



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305405-19

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### Strategic Housing Development

Demolition of existing Larkfield building, construction of 213 on campus student accommodation units (1,240 bed spaces) and associated site works.

### Location

Dublin City University, DCU Glasnevin Campus, Collins Avenue Extension, Dublin 9.

### Planning Authority

Dublin City Council.

### Applicant

Dublin City University.

### Prescribed Bodies

1. National Transport Authority
2. Transport Infrastructure Ireland
3. Minister for Culture, Heritage and the Gaeltacht

4. Heritage Council

5. An Taisce

6. Irish Water

**Observer(s)**

P J Hogan.

**Date of Site Inspection**

14 November and 2 December 2019.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject application site has a stated area of 2.9 hectares and is within the existing DCU Glasnevin Campus in Dublin 9. The site is adjoined to the north and west by the Campus, Albert College Park to the west and adjacent farmlands to the south and east. The site can be accessed from either Collins Avenue or Ballymun Road. The site currently accommodates the existing Larkfield Student Accommodation (250 bed spaces) which was completed in the late 1980's, 6 astro pitches and a surface car park which provides 123 car parking spaces. The site falls by c.4.5 metres from north to south with more pronounced level change to the north of the site adjoining the Mall.
- 2.2. The wider area of the campus is characterised by modern contemporary styled institutional buildings of varying quality and appeal. On the whole the central Mall area is a valuable amenity, frequented by students and the main spine of the campus. Pedestrian routes all feed off and to the central Mall and large teaching and accommodation buildings provide frontage. The public realm associated with the Mall and the pedestrian side streets is of a high quality and well maintained.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is the construction of student accommodation on the Dublin City University campus. The development comprises: demolition of the existing Larkfield student accommodation and the construction of a student accommodation development of 7 blocks with an overall gross floor area of 42,111sqm (excluding car parking and cycle storage areas) providing a total of 1,240 student bed spaces (in 213 cluster units) together with supporting student amenity spaces, a student residences management office, and a retail/café/education unit.
- 3.2. The detailed statistics and components of the site are as follows:

- Block V1 ranging in height from 5 to 10 storeys containing 312 bed spaces with student amenity spaces onto the Mall of 397sqm at upper ground floor level facing the Mall.
- Block V8 with a height of 7 storeys containing 206 bed spaces, a retail/café/education space of 249sqm, and student amenity space of 128sqm at ground floor level.
- Block V7 ranging in height from 5 to 7 storeys containing 207 bed spaces with student amenity spaces of 376sqm at upper ground floor level facing onto the Mall.
- Block V6 ranging in height from 5 to 7 storeys containing 105 bed spaces and student amenity spaces of 376sqm at ground floor level.
- Block V5 with a height of 5 storeys containing 167 bed spaces and student amenity space of 131sqm at ground floor level.
- Block V4 with a height of 5 storeys containing 111 bed spaces, a new Student Residences Management Office of 219sqm at ground level opening on to a new east-west street, and student amenity space of 137sqm at ground floor level.
- Block V3 with a height of 6 storeys and containing 132 bed spaces with student amenity space of 136sqm at ground floor level.

3.3. 176 car parking spaces comprising 55 spaces at basement level under Blocks V3 and V4, and 121 spaces below the podium level of Blocks V7 and V8, and 620 cycle spaces at both basement and ground level.

3.4. New and enhanced public realm landscaping within the site including a new east west street and north south connections between all blocks.

3.5. Ancillary development includes: 2 double substations, PV panels, boundary treatments, lighting, servicing, signage, surface water attenuation facilities and associated works, including site development works above and below ground.

## 4.0 Planning History

### 4.1. Subject site

Reg. Ref. **2293/05** – Permission for artificial grass soccer pitches and a covered 70m running track.

## **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 25 March 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303703-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Demonstrate that the proposed height strategy for the development provides the optimal architectural solution and sustainable development of the site, the proposed development shall be accompanied by an architectural report and drawings which outlines the design rationale for the proposed height and design strategy in the context of National and Local planning policy, the sites context and locational attributes.

