



An  
Bord  
Pleanála

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

### Inspector's Report ABP-306837-20

#### Strategic Housing Development

Demolition of existing structures within curtilage of Greenane House (a Protected Structure) and construction of 4 no. apartments, 358 no. student accommodation bedspaces and associated site works.

#### Location

Cunningham House, Trinity Hall,  
Dartry, Dublin 6

#### Planning Authority

Dublin City Council

#### Applicant

Trinity College Dublin

#### Prescribed Bodies

Department of Culture, Heritage and  
the Gaeltacht

Irish Water

Inland Fisheries Ireland

**Observer(s)** 34 submissions received- see  
Appendix A

**Date of Site Inspection(s)** 24<sup>th</sup> June 2020  
14<sup>th</sup> July 2020

**Inspector** Lorraine Dockery

**Decision Quashed**

## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the An Bord Pleanála 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 site, which has a stated area of 1.07 hectares, is located approximately 3km to the south of Dublin city centre, on the eastern side of Dartry Road, Dublin 6. The subject site forms part of the established Trinity Hall student residences located to the south of Palmerston Park, east of Dartry Road and north of Temple Road. The subject site comprises the south-eastern corner of the wider Trinity Hall complex.
- 2.2. The established Trinity Hall campus, including existing accommodation at Cunningham House, accommodates approximately 995 student bedspaces, together with facilities used by the Botany Department, Trinity College Dublin, including a botanic garden. There are three Protected Structures within the wider Trinity Hall campus and a number of other Protected Structures within the wider area. The existing campus has a strong sylvan character, created by a number of mature trees including an arboretum of specimen trees. The grounds are very well maintained.
- 2.3. The wider area is primarily residential in character and the area includes a number of period properties - a number of which are on the Record of Protected Structures. With some exceptions, houses on Temple Road are of more recent construction.

## 3.0 Proposed Strategic Housing Development

- 3.1. In summary, the proposal as per the submitted public notices, comprises the demolition of Cunningham House, sports hall, shed and part of historic random rubble wall and construction of 358 no. student bedspaces; 4 no. staff apartments and a replacement sports hall, together with all associated site and development works. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

<b>Site Area</b>	1.07 hectares
<b>No. of residential units</b>	358 student bedspaces 4 staff apartments
<b>Other Works</b>	<p><u>Demolition of:</u></p> <p>Cunningham House; sports hall; Eastern section of rear boundary wall and sheds- 2864m<sup>2</sup></p> <p><u>Construction of:</u></p> <p>2 study spaces/classrooms- 68m<sup>2</sup></p> <p>Replacement multi-use sports hall &amp; associated Forum amenity space- 1033m<sup>2</sup></p> <p>Security hut- 10m<sup>2</sup></p> <p>Works to Oldham House (a PS)</p> <p>Minor repositioning of access gate onto Temple Road</p> <p>Screen wall to south of Greenane House (a PS)</p>
<b>Plot Ratio</b>	1:1.03
<b>Site Coverage</b>	32%
<b>Height</b>	1-8 storeys (max height 26m)
<b>Part V</b>	N/A
<b>Parking</b>	Car- 0 spaces (loss of 43 spaces from overall campus) Bicycle- 188 spaces

Table 2: Unit Mix

STUDENT BEDSPACES	5 bed unit	6 bed unit	7 bed unit	8 bed unit	Total
	11	4	1	34	358
					BEDSPACES
APARTMENTS	1 bed	2 bed	3 bed	4 bed	
	-	3	1	-	4
					APARTMENTS

Table 3: Building Height

Block	Height
A	4-8 storeys
B	4 storeys
C	3 storeys
Forum Block	Single storey with double height space

- 3.2. A Material Contravention Statement, contained within section 5 of the Planning Report & Statement of Consistency, was submitted with the application in relation to the matter of height.
- 3.3. In term of site services, the proposal will utilise existing connections to the public mains. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject a valid connection agreement being put in place, the proposed wastewater connection to the Irish Water network can be facilitated. A Design Submission from Irish Water has also been submitted, which states that based on the information provided, Irish Water has no objection to the proposal. A Flood Risk Assessment was submitted with the application which concludes that the site historically has no recorded flood events as noted in the OPW's historical flood maps and that the site is located within Flood Zone C.
- 3.4. A Natura Impact Statement has been submitted with the application.

