units</b>	368 student bed space
<b>Height</b>	Range 2- 8 (up to 27.26m)
<b>Plot Ratio</b>	3.24
<b>Site Coverage</b>	60.8%
<b>Open Space provision( internal amenity)</b>	1,139m <sup>2</sup>
<b>Community (dual purpose)</b>	218m <sup>2</sup>
<b>Co-working</b>	325m <sup>2</sup>
<b>Other amenity (e.g. bike storage)</b>	478m <sup>2</sup>

Fig 2: Unit Mix

<b>Student Unit Type</b>	<b>No. of Units</b>	<b>No. of bed spaces</b>
<b>Studio (single) unit</b>	1	1
<b>Studio (twin) unit</b>	2	4
<b>4 bed unit</b>	5	20
<b>5 bed unit</b>	7	35
<b>6 bed unit</b>	26	156
<b>8 bed unit</b>	19	152
<b>Total bed spaces</b>		<b>368</b>

## 4.0 Planning History

### Reg Ref 2812/17

Permission granted for 349 no student accommodation bedspaces and a co-working space.

Adjoining site to the east.

**300431-19(Reg Ref No 3323/17)**

Permission granted for the demolition of buildings on site & redevelopment for mixed use purposes ( including 58 residential units), including 4 blocks ( heights along the west part 7 & part 8 storeys) enclosing a central courtyard above lower ground level & basement with 112 car parking spaces &195 bicycle spaces.

**Reg Ref 3321/17**

Permission granted for the demolition of existing buildings and the construction of part 4, part 6 no storey building over basement for indoor market/retail (264m<sup>2</sup>) , office space at ground floor level (1,251m<sup>2</sup>) and office on upper floors (7,885m<sup>2</sup>).

**Reg. Ref. 3475/14 & 2440/16**

Permission was granted for a mixed use development (including 406 student bedspaces) on a site to the south of Newmarket.

**Reg. Ref. 2182/16**

Permission was granted for a mixed use development (including 303 student bedspaces) to the south east of Newmarket.

**Reg. Ref 2283/17**

Part VIII application for Local Authority Works, public realm improvements for Newmarket

## **5.0 Section 5 Pre Application Consultation**

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 12<sup>th</sup> of July 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development.
- 5.2. The prospective applicant was advised that specific information should be submitted with any application for permission as summarised below:

1. Reasoning for the removal of **protected structures** from the overall development site and proposal for the long-term survival of same.
2. Photomontage images and cross-sections at appropriate intervals to illustrate the **visual impact** of the proposed development and the surrounding area and a rationale for the proposed design strategy in this context.
3. A site-specific **flood risk** assessment.
4. A statement as to the impact on **residential amenities**.
5. A site layout plan indicating the full extent of any existing and/or proposed **way leaves** within the site if applicable to the development site.
6. **Landscaping** proposals including an overall landscaping masterplan for the development site.
7. Details in respect of the proposed **co-working and commercial area** including inter alia management and servicing proposals.
8. Relevant **consents to** carry out works on lands which are not included within the red-line boundary.

### 5.3. Applicant's Statement

#### 5.3.1. Introduction

The following changes have been incorporated in response to the Pre-Application Opinion:

- In relation to the integration of the protected structure on the site into the overall scheme, the existing tenants have a leasehold interest which entitles them to remain in the building long-term, only minimal alterations to the exterior are proposed.
- A service lay-by is now included within the red-line boundary.
- Block A has been set back from the existing warehouse from 2,200mm to 2,850mm.
- Block B, along Brabazon Row, has been relocated 600mm east.
- A Landscape and Visual Appraisal, based on photomontages illustrates integration into the surrounding context.
- A Water Services and Flood Risk Assessment report accompanied the application and states the site is located in Flood Zone C.

- A Daylight/ Sunlight Analysis report accompanied the application.
- A site layout map with all the wayleaves is included.
- A Landscape Design Report and Landscape Masterplan outlines the landscape strategy.
- The proposed co-working is 325m<sup>2</sup>, is located on the ground floor of Block C, fronting onto St Luke's Avenue and will be available for the future residents and the local community. The space and overall scheme will be managed by NIDO, an experienced company.

#### 5.4. **Material Contravention Statement**

The proposed development has been advertised as a material contravention and the statement submitted includes justification for the contravention. The report has been summarised as follows:

##### Building Height

- The building height along St Luke's Avenue (27.26m) exceeds the prescribed height in the development plan (24m residential) and the height along the rear (16.8m) as prescribed in the Liberties Local Area Plan 2009-2020 (15m).
- The National Planning Framework (NDF), the Dublin City Development Plan and Local Area Plan were adopted before the national guidelines for Urban Development and Building Heights (SPPR 1).
- Section 16.10.7 of the development plan provides guidance for student accommodation, the 368 bedspaces is considered an appropriate cluster and the proposal exceeds the minimum standards.
- The Board may deal with the application under Section 37(2) (b) of the Act.
- The overall development complies with the development management criteria for increased heights, will not have negative impact on the protected structures or visual amenities of the area and will regenerate the surrounding area.