2. The provision of a shared amenity space within Block V4 and an outline of the existing facilities within the Campus.

3. A suitably detailed report that addresses the proposed materials and finishes of the proposed structures and the treatment of landscaped areas. The treatment/screening of exposed areas of basement ramps and podiums should also be addressed.

4. A detailed car parking strategy which outlines in particular the rationale for the increased car parking spaces proposed.

5. A public realm and permeability strategy which addresses in particular the treatment connections within the existing campus, to public open space and future development land adjoining the site. This should include detail in respect of security measures proposed for the development.

6. Details regarding the impact on the communal open spaces from the requirement to provide ventilation for car park areas below ground floor level.

7. A residential amenity report, detailing overlooking and overshadowing within the proposed development and of adjoining development and a comprehensive daylight and sunlight analysis addressing existing units, proposed units and open spaces including the Mall. Regard should also be had to the amenity of the ground floor cluster within Block V8.

8. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).

9. A Phasing Plan.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- National Transport Authority
- Transport Infrastructure Ireland
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water

5.4. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

## 6.0 Relevant Planning Policy

### 6.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

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

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (2018).
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018).
- 'Design Manual for Urban Roads and Streets' (2013).
- 'The Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009).

Other relevant national guidelines include:

- Rebuilding Ireland- National Student Accommodation Strategy (2018).
- 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).

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

- 6.3.1. The site is zoned Z15 the objective of which is to protect and provide for institutional and community uses. Student accommodation is open for consideration in this land use zoning, however, retail and café uses are not listed as permissible.
- 6.3.2. The Plan outlines such lands as comprising generally large blocks of land, consisting of buildings and associated open spaces, located mainly in the suburbs. The present uses on the lands generally include community related development including schools, colleges, residential institutions and healthcare institutions, such as hospitals. Institutional and community lands display a variety of characteristics ranging from institutions in open grounds to long established complexes of buildings.
- 6.3.3. It is stated that these lands play an important role in the achievement of a more compact city in that they contribute to the creation of vibrant neighbourhoods and a sustainable well connected city through the provision of such infrastructure as schools, hospitals and open space. The city also includes nationally important institutions, such as hospitals and educational facilities, which as stated in Section 14.1 – Zoning principles, is Council policy to cooperate with, in order to promote the strategic long-term needs of the city and the country.
- 6.3.4. Consideration is required to their potential to contribute to the development of a strategic green network (see also Chapter 10 – Green Infrastructure, Open Space and Recreation), and to the delivery of housing in the city. In addition, development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in Section 16.10 (standards for residential accommodation) in relation to aspect, natural lighting, sunlight, layout and private open space, and in Section 14.7 in relation to the avoidance of abrupt transitions of scale between zonings. Where there is an existing institutional and/or community use, any proposed development for ‘open for consideration’ uses on part of the landholding, shall be required to

demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands.

- 6.3.5. The Plan outlines that a masterplan may assist in demonstrating how the requirements of this paragraph may be satisfied with instances outlined of when a masterplan is not required such as in the case of minor developments associated with the existing use or where the development proposed relates to extensions to the existing community and institutional use and would enhance the facilities.
- 6.3.6. Section 5.5.12 of the Plan deals with Student Accommodation which seeks 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. In this regard, Policy QH31 seeks to support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.
- 6.3.7. Section 16.10.7 provides Guidelines for Student Accommodation and provides that the City Council supports the provision of high-quality, professionally managed, purpose-built third-level student accommodation, either on campus or in accessible locations adjacent to quality public transport corridors and cycle routes, in a manner which respects the residential amenities of the locality. It requires that student accommodation should make a positive contribution to the built environment, in terms of design quality, scale, height and the relationship to adjacent buildings. The

external layout, including any necessary security arrangements, should be designed to avoid isolating developments from the surrounding community.