## 4.0 Planning History

A number of applications have been made on the wider Trinity Hall lands. Applications of note have been outlined below. Aside from the Cunningham House application (1737/72), no application pertains specifically to the lands, as outlined in red in this current application.

### 1737/72

Refers to the grant of planning permission for Cunningham House.

### 1101/99 (ABP Ref. PL.29S.117164)

Permission GRANTED for three new student residence buildings containing 832 bedrooms arranged in 180 apartments, ranging from three to seven storeys in height, new central support facilities including a 400 seater dining facility, laundrette, student shop, reception area and stores. Permission was also granted for the refurbishment of Trinity Hall, the removal of a single storey gate lodge and existing link between Trinity Hall and Purser House, three storey annex to Trinity Hall and an existing two storey glazed lobby to the sports hall. Construction of a new atrium between Trinity Hall and the sports hall and associated works to include a new avenue and enclosed arboretum, new perimeter treatment to the site boundary and a new square for vehicular and pedestrian use.

The following applications relate to the use of the permitted student residences:

### 0577/03 (ABP Ref. PL.29S.202698)

Permission GRANTED for the temporary amendment to Condition No. 3 of ABP PL.29S.117164 to permit occupancy for a specified period of time by the delegations, assigned volunteers and other participants in the 2003 Special Olympics World Summer Games.

3645/17 (ABP Ref. 300092-17)

Permission GRANTED in 2018 for the change of use of student accommodation to 30 no. classrooms temporarily outside the academic term time.

3074/17 (ABP Ref. 300133-17)

Permission GRANTED in 2018 to amend Condition No. 3 of ABP PL29S.117164 to facilitate the use of existing student accommodation as temporary tourist or visitor accommodation only outside of academic term time and to accommodate any student registered in a Higher Education Institute during the academic term times at Blocks 1, 2 and 3

## **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 23<sup>rd</sup> October 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 to An Bord Pleanála (Ref. ABP-305430-19). The prospective applicant was advised that the following specific information was required with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, demonstrate/justify the suitability of the proposed site to accommodate the proposed height particularly in the context of the adjoining residential properties.
2. Notwithstanding that the proposal constitutes a reasonable basis for an application, further consideration (or justification if elevations are to be retained) of the southern elevation to Block C along Temple Road and the elevations of Block B that address the courtyard.

3. A report that addresses how the proposed development integrates with the existing Trinity Hall campus. In particular this should address and identify the existing and proposed amenities and facilities and the capacity to accommodate existing and proposed student/staff numbers, specifically how the development will accommodate access to the facilities/amenities. Details of the management of the sports hall and its users should also be addressed.
4. An arboricultural report that address the potential impact of the proposed development on the adjoining facilities, in particular on the Botany Department's arboretum. In this regard comments/observations from the Botany Department of TCD may be of benefit to the application process.
5. A draft Mobility Management Plan. Also, a site layout plan which clearly identifies the existing car and bicycle parking within the wider Trinity Hall Campus, identifying the spaces to be retained and those to be removed.
6. A construction and demolition waste management plan
7. A Student Accommodation Management Plan.

### **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

## **6.0 Relevant Planning Policy**

### National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)



- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection

Other policy documents of note:

- National Planning Framework

#### Objective 13

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

#### Objective 35

Increase residential density in settlement, 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.

- The National Student Accommodation Strategy
- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly

#### Local Planning Policy

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

## Zoning:

The site is primarily zoned 'Objective Z1' – Sustainable Residential Neighbourhoods which seeks 'to protect, provide and improve residential amenities'.

A small portion associated with Greenane House and its curtilage, adjoining Temple Road is zoned 'Objective Z2' which seeks to 'protect and/or improve the amenities of residential conservation areas'.