## 5.5. **Statement of Consistency**

The statement of consistency demonstrates that the proposal is consistent with the relevant National, Regional and Local Polices and the local of Higher and Third level education Institutions is detailed.

## 6.0 **Relevant Planning Policy**

### 6.1. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions 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')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Architectural Heritage Guidelines for Planning Authorities, 2004. Development Guidelines for Protected Structures and Areas of Architectural Conservation.

### 6.2. **Dublin City Development Plan 2016-2022**

The site is zoned partly as Z4 (District Centre) and Z10 (Inner Suburban and Inner City Sustainable Mixed-Use).

The objective for Z4 is “to provide for an improve mixed use facilities”

The objective for Z10 is ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant use in inner city areas

- Residential is a permissible uses within the mixed use Z10 & Z4 zone.

#### **Section 14.8.4- District Centre- Zone Z4**



- Urban villages with a high level of services which can range from community to commercial.
- Higher densities are permitted on those close to good public transport
- Upper floors should have active uses for commercial/ retail or residential use.

**Section 14.8.10 - Inner Suburban and Inner City Sustainable Mixed Use- Zone 10**

- Primarily residential, office and retail use.
- The re-development of mono-uses shall not generally be permitted.

A Protected Structure is located within the site (RPS 5829) on the south east corner and the southern section of the site is located in the **Newmarket Conservation Area**, therefore the following polices apply.

- **Policy CHC4 & CH5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.
- **Section 11.1.5.8:** Demolition of Protected Structures and Buildings in Architectural Conservation Areas. The demolition of structures which make a positive contribution to protection structure or conservation area will be restricted. The acceptability of demolition will be considered having regard to the impact on the character of the ACA.
- **Appendix 24:** Protected Structures and Buildings in Conservation Areas.

The site is located in a zone of **archaeological interest Dublin City (DU0180-020)**.

- **Policy CHCO10-** Protect and promote those sites of archaeological interest.

**Section 15.1.1.19-** The site is located within the **Strategic Development and Regeneration Area (SDRA) 16**, Liberties and Newmarket Square.

- Figure 36- The site is located in Key Development Areas (KDA) C – Newmarket.
- Overall Guiding principles of the LAP include quality of life for the Liberties residents, social and community infrastructure, wide variety of housing choice for families and older, stimulate economy and support the critical mass, promotion of the character, promote the principles of good design etc.

**Policy SC1-** Consolidate and enhance the inner city by linking the critical mass of existing and emerging clusters and communities such as Newmarket, with each other, and to regeneration areas.

**Policy CEE5-** Improve linkages between key economic areas of the city by improving permeability, public transport, improving the public domain and tackling vacant sites/ dilapidated buildings.

#### Section 16.7 – Building Heights

- Low Rise- Inner City – Up to 24m (residential)
- Assessment criteria for Higher Buildings.

#### Section 16.10.7- Student Accommodation

- Should be positive to the built environment and the surrounding community.
- Compliant with the standards for daylight and sunlight
- Outdoor recreation facilities of 5-7m<sup>2</sup> per bed space.

### 6.3. **The Liberties Local Area Plan 2009 (extended until May 2020)**

Section 7 of the LAP provides general and site specific development and design guidance for all Key Development Sites. Newmarket is identified as Site C.

The site is within the **Newmarket/ Chamer-Weavers’ character area** of the LAP:

Key objectives for the area are as follows:

- Improve permeability throughout the area through new links across Cork Street to the north and Mill Street to the south.
- Deliver a high quality, multi-functional market square and city-wide well-known destination.
- Encourage day and night time activities around public open spaces, such as cafés, bars, restaurants and local shops.
- Provide active frontages along key walking routes and towards key local activity nodes.

- The public realm should be designed to encourage walking and cycling, providing shared surfaces and easy street crossing. Pedestrian priority should be particularly enhanced on the central market square.
- Open Oscar Square to the community and provide adequate management.

#### **Section 5.1.4 Liberties/ the Coombe**

- New infill development should relate to the heights of adjacent buildings.

#### **Section 6.5.3 Height Strategy**

- Site is not included with any specific redevelopment site or height restriction.

#### **Section 16.7.2 Height Limits and Areas for Low-Rise, Mid- Rise and Taller Development**

- Proposals for high buildings should be in accordance with the provisions of the relevant LAP/ SDRA.
- Plant, flues and lift overruns should not be included in the height of the building, as long as they are set back and properly screened and do not significantly add to the shadowing or otherwise of natural light beyond that of the main structure.
- Low Rise/ Outer City: 16m (commercial and residential) as a max height.
- Pre-existing height in the surrounding area may be used to justify additional height where impact is assessed

#### **6.4. Designated Sites**

The site is located c. 4.3km to the west of South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (site code 000210).