- 6.3.8. The Plan states that the student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms. Given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed. Proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011). Adequate open space of suitable orientation should be provided within developments for the amenity of students, which can include terraces, courtyards and roof gardens, where appropriate. All proposals must provide appropriate indoor and outdoor communal and recreational facilities for students at a combined level of at least 5-7 sq.m per bed space. The provision of indoor communal space is particularly important for schemes with a high proportion of studio units, to allow students to interact outside the studio room (in study rooms, tv rooms etc). Where accommodation is provided on-campus, communal facilities will be assessed on a case-by-case basis having regard to the level of and access to on campus amenity. Details are provided as part of the application.
- 6.3.9. In assessing proposals, the planning authority will have regard to the pattern and distribution of student accommodation in the locality, and will resist the overconcentration of such schemes in any one area, in the interests of achieving a sustainable mix of development, whilst also providing for successful urban regeneration, good public transport/cycling/walking connectivity, and the protection of residential amenity. 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 0.25km of a proposal. The provisions of Part V (Social and Affordable Housing) of the Planning Acts do not apply to student accommodation in the City Council area.
- 6.3.10. Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design. In particular section 16.10.7 Guidelines for Student Accommodation, sets out design criteria and considerations for the design of student accommodation, the relevant standards include:

- 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 (Variation 3).
- The student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms. Given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed. Proposed Developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011).
- Amenity for students, can include terraces, courtyards and roof gardens, where appropriate, at a combined level of at least 5-7 sq.m per bedspace.
- Student accommodation to generally be provided by grouping study bedrooms in 'house' units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.
- Single/double occupancy studio units that provide en-suite bathroom facilities and kitchenettes/cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m and a maximum gross floor area of 35 sq.m.
- Within campus locations consideration will be given to the provision of townhouse, 'own-door' student accommodation with a maximum of 12 bed spaces per townhouse.
- Shared kitchen/living/dining rooms shall be provided, based on a minimum 4 sq.m per bed space in the 'house' and 'town house' unit, in addition to any circulation space.
- Minimum bedrooms sizes for 'house' and 'town house' units will be:
  - a. Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m)
  - b. Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m)

c. Single disabled study bedroom, with en-suite disabled shower, toilet and basin: 15 sq.m)

- Bathrooms: Either en-suite with study bedrooms/studio units or to serve a maximum of 3 bed spaces.
- Communal facilities and services which serve the needs of students shall be provided for, which include laundry facilities, caretaker/ security and refuse facilities (either on site or nearby within a campus setting).

6.3.11. All applications for student accommodation must be accompanied by documentation outlining how the scheme will be professionally managed including confirmation that all occupiers will be students registered with a third-level institution. Documentation must also outline how the scheme will support integration with the local community, through its design and layout. Permissions for student housing will normally be subject to a condition requiring a planning permission for a change of use to other types of residential accommodation.

6.3.12. In relation to car parking, the standards in Table 16.1 apply. Whilst there is no specified requirement for parking within Zone 1, applications for car-free developments should be accompanied by a mobility management plan outlining how arrivals/ departures will be managed. Car parking max in Zone 3 is 1 space per 10 bed spaces and bicycle parking is 1 per 2 students.

6.3.13. Development plan section 16.7 building height. The site is not located in an area designated as suitable for taller buildings, e.g. an LAP, SDZ or SDRA, therefore the 'low rise' category applies. A height limit of 16m applies for residential development in the outer city.

#### 6.4. **Material Contravention Statement**

6.4.1. The applicant has prepared a statement to provide a justification for the material contravention of the Dublin City Council Development Plan 2016 – 2022 in relation to height parameters as a result of section 16.7.2 of the current Plan that identifies building heights for the city. The applicant states that the locational factors and the large site area point towards an opportunity for taller buildings above the 16 metre cap placed on heights in this part of the city by the Development Plan. The NPF and Urban Development and Building Height guidelines are quoted at length in order to

provide the basis for considering height in the context of the wider university campus and the buildings already in place. In this regard the applicant states the subject site is capable of readily accommodating the additional height proposed, without giving rise to any significant adverse planning impacts in terms of daylight, sunlight, overlooking or visual impact. The applicant concludes that permission can be granted for the proposed development even though it will materially contravene the plan with respect to height because the section 28 height guidelines allow so.