## Section 16.7 Building Height

- Low Rise/Outer City- Maximum Height 16m/5 storeys for residential

The site is located within Low Rise/Outer City area

Section 11.1 deals with Architectural Heritage

Section 5.5.12 Student Accommodation

## Policy QH31

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

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

## Policy CEE19

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

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

Section 16.10.7 sets out guidance for student accommodation

There are three Protected Structures within the Trinity Hall campus- Purser House (RPS No. 2244), Grennane House (RPS No 2245) and Oldham House (RPS No 2243). Immediately adjoining to the south-west is another Protected Structure 'Esterel' (RPS No 8041).

The site is also partly within Site of Archaeological Interest (RMP No. DU022-087).

### Parking Standards

Area 2, Map J: Residential- 1 per dwelling; Student Accommodation- 1 per 20 bedspaces

## **7.0 Third Party Submissions**

7.1. In total, 34 submissions were received. It is noted that a submission was received from Gelderbury Management Company, responsible for the management of the adjoining development 24-52 Temple Square. Submissions were also received from Richview Residents' Association and Rathgar Residents' Association. It is noted that one submission, while raising concerns in relation to the proposal states that they do not object in principle to the building of additional student accommodation on the site and some submissions acknowledge the shortage of affordable student accommodation in Dublin. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

- Policy: considers proposal to be a material contravention of City Development Plan; applicants have failed to make case that this development would be of national strategic importance; not in compliance with zoning objectives; rejects assertion that site is capable of accommodating development proposed
- Appropriateness of proposal as SHD application
- Appropriateness of site for student accommodation; better suited to city centre location; subject site not within a regeneration area

- Height; scale, bulk and massing; density; overdevelopment of site; design; materials; contrary to principles of proper planning; setting of undesirable precedent
- If ABP considering a grant of permission, recommends reduction in height; relocation of blocks; management plan be prepared
- Visual impacts of proposed development on:
  - character of the area
  - houses in Temple Square
  - Protected Structures in vicinity
  - nearby Conservation Areas
  - Palmerston Park
  - botanical gardens and arboretum
- Impacts on existing residential amenity: loss of privacy; separation distances/proximity; overlooking; overshadowing, overbearing; management concerns; noise/disturbance/anti-social behaviour/public order/litter; mobile phone/broadband signal
- Proposed residential amenity- standard of accommodation; floor areas; access to bathrooms; public health risk; occupancy of rooms
- Will not lead to creation of sustainable communities; concentration of students in one area; intensification of use; increased pressure on public transport and local amenities; use into the future
- Impacts on trees; tree loss; root damage; environmental impacts
- Setting of precedent
- Student management and lack of engagement with local residents
- Archaeological significance of site
- Need for EIAR- screening required
- Legal/procedural matters relating to previous works on the overall site; enforcement; inaccuracies/inconsistencies in information provided

## 8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 29<sup>th</sup> June 2020. The report may be summarised as follows:

### Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, submissions/observations, interdepartmental reports, Area Committee Meeting details, policy context. A summary of representations received was outlined.

### Summary of Inter-Departmental Reports

Engineering Department, Drainage Division: No objections, subject to conditions

Transportation Planning Division: Conditions attached

Parks and Landscape Services: Object to proposed development layout; draft conditions attached

Biodiversity Section, Parks and Landscape Services: Report noted regarding bats; conditions attached

Conservation Officer: No report received

A detailed report has been received, which will be referred to throughout my assessment. The main points raised in the PA assessment were as follows:

- Proposal is permissible and consistent with relevant zoning objectives of the site
- Proposal results in a consolidation of student accommodation provision at existing residences...designed to provide high quality, professionally managed and fully serviced private accommodation for students of Trinity College which will be managed in conjunction with the adjoining established accommodation. Trinity has extensive experience in developing and operating high quality student accommodation facilities to serve the needs of

its students. Proposal has been designed to fully integrate with existing accommodation at Trinity Hall.