#### **7.0 Third Party Submissions**

- 7.1. A total of 9 no. submissions were received in relation to the proposal of which 2 no. of these are prescribed bodies, further detailed below in Section 9.0. The remaining submissions are from residents of properties in the vicinity, residents associations and local councillors and the issues raised are similar in nature, therefore, I have summarised into common themes below:

## Student Accommodation

- There will be an overconcentration of student accommodation in the vicinity which will lead to “*Studentification*”.
- There are currently high levels of student housing in the vicinity and the increase of transient type accommodation will have a negative impact on the current community in the Liberties.
- The development plan requires an assessment of the levels of student accommodation in a 1km radius of the site, the application is deficient in compliance.
- The submitted report does not consider the number of student apartments being applied for in comparison to normal residential apartments.
- D 8 is at saturation point and there are over 5,000 student bed spaces either existing or planned.
- The proposed development will lead to anti-social behaviour and increase noise and disturbance on the surrounding area.
- In addition to existing or planned student accommodation the remaining developments in the vicinity are almost exclusively for a transient accommodation.
- The previous permission was for a larger site with less student bed spaces (349), additional 19.
- Previous Board decision 304254-19 prioritised permanent residential accommodation.

## Traffic

- There is currently parking on the street.
- There has been an increase in the traffic flow in the vicinity of the site and New Row South is congested since the opening of 4 other PBSA.
- There is only one access point into the site.
- The direct public transport connectivity to the site is sufficient.

### Material Contravention

- The proposed development contravenes the CDP and the LAP as it does not support the development of the Liberties.

### Height

- The proposed height (27.26m) will contravene the height restriction in the CDP (15m).

### Zoning

- The proposed development does not support the zoning for Z10 or Z4.

### Residential Amenity

- There is a lack of amenity space in the scheme for any residents
- The proposed development will have a negative impact on the proposed apartments to the east of the site, recently granted.
- The proposal will cause overbearing on the surrounding area.

### Mixed Use

- Mixed use elements of developments in the vicinity of the site have not been developed or have received permission for change of use to other (e.g. retail to office). Other ground floor units are used for storage.
- A condition should be included in any grant of permission requiring the use of the community hall for the residents in the vicinity for more than twice a year and include details on how the community will manage it.
- The “chill out zone” is not an appropriate use for this location.

### Built Heritage

- There is significant history in the vicinity and the site does not replicate this.
- The proposal does not contain any character.
- The proposed development would seriously injure the character and setting of a protected structure at No. 10 Ardee Street.

- The student accommodation previously permitted was 21.5m from the rear building line of No 10 Ardee Street and c. 16.88m in height. The separation distance has been reduced to 20.4m and the height increase to 20.21m.

#### Process

- The SHD process is not appropriate to deal with the application and reduces 3<sup>rd</sup> party participation

## 8.0 Planning Authority Submission

8.1. A submission to the SHD application was received from the Planning Authority on the 29<sup>th</sup> of October 2019 and includes a summary of the points raised in the submissions, the opinion of the Elected Members, the planning history, policy context and the Chief Executive Views which recommend a grant of permission having regard to the recent grant of development on the site, the pattern of development in the vicinity, recent reports on student accommodation and the information in the development plan and the local area plan. The submission has been summarised below.

### 8.2. View of Elected Members

- There is a greater need for permeant accommodation.
- The overall design is poor and the size is too large.
- The proposal will lead to anti-social behaviour from a transient community and cause a ghetto.
- The proposal is a material contravention and the Z10 zoning is questionable for student accommodation.
- The use of the enterprise building is questioned.
- An oral hearing was requested although it was not within the 5 weeks.

### 8.3. Planning Assessment

#### Principle of Development

- The principle of development has been established by a previous permission on the site for a similar development (Reg Ref 2812/17)

- The proposal is consistent with the zoning on the site (Z4 & Z10).
- The proposal includes a café/ bar and a performance hall for the use of the residents and local community at Brabazon Row at the main entrance to the scheme at Newmarket.

#### Conservation

- The site adjoins two protected structures, the protected structure at the corner of the site (Newmarket and Brabazon Row) has been omitted from the previous permission due to a long term lease.
- A conservation report which states that the façade of the derelict warehouse is to be retained (not a protected structure) and an existing ope used as an entrance onto Newmarket Square, brick vaults under the warehouse used for seating and as part of the courtyard. The three storey red bricked tower will be refurbished for student amenity use. It is considered the works are acceptable.

#### Design & Layout

- The Liberties LAP required an improvement of permeability, the adjoining permission includes an additional link (Cork Street and Mill Street) and the proposed development does not include any additional north south routes through the subject site.
- The scheme includes active street frontages onto St Lukes Avenue (co-working space).
- The contemporary design and stepped height is acceptable in principle.
- The adjoining permission (ABP 300431-19 Reg Ref 3323/12) includes a maximum height of 28m, the Liberties LAP prescribes a general height of 15m on part of the site fronting onto Newmarket. Although the height slightly exceeds the LAP it is in line with the national building height guidelines.
- Photomontages provide visual analysis of the site in the urban context and the visual impact would not be detrimental on the surrounding area.