## **7.0 Third Party Submissions**

A local resident submitted an observation that generally welcomes the development of student accommodation on the DCU campus. However, there are two issues that provide the basis for criticism of the proposed development and these are car parking and the construction phase. The observer is concerned that the current occurrence of student's cars being parked in the residential streets around the campus will increase. In addition, during the construction phase the elimination of surface car parking spaces to facilitate construction will displace these cars to the wider area. Lastly, construction workers will also park off campus during building works. The observer bemoans the performance of DCU authorities to control parking in the past and doesn't expect much from them in relation to the future management of car parking.

## **8.0 Planning Authority Submission**

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 5 November 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the North Central Area Committee Meeting held on the 23 September 2019, and is outlined as follows:

- Criticism is levelled at the SHD process.
- Overall the development is welcomed, but a lack of car parking is highlighted as a problem for the area and bike spaces are deficient.

- The height of the development contravenes the plan, but recent guidelines have overwritten the height guidance in the Development Plan.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Principle – in broad terms the principle of student accommodation on a university campus is open for consideration and in this instance is acceptable. The provision of open space is a permitted use. The provision of a retail/café use would not normally be permitted, however, given the range of services on site at present it is acceptable. The displacement of all weather playing pitches is a concern as the application has not adequately detailed where sporting facilities will be provided elsewhere on campus or other locations in the university's ownership.

Height, scale and design – though the proposed development is in excess of the Development Plan limit of 16 metres for this location, it is accepted that the site context and recent guidelines would allow for the heights proposed. In terms of the proposed building finishes, blocks V1, V3 and V6 are not suitably justified and a condition should be attached to allow changes. Site coverage and plot ratio are noted.

Internal Layout – the provision and design of extensive ground floor amenity uses is welcomed. The access to other areas of blocks is not clearly represented in drawings and the management of student accessibility is required. The location of some plant and machinery may give rise to a nuisance unless sound proofing can be demonstrated by the application and on the whole the layout and penetration of daylight/sunlight is acceptable. However, in the instances of kitchen/living/dining areas BER figures are below par but the analysis and drawings make it difficult to assess.

Open Space and Permeability – Amenity space is provided at 3.6sqm per bed space and this is below the Development Plan target of 5-7sqm. However, in this instance, given the campus location a lower amenity rate is acceptable because the wider campus amenities can be taken into account. Permeability planned for the site is noted, but disappointment is expressed at the lack of meaningful connections and the retention of security features.

There are no issues raised in relation to the concentration of student accommodation in the area. The professional management plan for the student accommodation is noted.

8.3. The planning authority conclude that the proposed development is broadly acceptable subject to the attachment of 24 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard conditions in relation to Development Contributions, building finishes, additional window provision to existing student buildings, noise control measures at sensitive locations, limitations on student and tourist use, landscaping, signage, construction management plan and other technical requirements of the planning authority.

8.4. Interdepartmental Council Reports

The reports of the City Archaeologist, Parks and Landscape Division, Environment Section, Transportation Planning Division and Engineering Department – Drainage Division were submitted, and their recommendations incorporated into the conditions suggested by the planning authority.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Transport Infrastructure Ireland
- National Transport Authority
- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water



9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 11 September 2019. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.
- **Transport Infrastructure Ireland (TII)** – no observations.

## 10.0 Environmental Impact Assessment

10.1. 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. 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.)*

10.2. The proposed development involves 213 student accommodation cluster units (1,240 bed spaces) on a site of 2.9ha. The site is located in a suburban location within the built-up area and is below the threshold of 10 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.

10.3. 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 on the environment. This preliminary examination has been carried out and concludes 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.