- Open space provision- Compliant with provisions of the operative City Development Plan; dedicated amenity spaces synergises with the existing Trinity Hall facilities and spaces and will further enhance student amenity and assist in creating an integrated student community
- Internal standards- Compliant with operative City Development Plan; proposal designed to operate in conjunction with well-established facilities on site
- Standards- All apartments have been designed to comply with requirements of Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Residential Amenity- Anticipated that no negative impacts on existing residential amenity of neighbouring property as a result of overshadowing, overlooking or overbearing appearance will occur
- Height- No objection in principle to the height proposed, having regard to Urban Development and Building Height Guidelines for Planning Authorities, 2018. Acknowledged that there are already seven storey student accommodation buildings on the existing campus
- Impact Upon existing trees/arboretum- Notes report of Parks and Landscape Service. However, having regard to the number of trees to be planted in lieu of those to be removed, the mitigation measures outlined in the submitted reports with regards to tree protection and the correspondence from the Director of Trinity Botanic Garden, the PA is satisfied that the proposed development will not have an unacceptable impact on the existing trees in the arboretum
- Conservation-Proposed forum block will abut the historic structure but in a more considered, lighter fashion. Proposal will allow for a clearer reading of the historic structure, which will be restored to address the impact of the

previous extension. The reduction of the historic garden to Greenane House and associated removal of the eastern boundary will have a significant impact on the setting of the house. This impact is mitigated by the creation of a landscaped space to the rear of Greenane, which serves to maintain and emphasise the building's continued spatial independence

- Transport-No objection to proposed development, subject to conditions
- Archaeology- No concerns raised
- Drainage- No concerns raised
- Policy- satisfied that the application is consistent with relevant national, regional and local policies
- Conclusion- Considered that proposed development is acceptable at this location

Conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at South East Area Committee meetings held remotely due to Covid-19 restrictions on 29/04/2020 and 22/06/2020. These are broadly summarised below:

- Scale and height of proposed development and impacts on surrounding area
- Height/density/layout/design
- Deviation from Development Plan in terms of maximum heights
- Conservation/heritage
- Appropriateness of area for student accommodation/need for such accommodation

- Need for EIAR
- Availability of public transport to cater for increased population
- Impacts of proposals on parklands, in particular botanic gardens; felling of trees
- Lack of consultation with residents/public representatives

## 9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water
- Failte Ireland
- An Chomhairle Ealaíonn

Two notified bodies have responded and the following is a brief summary of the points raised in their submissions. In addition, to the above, a submission was received from Inland Fisheries Ireland. Reference to more pertinent issues are made within the main assessment.

### Department of Culture, Heritage and the Gaeltacht:

#### Archaeology

Has examined the Archaeological Impact Assessment Report submitted with the application and on the basis of the information contained in the report, it is recommended that the archaeological mitigation proposed (Section 9, page 20) be included in any grant of planning permission that may issue.

#### Nature Conservation

Botanic gardens play a major role in conserving biodiversity nationally and internationally and any development which would impede such a role for a botanic



garden would be undesirable. The possibility of the development proposed negatively impacting on the conservation role of the Trinity College Botanic Garden should therefore be taken into account when evaluating the present proposal, especially as the botanic garden is one of only four such institutions in Ireland. Concerns are addressed in the documentation submitted in support of this application.

In the light of the potential impact of the proposed development on breeding birds and bats, the Department recommends that any planning permission granted in relation to the current development proposal should be subject to conditions relating to the timing of tree removal and bat protection.

Irish Water:

Has issued the applicant a Statement of Design Acceptance in line with CoF for 4 apartments and 389 bedspaces. Recommends condition in the event of a grant of permission, that the applicant be required to sign a connection agreement with Irish Water prior to any works commencing and connecting to our network. All development is to be carried out in compliance with Irish Water Standards codes and practices.

Inland Fisheries Ireland:

The proposed development is within the catchment of the River Dodder, an important salmonid system. The Dodder is exceptional among most urban rivers in the area in supporting resident Atlantic salmon (*Salmo salar*) and Sea trout in addition to resident Brown trout (both *Salmo trutta*) populations. This highlights the underlying ecological sensitivity of this particular watercourse and the Dodder catchment in general.

If permission is granted, all works should be completed in line with the Construction Management Plan (CMP) which ensures that good construction practices are adopted throughout the works period and contains mitigation measures to deal with potential adverse impacts identified in advance of the scheme. Other conditions attached.