- The plot ratio is 3.24 (CDP 2.0 for Z4 lands & 2.0-3.0 for Z10). Chp 16.5 allows higher plot ratios in certain circumstances, this is site considered appropriate (regeneration & public transport).
- The site coverage is 60.8% (CDP 80% for Z4 & 50% for Z10) and complies.
- Section 16.10.7 and Variation No 3 of the development plan provides guidance for student accommodation. The application includes documentation justifying the quantum of student accommodation which is considered acceptable in light of the national guidance, previous permissions and existing student accommodation in the vicinity.
- Section 16.10.7 of the CDP requires 5-7m<sup>2</sup> of amenity space per bed space. The community space provided is 1,956m<sup>2</sup> which is 5.24m<sup>2</sup> per student.
- The open space (courtyard 440m<sup>2</sup> and fifth floor terrace 320m<sup>2</sup>) adds to the student amenity space.
- The sunlight and daylight analysis indicates compliance with the standards.
- A condition relating to signage should be included.
- Archaeological monitoring of works is required.

#### Transport

- The doors along the footpath at St Luke's Avenue should open internally.
- The provision of the bus shelter and footpath design along St Luke's Avenue should be designed to allow a 2m wide footpath in line with DMURS.
- The footpath and loading bay along Brabazon Place/ Row should be a minimum of 2m and the Part VIII proposal should be integrated with the scheme.
- Details relating to waste storage area should be submitted and access directly from the road.
- The car parking complies with the standards.
- The cycle parking provision is acceptable having regard to the Mobility Management Strategy (MMS).



- The area adjoining the internal storage should be kept free for landscaping for the future provision of Sheffield Stands (scope for additional 64 spaces).
- Conditions recommended relating to the provision of the footpaths, storage areas, implementation of a mobility management plan, travel surveys, materials for public areas and cycle parking.

#### 8.4. **Conditions**

The following recommended conditions are of note:

C 2- Occupation of the accommodation outside the academic year for higher education or visitor/tourist accommodation and not for permanent residential accommodation.

C 3- Conservation considerations.

C 4- Shop front design details.

C 6- Landscaping scheme.

C 8- Integration of Part VIII Newmarket public realm works, including the service layby at Brabazon Place.

C 13- Archaeology assessment and monitoring.

C 14- Dust mitigation works.

#### 8.5. **Interdepartmental Reports**

Transportation Section – No objection subject to conditions.

Archaeology Section- No objection subject to conditions.

Water Section- No objection subject to conditions.

#### 9.0 **Prescribed Bodies**

Irish Water- No Objection to proposal

Department of Culture, Heritage and the Gaeltacht- No objection subject to the inclusion of conditions relating to archaeological monitoring.

## 10.0 Screening

### Appropriate Assessment

- 10.1. The site is located c. 4.3km to the west of South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (site code 000210). The application was accompanied by a Screening for Appropriate Assessment. The subject site is a brownfield site, with a historic industrial use and currently partially used for enterprise and the proposed development would not increase the flow of storm water into the public sewer. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the wastewater treatment system for Dublin. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site. There is no identified source-pathway –receptor to any Natura 2000 site and there is no potential to have an effect on any Natura 2000 site.
- 10.2. Therefore, having regard to the scale and nature of the proposed student accommodation and ancillary mixed use, and its location within the built up area of the city which can be serviced, no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### Environmental Impact Assessment (EIA)

- 10.3. The application was accompanied by an Environmental Report which included an EIA screening exercise. The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The number of student bed spaces is 368 and the site area is 0.39 hectares. The proposed development is well below the applicable thresholds. It would be located within the

built up area of the city on land that has been previously subject to works. A preliminary examination of the nature, size and location of the proposed development has therefore concluded that there is no real likelihood of significant effects on the environment, having regard to direct, indirect and cumulative effects, and an EIA is not necessary.

## 11.0 Assessment

11.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Built Heritage
- Impact on Residential Amenity
- Traffic, Access and Permeability

### Principle of Development

11.2. The proposed development includes the demolition of two existing industrial warehouses (1,236m<sup>2</sup>), brick ruins (99m<sup>2</sup>) and the remnants of a brick structure at the north eastern corner of the site and construction of 368 no. student accommodation and ancillary facilities. The proposal includes for the use of the accommodation for visitor/ short term use outside of the academic period.