## **11.0 Appropriate Assessment**

- 11.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site. The applicant has submitted an AA Screening Report that concludes, based on the best scientific evidence, it can be clearly demonstrated that no elements of the project will result in any likely significant impact on any relevant European site, either on their own or in combination with other plans or projects, in light of their conservation objectives. As such no mitigation measures are required for the protection of these European sites.
- 11.2. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Assessment

12.1. The Board has received a planning application for a student accommodation housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Traffic and Transport
- Building Height
- Residential and Visual Amenity
- Layout and Open Space
- Other Matters

### 12.2. Principle of Development

12.2.1. Z15 Zoning Objective – the site is located on lands zoned Z15 the objective of which is to protect and provide for institutional and community uses. Student accommodation is open for consideration in this land use zoning, however, retail and café uses are not expressly mentioned or listed either as permissible or open for consideration. The planning authority highlight this apparent inconsistency in terms of allowable uses on the site and acknowledge that the café/retail/part time lecture space would be acceptable given the quantum of development and the requirement for ancillary uses on the site. I agree that the overwhelming majority of the student accommodation development proposed is a use consistent with the Z15 zoning, this is after all a university campus. I note that the overall floor area dedicated to a retail/café/education space amounts to 249sqm and this is tiny proportion of the overall development. I do not see any potential for a conflict in terms of land use zoning and I anticipate that a functional space of the type proposed will add to the diversity and choice of student amenities available on campus.

- 12.2.2. Student Accommodation - 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 application includes a section in the Planning Report that accompanies the application that assesses Student Demand and Concentration Report, figure 4 details other student accommodation schemes nearby. The section provides a brief assessment of the concentration of student accommodation in the surrounding area and is based upon the requirements of Dublin City Development Plan 2016-2022 Variation no. 3 to submit evidence to demonstrate that there is not an overconcentration of student accommodation in the area, including a map indicating all such facilities within 1km of the development. The report also provides a background to the area in terms of local facilities, amenities, transport connections and third level institution locations.
- 12.2.3. The on-campus and well connected location of the site, marks out this location as suitable for purpose-built student accommodation. The brief report prepared by the applicant to determine if the proposed development would result in an over-supply of student accommodation in the area is unsurprising in its conclusion. I am satisfied that the development will not result in an over concentration of student accommodation. I note the comments of Dublin City Council in support of student residences at this location and their conclusion that the proposed development would not result in an over-concentration of student accommodation in the area.
- 12.2.4. I am satisfied that the proposed student accommodation will make a positive contribution to the overall usability and attractiveness of this university campus site. The development will meet the increasing demand for student accommodation on an existing university campus site and at a location that is accessible from other parts of the city. The proposed use as visitor / tourist accommodation outside term time is in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is therefore acceptable in principle. The proposed development is considered to be acceptable in principle on this basis.

### 12.3. **Traffic and Transport**

- 12.3.1. Firstly, the DCU university campus is well served by existing public transport routes and may benefit from planned improvements to the bus network and the possibility of

the MetroLink North. The proposed development will remove 122 at grade car parking spaces and provide 176 car parking spaces in a basement and undercroft arrangement. This represents an increase of 54 car parking spaces. The applicant maintains that this is below the Development Plan standard for the use proposed and states that such a reduction in car parking spaces is warranted. The applicant goes on to rationalise the level of car parking by stating that students from country areas may wish to utilise car parking for storage purposes rather than on a day to day basis. The planning authority note the reduction in car parking and raise no significant issues one way or the other. I note that a local resident has cited issues with uncontrolled car parking in residential areas surrounding the campus and criticises the university's ability to manage or control sporadic parking in the area.

12.3.2. The proposed development is for student accommodation on a university campus, a site that is well served by public transport, planned and existing. Whilst I appreciate that there may be some degree of spill over car parking in neighbouring residential areas. I do not think that the answer is to increase the amount of car parking on the site as part of this proposal. The matter of the management of car use and parking is best controlled by the university authorities and in this regard, I note the production of a Mobility Management Plan and the existing MMP for the overall campus dated 2016. The implementation of measures contained in that Plan could be enforced by the planning authority.