## 10.0 Assessment

10.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; relevant section 28 Ministerial guidelines; National Planning Framework; Dublin Metropolitan Area Strategic Plans; provisions of the Planning Acts, as amended and associated Regulations and nearby designated sites. I have twice visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle and Quantum of Proposed Development
- Height/Scale/Design/Materials/Open Space/Public Realm
- Trees/Impacts on Arboretum and Botanic Garden
- Architectural Heritage/Visual Amenity
- Existing Residential Amenity
- Quality of Proposed Residential Development
- Traffic and Transportation
- Drainage and Flood Risk
- Other Matters
- Material Contravention
- Screening for Environmental Impact Assessment
- Appropriate Assessment Screening

10.0.2 As stated above, the proposal provides for the demolition of Cunningham House, an L-shaped building in use as student residences. This building provided approximately 70 no. student bedspaces with 8 no. staff apartments. The proposed development provides for 358 student accommodation bedspaces and 4 no. staff apartments. Therefore the proposed development will provide an additional 288 student bedspaces ( $358-70=288$ ) and an overall loss of 4 no. staff apartments.

## 10.1. Principle and Quantum of Proposed Development

10.1.1. Having regard to the nature and scale of development proposed, namely an application for 358 no. student accommodation units, together with 4 no. apartments and other uses, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

### Policy

10.1.2. I note the third party submissions received, which contend that the proposal is not consistent with the zoning objectives for the area. While a small portion of the site, associated with Greenane House and its curtilage is zoned 'Objective Z2' which seeks to 'protect and/or improve the amenities of residential conservation areas', it is noted that the majority of the site is zoned 'Objective Z1', which seeks to 'protect, provide and improve residential amenities'. Student accommodation is not listed as either permissible or open for consideration under the Z1 and Z2 zoning objectives. However, residential use is a permissible use under these zoning objectives. For the purposes of SHD, student accommodation is defined as 'residential' development under the Planning and Development (Housing) and Residential Tenancies Act, 2016. On this basis, it is considered that the proposed student accommodation is permissible on Objective Z1 and Z2 zoned lands. Both 'education' and 'recreational buildings' are identified as permissible uses on Objective Z1 zoned lands and are identified as 'open for consideration' uses on Objective Z2 zoned lands. I am satisfied in this regard. I also note the planning history on this site. I am assessing the proposal before me de novo. The proposal accords with national policy/guidance which seeks to secure compact growth in urban areas and deliver higher densities at appropriate locations. This is considered to be one such appropriate location, proximate to Dublin city centre, close to good public transport links. The proposal will facilitate the redevelopment of an existing underutilised site.

10.1.3. Some of the third party submissions received, including some elected members, question the appropriateness of this location for student accommodation and state that the operative City Development Plan encourages student accommodation specifically in regeneration areas. I do not agree with this assertion and refer the

Bord to section 5.5.12 of the aforementioned Development Plan which while acknowledging the undersupply of student accommodation throughout the city, states that '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'. This does not infer that such student accommodation schemes are suitable only for regeneration areas. I further refer the Bord to Policy QH31 of the operative City Development Plan which 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. Contrary to some of the third party submissions received, I do not consider that the city centre is the most appropriate location for developments of student accommodation and given the locational context of the proposed site and the existing services and amenities on the wider campus, I consider it to be suitable to accommodate a development of the nature and scale proposed without detriment to the amenities of the wider area.

#### Concentration of Student Accommodation

- 10.1.4. Some of the third party submissions raise concerns with regards the concentration of student accommodation being provided at this location and intensification of use. The requirements of Dublin City Development Plan 2016-2022 Variation No. 3 are noted, which requires the applicant to submit evidence to demonstrate that there is not an overconcentration of student accommodation in the area, including a map indicating all such facilities within 1km of the development. In this regard, the applicants have submitted a Student Concentration Report. It states that the current housing crisis has been exacerbated by a shortage of high quality student accommodation and that the provision of such accommodation will ease pressures on the rental market. The National Student Accommodation Strategy 2017 identified a chronic undersupply of student accommodation and states that demand for student accommodation is likely to outstrip supply until 2024. It states that there are no other

identified third level residencies within 1km of the subject site. While the proposal provides for 358 student bedspaces, the report notes that there will be a loss of 70 bedspaces with the demolition of Cunningham House, thereby giving a net increase of 288 student bedspaces. There are currently 995 bedspaces on the Trinity Hall campus, with 14 staff apartments. The total number of purpose student bedspaces available in the study area, including the proposed development will equate to 8.9% of the resident population. Accordingly, the applicants contend that the proposed development will not give rise to an over-concentration of student accommodation in the Dartry area and I would concur with this.