### Zoning

11.3. The site is located in the Newmarket area of D8, which forms part of the Liberties. The northern section, fronting onto St Luke's Avenue, is zoned Z4, District Centre, with the remaining southern section zoned Z10, Inner City and Inner Suburban Sites for Mixed use. Residential accommodation is permitted in both zonings. Section 14.8.10 of the development plan provides appropriate guidance for Z10 zoned lands, reference to the restriction for mono-uses is raised by an observer to the application. The proposed development includes co-working space along St Luke's Avenue which is to be made available to the public. An existing industrial/ commercial operation to the south along Newmarket Square is integrated into the scheme. Whilst a significant portion of the site is allocated for student accommodation, the elements

of mixed use along the ground floor will ensure active frontage and ensure a mixed use development. I consider the proposal complies with the zoning objectives on the site.

#### Liberties LAP

- 11.4. The site is located in the Newmarket/ Chamer- Weaves character area in the Liberties LAP. The site is also a Key Development Site (Site C). Objectives for development relate to the regeneration and redevelopment of the site and surrounding area with an opportunity for major redevelopment, provision for increased permeability and mixed use development. The plan also seeks to deliver a high quality, multi-functional market square and city-wide well-known destination. A Part VIII scheme for public realm works on the Newmarket Square, recently permitted (Reg Ref 2283/17), along the southern boundary has been integrated into the proposed development. I consider the overall scheme is in compliance with the objectives for the redevelopment of the site as detailed in the LAP.

#### Previous Permission

- 11.5. Reg Ref 2812/17 permitted on the site included the adjoining Dublin City Council (DCC) lands on the north east corner for 349 no. student accommodation bed spaces and a co-working space. The current proposal includes the removal of the DCC lands and retention of an existing commercial use along the south, Newmarket Square (due to a leasehold agreement). Having regard to these changes, subsequent design alterations have been made and 3 no. vaults in the basement are integrated into the scheme for the purpose of student amenity space.

#### Student Accommodation

- 11.6. Observations from the public and elected representatives received have raised concern over the type of accommodation proposed which they consider would add to the already oversaturation of the area from student accommodation and have a negative impact on the community. Variation No 3 of the development plan amended the wording of Section 16.10.7, guidance for student accommodation, to require an applicant to submit evidence demonstrating no over-concentration of student accommodation within an area including a map showing all facilities within 1km of a proposal. Section 2.2 of the Planning Report includes a Rationale for the Student Accommodation, makes reference to national guidance on homelessness and

national student accommodation strategy and includes a map showing permitted student accommodation schemes within 1 km radius of the subject site. Particular reference is placed on the national student accommodation strategy which outlines the need for an additional 16,374 Purpose Built Student Accommodation (PBSA) spaces in Dublin and specifically states the total number of existing and planned student bed spaces in a 1 kilometre radius, excluding the extant 349 no. spaces, from the site is 3,888. The report concludes that the potential number of students living in the catchment area would be up to 8.7% of the total population and that this would not be an overconcentration of student accommodation. I note that the planning authority do not consider that the proposed development will lead to an overconcentration of student accommodation. Having regard to the national guidance for student bed space requirements, the location of the existing and proposed student accommodation relative to the site, the scale of the development and the number and location of higher and third level education facilities in the surrounding area, I do not consider 368 no. student bed spaces would be excessive at this location.

- 11.7. Therefore having regard to the zoning on the site, objectives in the development plan and LAP, the mix of uses proposed and the overall scale of the proposal, I consider the principle of development acceptable, subject to complying with development policies and other planning requirements as addressed in the following sections.

### **Design and Layout**

- 11.8. The subject site has frontage along the north, St Luke's Avenue, to the east, Barbazon Place, south along Newmarket and c. 200m along the west facing onto Ardee Road. The north east corner is retained in the ownership of Dublin City Council (DCC), a protected structure No 10 Ardee Road directly adjoins the site to the North West and an existing commercial property, within the applicant's ownership, is to be retained along Newmarket Square.

### Design

- 11.9. The proposal comprises three blocks of student accommodation with mixed use on the ground floors of Block A, ancillary student amenity space and a landscaped courtyard and 5<sup>th</sup> floor terrace. The development is summarised as follows:

- **Block A-** facing south and east onto Newmarket/ Ardee Street proposes a part-two to part-six storey building comprising ancillary student accommodation space with 146 No. bedspaces provided on the upper floors;
- **Block B-** facing east onto Brabazon Row proposes part-six to part-eight storey building providing community and study space; ancillary accommodation with 120 No. bedspaces on the upper floors.
- **Block C-** facing onto St Lukes Avenue, part-six to part-eight storey building providing a co-working space at ground floor level with 102 No. bedspaces.