12.3.3. On a more general observation, in my view students living on campus should not necessarily require a parking space, if they are travelling from other parts of the State than this can be done by public transport. In my experience, whilst it is important to cater for the beginning and end of year delivery and collection of students via dedicated pull-ins and timing of arrivals; the need for car storage should not be a design consideration. In relation to the subject proposal, it is most likely that the existing playing pitches generated a need for car parking, that will expire once they are removed. On balance, I am satisfied that the level of car parking is broadly acceptable and will result in a net reduction of on campus car parking. Nevertheless, it will be important to ensure the management of car parking is more rigorously approached by the university to ensure its place as a good neighbour.

12.3.4. The applicant has briefly outlined how the sightlines, kerb radii and lane widths at the proposed access to the existing DCU access road have been assessed and are

compliant with DMURS. However, in relation to how the development will plug into the circulatory road that skirts the site and in particular two vehicular entrances to underground/undercroft car parking, I am not so sure that these vehicular entrances are adequately designed with the pedestrian at the fore. In this regard, an appropriate drawing that shows amendments to these internal junctions in accordance with sections 4.3.2 and 4.3.3 of DMURS is warranted.

#### **12.4. Building Height**

- 12.4.1. The applicant has submitted a material contravention statement to address the fact that the proposed student residential blocks are greater than 16 metres in height and so contravene section 16.7.2 of the Development Plan that seeks to limit height at this location. The blocks range in height from 5 to 10 storeys or 17 to 32 metres. The applicant contends that Urban Development & Building Heights Guidelines provides the basis to consider additional height at this particular location. Specifically, that locations with the potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, etc) should be identified as areas for increased height, particularly those in excess of 2 hectares in area. As set out in the Guidelines, the applicant states that this exact type of site which is not a typical site due to scale, receiving environment and accessibility can be considered for increased height.
- 12.4.2. The planning authority acknowledge that the proposed heights are in excess of those limited by the Development Plan but accept that recent guidelines allow for variation in height subject to detailed criteria. The applicant has submitted a detailed statement and urban design proposal to provide a rationale for increased height at this location, I am in agreement with the applicant's design approach. The location, within a university campus, on a large site, close to good public transportation routes and providing accommodation intrinsically linked to the educational use of the site, increased height is acceptable and to be encouraged.

#### **12.5. Residential and Visual Amenity**

- 12.5.1. The proposed development will add bulk and massing to this existing campus location. The proposal also includes public realm improvements along the Mall and the provisions of limited retail/commercial space. There are very few issues in terms of how the residential amenities of neighbouring dwellings will be impacted upon, as

there are none in the conventional sense. There are two existing student accommodation blocks that will remain, Hampstead and College Park. The applicant notes that daylight/natural light access to some spaces within these units may be impacted upon but will be alleviated by the addition of windows at some locations and the dropping of cills to increase light penetration. The planning authority highlight these as being the only real impacts and note that works are proposed outside the red line boundary of the site. I am confident that the minor addition of windows to affected elevations of Hampstead and College Park can be achieved by condition if necessary, as these buildings fall within the control of the applicant.

12.5.2. Residential Amenity Students/Tourists - The proposed student accommodation is generally in accordance with the following guidance provided in the City Development Plan section 16.10.7 as follows:

- Student accommodation should be grouped as 'house' units between 3-8 bed spaces, 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. / bed space.
- 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.

12.5.3. The applicant has submitted a Student Accommodation Quality Assessment, that sets out the provision of bed and amenity spaces, together with floor areas compared with the City Development Plan standards for student accommodation. The development is broadly in accordance with these requirements as per the submitted schedule of accommodation. I note the planning authority's comments in relation to the quantum of amenity space provision that falls marginally below development plan standards, but agree that given the location and level of existing

amenities on campus, this is acceptable. The applicant was advised to provide shared amenity space within block V4 and this has been provided, the existing facilities on campus have also been outlined. The 'Planning Design Statement' submitted with the application states that it has been designed to meet a range of student requirements and I am satisfied that the arrangement of student accommodation units and associated amenity spaces are appropriately located and sized.