- 10.1.5. The proposal is considered to be in compliance with national and local policy which recognises a clear need for the development of high quality student accommodation at appropriate locations. I consider this to be one such appropriate location. The proposed development would contribute to the achievement of the aims of the National Student Accommodation Strategy. I note Policy CEE19 of the operative City Development Plan which recognises that there is a need for significant extra high-quality, professionally managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities. It further seeks to promote Dublin as an international education centre/student city and to support and encourage the provision of high-quality, custom-built and professionally-managed student housing. The proposed development results in the consolidation of student accommodation provision at the existing Trinity Hall residences and I am satisfied in this regard. I am also satisfied that the site has the capacity to accommodate a development of the nature and scale proposed; that the proposal does not represent an over-concentration at this location and that the existing wider Trinity Hall campus has demonstrated itself to be an appropriate location for such development. The proposal will make a positive contribution to the area and will meet the increasing demand for student accommodation.

#### Conclusion

- 10.1.6. This is a zoned, serviced site at an urban location, close to the city centre. There will be an intensification of use, over and above what is currently operating on the overall Trinity Hall lands. However, I do not consider it to be over-development of the lands and I consider that the site has the capacity to accommodate a development of the nature and scale proposed. The site is well served with public transport links and is

located in an established area where good services and facilities are available. I am of the opinion that given its zoning, the delivery of residential development on this prime site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The proposed development will increase residential accommodation, enhance existing recreational amenity space provision and will provide additional facilities for the Botany Department of Trinity College. It will form a fully integrated extension to the existing Trinity Hall residences and will have access to, and use of, existing facilities and amenity spaces provided within that scheme, in addition to those proposed as part of this application. I have no information before me to believe that adequate services, amenities and public transport do not exist in the wider area to cater for the development proposed. I therefore consider the proposal to be acceptable in principle.

## 10.2. Height/Scale/Design/Materials/Open Space/Public Realm

### Context

10.2.1. The proposal involves the demolition of Cunningham House, sports hall, a shed and part of existing random rubble wall to the rear of Greenane House and the construction on the cleared site of 358 student accommodation bedspaces and 4 no. apartments, new sports hall and covered podium space in four no. blocks at Trinity Halls, Dartry, Dublin 6 on a stated site area of 1.07 hectares. The proposal rises to eight storeys in height. I acknowledge that this current proposal is an intensification of development from what was previously permitted, but this is not necessarily a negative. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. Some third party concerns have been raised with regards to the setting of an adverse precedent for similar type development on other such lands. In this regard I note that each application is assessed on its own merits.

### Height/Scale

10.2.2. The attention of the Bord is drawn to the fact that the majority of the submissions received raise concerns in relation to the height and scale of the proposed development and the impacts of this height on the residential and visual amenities of

the area. Some elected members have also raised concerns in relation to height, scale and density of proposed development at this location. I refer the Bord to section 12 below which deals with the matter of material contravention.

10.2.3. The majority of the development proposed is within the 'Low-Rise, Outer City' area, as set out within the operative City Development Plan, with a maximum permissible building height of 16m above ground level for residential and commercial developments. The proposed development is modulated in height but does extend to a maximum of 26 metres. The applicants state that the impact of the scale of the new interventions is mitigated by a reduction in height towards boundaries and historic structures. The predominant red brick elevations match the existing multi-storey student accommodation. In this regard, the taller elements of the proposed development have been carefully designed and sited to ensure that they will not appear visually prominent in the streetscape or from more distant viewpoints. I note the Landscape and Visual Impact Assessment and Photomontages/CGIs submitted in this regard.