11.10. An Architectural Design Statement, Computer Generated Images (CGIs) and Landscape and Visual Appraisal accompanied the application, which detail and illustrate the proposed development in conjunction with the red tower, warehouse and underground vaults to be retained and integrated into the overall scheme. The external materials including a mix of grey and red brick will mirror those features of interest to be retained on the site. Boardmarked concrete plinth are proposed along the ground floor frontage. Details of a number of the main signage proposed is included in the design scheme, which I consider of a high quality. The PA note signage for the ground floor commercial units is absent, which I consider can reasonably include as a condition. The elevation treatments have been designed to respond to the decrease in site size and I consider it will be distinctive to the site. I note a range of elevation treatments on those modern buildings along St Luke's Avenue and further west into Cork Street, which have strong building lines, which I consider the proposal respects. Overall I consider the active ground floor details, integration of historic fabric and use of high quality external materials will ensure the proposed development complies with the policies and objectives of the LAP, the regeneration of a KDS and will not have a negative visual impact on the surrounding area.

#### Height

11.11. Section 16.7.2 of the plan provides guidance regarding permissible building heights in the city. For an inner city location the maximum height permitted would be 24m for a residential development. The height of Block C is 27.26m and Block B is 25.66m. The Liberties LAP prescribes a height of 15m for those buildings facing onto Newmarket Square, Block A is 16.8m in height. The application is advertised as a

material contravention of the development plan and a Material Contravention Statement refers to the adoption of both the development plan and the LAP prior to the building height guidelines and the necessity to comply with SPPR 1.

11.12. Newmarket has been identified in the plan as a significant redevelopment site. A series of objectives are set out for the area, including the appropriate redevelopment. Permission has been recently granted by the Board for a mixed use development to the east of the site (300431-19 Reg Ref 3323/17), on the opposite side of Brabazon Row for a c. 27m high building fronting onto St Luke's Avenue. I consider the precedent for taller buildings has been established and having regard to my assessment above in relation to the design I consider the proposed height would meet the development management criteria for higher buildings set out in section 3.2 of the guidelines, and would therefore comply with SPPR3. The impact on the residential amenity of the existing South Gate Apartments to the west of the site is further discussed below.

11.13. Therefore, the terms of the 2018 guidelines on building height and the recent permitted development on the adjoining development (ABP 300431-19) would justify a grant of permission for the proposed development despite its height exceeding the prescribed 24m in the development plan and 15m in the LAP, in accordance with section 37(2) (b)(iii) of the planning act.

### **Built Heritage**

11.14. The southern section of the site is located within the Newmarket Conservation Area and a Protected Structure is located within the site along the south east, facing onto Newmarket. A Protected Structure is located adjoining the site on the North West corner facing onto Ardee Street, No. 10 Ardee Road. The site is located in a zone of archaeological interest Dublin City (DU0180-020).

11.15. Alterations to the proposal (Reg Ref 2812/17) which might specifically impact on the character and setting of the conservation area and/or protected structure include the retention and integration of underground vaults, an increase in the height of the closest element of Block C (c.1.1m) and decrease in the separation distance (c. 3m) of the same Block from the rear of No 10 Ardee St.

### Conservation Area & Protected Structure

11.16. A Conservation Report accompanied the application and details the structures to be demolished, the works to the existing protected structure on the site (RPS 5829) which are limited to repairs, window replacement and cleaning of the façade and the impact of the scheme on the character of No 10 Ardee St, and concludes that development would be designed so as to retain as much as possible of the historic fabric and will respect the presence of the protected structures and the conservation area of Newmarket.

11.17. Policy CH4 & CH5 and Appendix 24 of the development plan provides guidance for development in conservation areas and protected structures with reference made to features of special interest which should be retained or integrated. Guidance is provided in other sections of the development plan and Section 13.8 of the Architectural Heritage Protection Guidelines for Planning Authorities for works which affect the character and setting of Architectural Conservation Areas and protected structures. Where it is proposed to demolish any structures, the features of special interest must be assessed and the impact of the replacement on the character of the area. With this in mind I have assessed the features of interest on the site and the setting of the Protected Structure. The submitted conservation assessment refers to a minimal amount of the original fabric being removed. In addition, a Landscape and Visual Appraisal provides a photomontage of the facade of Block A from Newmarket Square, which I consider reasonable. I note the height of Block C (c.27.24m), along St Luke's Avenue to the rear of No 10 Ardee Street and whilst they will be visible, the separation distance (c. 20m) is greater than the existing tall contemporary building on the opposite side of Ardee Road which I do not consider detracts from the character and setting of this protected structure. Therefore, having regard to the mixed use zoning on the site and the guidance in the development plan and the national heritage protection guidance I consider the proposed development is justifiable at this location, is of a high architectural quality and does not affect the character and setting of No 10 Ardee Road.

### Archaeology

11.18. An Archaeological Impact Assessment accompanied the application which concludes no evidence of archaeological remains on the site but having regard to the



location, appropriate monitoring or testing is recommended. A response from both the Department of Culture, Heritage and the Gaeltacht and the Archaeology section of the PA concurred with the conclusion in the impact assessment and recommended the inclusion of an archaeological monitoring condition on any grant of permission, which I consider reasonable.

### **Impact on Residential Amenity**

11.19. The proposal includes additional amenities to support the student accommodation and co-working facilities also available for the public. Permission is also sought for the use of the accommodation for short-term letting and visitor accommodation at times outside the academic year.