12.5.4. Residential Amenity Local Residents – I anticipate no loss of residential amenity to neighbouring residential properties from overshadowing, overbearing appearance or overlooking, the separation distances involved are just too great. I do note however, that local concern revolves around the issue of sporadic car parking in neighbouring housing estates. This is undoubtedly frustrating for residents but not an issue that directly impacts the amenities enjoyed within and around the dwelling. In any case, as I have already addressed in the section on traffic and transportation, car parking is a management matter that can be dealt with by condition if warranted.

12.5.5. Visual Amenity – the applicant has submitted a variety of drawings and photomontage images to illustrate the visual impact of the proposed development, in terms of choice of materials and the impact on the skyline and streetscape. The planning authority have raised concerns over the selection of materials and would favour some say in the choice of materials for blocks V1, V3 and V6. The arrangement of the seven residential blocks is logically laid out with a prominent 'street' edge to the Mall. Blocks V3 and V4 look out across open agricultural land to the south east and block V5 creates a tighter urban form at the centre of the site. In my opinion, the arrangement, scale and massing of the proposed blocks will add to and improve the character of the central Mall and create an interesting and pedestrian biased environment.

12.5.6. The proposed development will intensify buildings on a campus setting location with a more compact urban form. The site is further insulated from view by agricultural and parklands to the south and the accretion of other university buildings to the north. The proposed buildings are not unusually tall and will add to the overall character of the site. From the material submitted by the applicant, I do not anticipate any adverse visual impact from the proposed development either in the immediate vicinity or from further afield. I am satisfied that the proposed development will



significantly improve this university campus location and presents no adverse visual impacts.

## 12.6. Layout and Open Space

12.6.1. The applicant was advised at the pre-application stage to provide a public realm and permeability strategy which addresses in particular the treatment connections within the existing campus, to public open space and future development land adjoining the site. The layout of the proposed blocks and the pedestrian streets between each one allows for safe and attractive access through the site itself. In addition, the applicant has shown how the site might connect to the lands to the south and these connections make sense, although they will cross the circulatory road that skirts the site. The 'Planning Design Statement' details the urban design strategy for the site and the campus as a whole and diagrams show how the site is permeable from Collins Avenue to the north and Ballymun Road to the west. I am satisfied that the proposed layout and provision of open space and private courtyards will provide the optimum living environment for future occupants/students. The layout is logical and makes the best use of the space available.

12.6.2. I note the planning authority's concern about the displacement of the sports pitches and play space generally and the dissatisfaction that the information about other college facilities on and off site has not been adequately detailed. In this regard I note that the applicant states the consolidation of sports pitches away from the core education and residential hub, at the St. Clare's lands and at the St.Pat's Campus. Furthermore, the applicant states a significant investment in a dedicated sports facility at St. Clares (adjacent at Ballymun Road), which provides a range of sports pitches and facilities. In addition, the current upgrading of the existing grass pitch in DCU St. Patrick's with a 4G pitch and ongoing investment in the existing Sports Centre and Student Hub, all represent a re-focusing of investment towards facilities which are best located to cater to the DCU student body. The applicant concludes that this strategy compensates for any perceived 'loss' of pitches at the proposed site. I am satisfied that the intensification of student accommodation on the doorstep of classroom/lecture hall and library facilities outweighs the loss of astro-turf pitches, whose use by the student body is shared between outside users at present. In any case, I also note that a significant and high quality area of public open space (Albert College Park) is located directly south of the DCU campus.

## 12.7. Other Matters

12.7.1. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-303703-19. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located on an established university campus close to existing and planned bus and metro services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. These conditions are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.

## 13.0 Conclusion

13.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of student units and an acceptable density of development catering to a certain cohort of the population. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

13.2. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 14.0 Recommendation

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

## 15.0 Reasons and Considerations

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

- (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) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (e) the nature, scale and design of the proposed development;
- (f) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (g) the pattern of existing and permitted development in the area,
- (h) the submissions and observations received and
- (i) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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.