10.2.4. The majority of development within the wider established residential area is two-storey in height, although the adjoining Temple Square development does extend to three stories. The existing Trinity Hall development extends to a maximum of seven storeys in height. I am satisfied that the proposal before me in terms of height is acceptable and is in accordance with national policy in relation to increased heights at such appropriate areas. In particular, I am cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, *inter alia*, in appropriate locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard in assessing this proposal to the development management criteria, as set out in section 3.2 of these Guidelines, which states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. To avoid repetition, I shall visit many of the points raised in section 3.2 of the Guidelines elsewhere in this assessment. Where appropriate I shall cross-reference back to this section. I note the opinion of the planning authority in this



regard, which has no objection in principle to the height proposed, having regard to the Urban Development and Building Height Guidelines for Planning Authorities, 2018. The planning authority also acknowledges the height of the existing buildings on site, extending to a maximum of seven stories.

10.2.5. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an existing serviced area (see section 10.2.4 above in relation to development management criteria at scale of relevant city/town). Heights are modulated throughout the site, with higher elements more distant from sensitive locations. The scale and massing is considered appropriate. Some third party submissions have raised concerns regarding the density of development, considering it to be excessive. I consider that the density of development is acceptable and that the proposal does not represent over-development of the site. The proposal is considered to be acceptable in principle on these lands. Having regard to all of the above, I consider the height/scale as proposed to be acceptable and if permitted, would not detract from the character or visual amenity of the area to such an extent as to warrant a refusal of permission.

#### Design and Materials/Finishes

10.2.6. I note that some third party submissions received have raised issue with the design of the proposed blocks and materials proposed. I do not consider the proposal is monolithic in nature. Instead, I consider that the design of the buildings is well considered. If permitted, the proposal would create a quality edition to the urban environment at this location and would create visual interest in the streetscape (see section 10.2.4 above in relation to development management criteria at scale of district/neighbourhood/street and relevant city/town). As the site area is in excess of 0.5 hectares, I consider that the site has the potential to create its own character. In addition, the materials and finishes proposed would integrate well with the finishes on the existing permitted development and on nearby historic structures. The existing development on site is aging well and provides a quality edition to the streetscape at this location and as stated elsewhere in this report, it is envisaged that



the proposed development would become fully integrated with the existing Trinity Hall residences. I have no doubt that the proposal before me would do likewise. Exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission.

#### Open Space and Public Realm

10.2.7. Private amenity space is proposed for each of the four apartments. I am generally satisfied with the landscaping strategy proposed and I am of the opinion that the proposal, if permitted would make a positive contribution to place-making (see section 10.2.4 above in relation to development management criteria at scale of relevant city/town). The campus currently has a strong sylvan character and notwithstanding the proposal before me, I am of the opinion that this character will be largely retained and enhanced. The restoration of the garden setting around the Protected Structures is welcomed and will enhance their setting. A residential courtyard to include green and passive space incorporating biodiversity and a potential herbaceous lawn is proposed. As a response to the private, residential function of this part of the development the courtyard is a quiet, green space with passive recreation as its core function. The roof of the proposed sports hall is covered with a wildflower meadow, enhancing biodiversity and creating a pleasant surrounding for the west-facing terraced seating, which will form a part of an outdoor teaching-learning and social space. The roof also features a terraced rain garden, maximizing the opportunity for sustainable drainage on site. Permeability with the Botany Department will be improved, as well legibility through the site and again this is to be welcomed ((see section 10.2.4 above in relation to development management criteria at scale of district/neighbourhood/street).

10.2.8. The planning authority recommends additional active outdoor recreational space, the location of which is currently unclear pending agreement with them. So as to safeguard existing residential amenities and third party participation rights, I recommend that the Bord do not attach such a condition to any grant of permission.

#### Conclusion

10.2.9. Having regard to all of the above, I am satisfied that the proposed height, design, materials and finishes, together with the open space/public realm are such that the

proposal is considered acceptable and would be a welcome, quality addition to the streetscape at this location.