#### Visitor/ short term letting

11.20. The definition of “*student accommodation*” in section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 is;

*(a) means a building or part thereof used or to be used to accommodate students whether or not provided by a relevant provider (within the meaning of Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not for use—*

*(i) as permanent residential accommodation, or*

*(ii) subject to paragraph (b), as a hotel, hostel, apart-hotel or similar type accommodation,*

*and*

*(b) includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times;”*

I note similar Board decisions for student accommodation (e.g. 300184-17) permitted the use of the accommodation in line with the national legislation, and I consider a similar condition, is reasonable and the use of the building outside the academic year would not have a negative impact on the residential amenity of those properties in the Liberties area.

#### Compliance with development plan standards

11.21. Section 16.10.7 of the development plan includes specific guidance for student accommodation. Section 6.1.2 of the Statement of Consistency which accompanied

the application confirms compliance with the requirements aside from 8 no. bedspace clusters which are slightly in excess of the maximum (160m<sup>2</sup>) due to circulation space. The habitable space is to remain the same. The applicant refers to a similar situation in a previously permitted student scheme 300184-17. I note the layout and configuration of student accommodation and the requirements of Section 16.10.7 of the development plan and I do not consider there are any significant deviations from the standards. The guidelines also require the provision of shared amenity space, further detailed below.

### Shared Amenities & Landscaping

11.22. Shared amenity space comprising of indoor and outdoor communal and recreational facilities is required at 5-7m<sup>2</sup> per bed space. Block A includes ancillary student amenities in the form of TV, gym, lounge etc., leading to double height amenity space, partially glazed and integrating the underground vaults. Block B has limited communal space whilst Block C includes the co-working space and associated café (325m<sup>2</sup>) on the ground floor. Further amenity space is provided in the red brick tower, currently on the site. Outdoor amenity space is provided in the form of a courtyard and 5<sup>th</sup> floor roof terrace. The communal facilities represent 1,956m<sup>2</sup> or 5.24m<sup>2</sup> per student which complies with the required standards. A third party observation raised concern over the restricted use of the community facility (performance hall) within the site to twice a year and considered this should be available more frequently. Section 6.4.54 (3) of the Planning Report refers to the ground floor of Block B, along Brabazon Row and the use of the space as a performance hall which can be used by members of the local community. The Student Management Plan which accompanied the application does not include any specific details for the management of the co-working space or performance hall for the benefit of the wider community and I consider a condition requiring an open and transparent management regime can be reasonably included on any grant of permission. In addition the maintenance and management of the outdoor amenity space, in particular the roof terrace should be detailed as part of any landscape management plan.

## Daylight & Sunlight

11.23. A Daylight and Sunlight Analysis accompanied the application which provides an assessment of the impact on the existing South Gate apartments to the east of the site, facing onto Ardee Road and the available daylight to the communal open space areas and the Average Daylight Factor (ADF) to selected rooms of the proposed student accommodation within Block A, B & C. The report concludes that all the selected rooms will meet the BRE standards, the courtyard will not receive a minimum of 2 hrs sunlight (BRE standards) and three of those existing apartments will have a slight to moderate reduction in daylight from the proposed development. In relation to courtyard, I note a significant amount of amenity space provided in the form of entertainment areas and a further landscape roof terrace on Block A which meets the BRE standards.

11.24. In terms of the impact on the three existing apartments (sample C, D & E), I note any building of approximately 4 storeys in height at this location would have a slight to moderate impact. There are currently no buildings on the site, therefore the impact and reduction in value by more than 20% (BRE guidelines) would be higher than if there was an existing building on the site. Having regard to the surrounding urban context, the objectives for regeneration of the area and the building height guidelines, as detailed above and the scale and bulk being acceptable, I consider a slight to moderate level of impact would not have a significant negative impact on the amenity space of these residents.

11.25. Therefore, having regard to the objectives for student accommodation and the design and layout of the scheme, I do not consider the proposed development would have a negative impact on the amenities of the proposed residences or those existing in the surrounding properties. I consider the inclusion of the co-working space and the use of the performance hall will benefit the existing community and enhance their residential amenity.

## **Infrastructure and Services**

11.26. As stated above, a Part VIII for Newmarket Square, along the south of the site, has been recently granted. The design features are integrated into the proposed development. The Transport Section request the final details of this public realm are undertaken, which I consider reasonable. Upgrade to footpaths along St Luke's

Avenue, Brabazon Row and Ardee Street are proposed and the Transport Section requires a minimum of 2m in width, compliance with DMURS and the appropriate relocation of the bus stop along Ardee Street, which I consider are reasonable to ensure the provision of high quality public realm and can be considered as part of any grant of permission.

11.27. Map J of the development plan illustrates the site is located in Zone 1 and car parking provision is considered at a maximum in these locations. There is no car parking proposed for the development. A Mobility Management Strategy accompanied the application and the Student Management Plan includes a travel plan. The PA consider the absence of car parking is acceptable and complies with the development plan standards, which I consider reasonable.