## 16.0 Recommended Draft Board Order

### Planning and Development Acts 2000 to 2019

**Planning Authority:** Dublin City Council

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 11 September 2019 by Dublin City University care of Brady Shipman Martin, Canal House, Canal Road, Dublin 6.

#### **Proposed Development:**

A planning permission for a strategic housing development on site at Dublin City University, DCU Glasnevin Campus, Collins Avenue Extension, Dublin 9.

The proposed development will consist of:

The construction of student accommodation on the Dublin City University campus. The development comprises: demolition of the existing Larkfield student accommodation and the construction of a student accommodation development of 7 blocks with an overall gross floor area of 42,111sqm (excluding car parking and cycle storage areas) providing a total of 1,240 student bed spaces (in 213 cluster units) together with supporting student amenity spaces, a student residences management office, and a retail/café/education unit.

The detailed statistics and components of the site are as follows:

- Block V1 ranging in height from 5 to 10 storeys containing 312 bed spaces with student amenity spaces onto the Mall of 397sqm at upper ground floor level facing the Mall.
- Block V8 with a height of 7 storeys containing 206 bed spaces, a retail/café/education space of 249sqm, and student amenity space of 128sqm at ground floor level.

- Block V7 ranging in height from 5 to 7 storeys containing 207 bed spaces with student amenity spaces of 376sqm at upper ground floor level facing onto the Mall.
- Block V6 ranging in height from 5 to 7 storeys containing 105 bed spaces and student amenity spaces of 376sqm at ground floor level.
- Block V5 with a height of 5 storeys containing 167 bed spaces and student amenity space of 131sqm at ground floor level.
- Block V4 with a height of 5 storeys containing 111 bed spaces, a new Student Residences Management Office of 219sqm at ground level opening on to a new east-west street, and student amenity space of 137sqm at ground floor level.
- Block V3 with a height of 6 storeys and containing 132 bed spaces with student amenity space of 136sqm at ground floor level.

176 car parking spaces comprising 55 spaces at basement level under Blocks V3 and V4, and 121 spaces below the podium level of Blocks V7 and V8, and 620 cycle spaces at both basement and ground level.

New and enhanced public realm landscaping within the site including a new east west street and north south connections between all blocks.

Ancillary development includes: 2 double substations, PV panels, boundary treatments, lighting, servicing, signage, surface water attenuation facilities and associated works, including site development works above and below ground.

## **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 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) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (e) the nature, scale and design of the proposed development;
- (f) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (g) the pattern of existing and permitted development in the area,
- (h) the submissions and observations received and
- (i) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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.

## **Appropriate Assessment**

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 area, the lack of direct connections with regard to the source-pathway-receptor model, the Report for the purposes of Appropriate Assessment Screening 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 the proposed development, individually or in combination with other plans or projects, 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 (and submission of a Natura Impact Statement) is not, therefore, required.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental 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 an urban 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.



## 17.0 Conditions

1. The proposed 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, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

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

3. (a) The student accommodation complex shall be operated and managed in accordance with the measures indicated in the Student Management Plan and Mobility Management Plan submitted with the application.

(b) 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) Details of additional windows and window enlargement within the College Park and Hampstead residences, in order to maximise the penetration of natural light.

(b) The internal road layout and in particular the entrances to underground/undercroft car parking spaces shall be designed in accordance with the principles of the Design Manual for Urban Roads and Streets (DMURS). Specifically, corner radii and pedestrian crossing points shall be designed in accordance with section 4.3 of DMURS.

Reason: In the interests of pedestrian safety, residential amenity and to ensure high quality living environments.

5. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external commercial frontages, 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.

6. 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.

7. 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.

8. 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.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

11. The landscaping scheme as submitted to An Bord Pleanála 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.

12. 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.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

14. Site development and building works shall be carried out only between 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.

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

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

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for

construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

17. 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.

18. 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

4 December 2019