11.28. Table 16.2 of the development plan requires 1 cycle space per 2 students (requirement 184 no cycle spaces). The proposal includes a shortfall of 62 spaces, although a number of double tired spaces are provided for visitors, which the PA considers acceptable although note the potential cycle spaces illustrated in the courtyard adjoining Block A, should be kept free from development for future use, which I consider reasonable.

11.29. Pre-connection enquiry correspondence with Irish water has been submitted with the application stating there is wastewater capacity via a connection to Brabazon Place and the water connection will require significant reconfiguration and network upgrade to connect to Dolphins Barn DMA. A response to the application from Irish Water confirmed the site could be serviced subject to a valid connection agreement.

11.30. Therefore, having regard to the location of the site within the City and the overall design and layout I consider the proposed development can be adequately serviced.

## 12.0 Recommendation and Conclusion

Having regard to the sites location close to the city centre and third level institutions, the location on lands zoned Z 4 and Z10 and those policies and objectives contained in the Dublin City Development Plan 2016-2022; the Liberties LAP; the nature, scale and design of the proposed development, the pattern of existing and proposed development in the area; it is considered that the proposed development subject to compliance with conditions below, would not seriously injure the residential or visual

amenities of the area, or have a negative impact on the character or setting of the conservation area or protected structures.

I recommend that planning permission should be granted, subject to conditions, as set out below.

### 13.0 Recommended Board Order

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 02<sup>nd</sup> of September 2019 by Summix FRC Developments Ltd.

#### **Proposed Development:**

- Demolition of two existing warehouses (1,236m<sup>2</sup>) brick ruins (99m<sup>2</sup>), the remnants of a brick structure at the north eastern corner of the subject site and along the northern boundary and the walls at the ground floor onto Newmarket and Ardee Street;
- Construction of a part-two to part-eight storey mixed-use development in three blocks (12,248m<sup>2</sup>), comprising a co-working shared space with associated café (325m<sup>2</sup>); and 368 no. student accommodation bedspaces and associated facilities, which would be utilised for short-term lets during the student holiday periods.

#### **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

#### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- a) the zoning objective for Z4 and Z10 in the Dublin City Development Plan 2016-2022,
- b) the policies and objectives in the Dublin City Development Plan 2016-2022,
- c) the policies and objectives in the Liberties Local Area Plan;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Design Manual for Urban Roads and Streets (DMURS);
- f) the Guidelines for Planning Authorities on Urban Development and Building Heights;
- g) Architectural Heritage Protection, Guidelines for Planning Authorities;
- h) the impact on the Protected Structure on the site and in the immediate vicinity and the Newmarket Conservation Area;
- i) the nature, scale and design of the proposed development;
- j) the availability in the area of a wide range of social and transport infrastructure;
- k) the pattern of existing and permitted development in the area,
- l) the submissions and observations received,
- m) the report of the Inspector.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in

the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development on a site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would not detract from the character or setting of the adjacent Protected Structure or the Architectural Conservation Area. 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, the matter(s) in dispute shall 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) A revised site specific Student Management Plan for the development shall be submitted to, and agreed with, the planning authority which details the Management of the shared and communal amenity space with specific reference to the establishment of public inclusion, at frequent intervals, in the co-working and café on the ground floor of Block A and the performance hall in Block B.  
  
(c) The Student Management Plan shall include details of the management and maintenance of access floor the fifth floor terrace.



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

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

4. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover details of the arrangements for its continued implementation.

The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity

5. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (b) The roads layout shall comply with the requirements of the Design Manual for Roads and Streets, in particular carriageway widths.
- (c) The developer and shall comply with the detailed standards of the planning authority for such road works including the recently permitted Part VIII (Reg Ref 2283/17) public realm for Newmarket Square.
- (d) The area indicated for future cycle provision shall remain free from development until such times as is deemed necessary to erect the cycle store. Full details shall be submitted to written agreement of the planning authority.

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

6. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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 and all surface water shall be treated within the site.

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

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of any such changes on the amenities of the area

8. Details of all additional external shopfronts and signage shall be the subject of a separate planning application.

**Reason:** In the interest of the amenities of the area/visual amenity

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, 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 (in situ or by record) of any remains that may exist within the site

10. 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.

11. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** To encourage sustainable modes of traffic and ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

12. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The 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.

14. 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.

---

Karen Hamilton  
Planning Inspector

26<sup>th</sup> of November 2019

## **Appendix 1- List of Observers (plus 2 prescribed bodies)**

1. Aengus O Snodaigh (multiple signatures)
2. Brid Smith & Tina MacVeigh (multiple signatures)
3. Colin Deevy (multiple signatures)
4. John Cantwell
5. John Fingleton
6. Paul Graham
7. Rebecca Moynihan