### 10.3. Trees/Impacts on Arboretum and Botanic Garden

- 10.3.1. Many of the submissions received raise concerns in relation to the extent of tree removal proposed, together with impacts of trees to be retained and impacts of the proposal on the arboretum and botanic garden and I acknowledge these concerns. This has also been raised as an issue by elected members, as contained in the Chief Executive report. The applicants state that the proposed design retains and protects existing mature trees insofar as possible. With tree removal being necessary to accommodate the development as proposed, the landscape strategy provides for the replanting of three-times the number of trees lost (60 trees to be replanted). Tree replacement selection will be based on a combination of native and botanically interesting species to enhance both biodiversity and research. There appears to be some confusion in the third party submissions received as to the exact number of trees to be removed. In total, it appears to me that 20 trees are to be removed from the site (16 non-arboretum trees; 1 arboretum tree and 3 trees in bad condition)(see page 17 of Arboricultural Assessment and page 6 of Landscape Strategy). The submission from the Department of Culture, Heritage and the Gaeltacht would concur with this calculation. Of the trees to be removed, 1 is a A-Category (1502 Oak); 3 are B-Category while 13 are C-Category and 3 are U-Category. Therefore, it can be acknowledged that the bulk of trees to be removed fall into the C-category and U-category. In addition to this, four no. trees are to be transplanted to elsewhere within the grounds (two within red line boundary). Root Protection Areas have been outlined for those being retained. While the loss of these trees is regrettable, it is not unsurprising given the extent of tree cover on the site. Some loss of trees is inevitable to accommodate a development of the scale proposed. The applicants address this in their tree replacement strategy.
- 10.3.2. As stated above, the concerns raised regarding the impacts of the proposed development on the botanic gardens and arboretum are acknowledged. The report of the Department of Culture, Heritage and the Gaeltacht is noted in this regard, which highlights the major role of the botanic gardens in conserving biodiversity

nationally and internationally and any development which would impede such a role for a botanic garden would be undesirable. It further notes that the botanic garden is one of only four such institutions in Ireland. It does however state that the encroachment on the arboretum is such that it would involve the felling of one tree and the transplantation of three others and that concerns raised with regards possible effects of the construction of the eight storey block are addressed in the documentation submitted in support of the application.

10.3.3. An Arboretum-Sunlight and Overshadowing Study has been submitted with the application and the information contained therein appears reasonable and robust (see section 10.2.4 above in relation to development management criteria at scale of site/building). In addition, a letter from the Director of Trinity Botanic Garden was submitted with the application which states despite initial concerns with regards impacts of proposed eight-storey block directly south of the Trinity Botanic Garden arboretum, her fears have been allayed. She is satisfied that the trees will survive, they will not be overly stressed and will receive sufficient light to photosynthesise. She notes that there will be some impacts on light environment of the understory and mid canopy within the arboretum, now becoming more akin to a fully closed forest than an open forest understory environment and it is proposed that they will change plant collections to address this. The report concludes that while she cannot state that the proposed new development will not have an impact on the Trinity Botanic Garden, she considers that negative impacts can be mitigated. She notes that a dedicated budget has been put in place to mitigate any negative impacts which will enable them to adapt and grow the living plant collection and the overall biodiversity of the site. They will also be able to make the living collections of the arboretum and gardens more open to students and local community and on balance, welcomes the proposed new development. I am satisfied in this regard. I also note a letter included, signed by Jeremy Barrell Arboricultural Consultant which concludes that trees are resilient and can cope with much more than a change in light levels; the new building would be no more of a barrier to direct sunlight than on a really cloudy day. Trees would continue to grow but not quite as much, which is not a health problem. The submitted Arboricultural Impact Assessment considers that the proposed development will not have an impact on the trees within the arboretum.

10.3.4. The Parks and Landscape Division of the planning authority object to the proposed development layout, in particular the layout position and height of Block A due to its direct impact on specimens within the arboretum and light reduction issues on the wider arboretum collection. The planning authority note the report of their Parks and Landscape Division, but consider that having regard to the number of trees to be planted in lieu of those to be removed, the mitigation measures outlined in the submitted reports with regards tree protection and the correspondence from the Director of Trinity Botanic Garden, they are satisfied that the proposed development will not have an unacceptable impact on existing trees in the arboretum. I would concur with this assertion and in addition would refer the Bord to the report of the Department of Culture, Heritage and the Gaeltacht in this regard. Having regard to all of the above, I am satisfied that the impacts on trees, the Botanic Gardens and arboretum would not be so great as to warrant a refusal of permission or an amendment to the development as proposed.

#### 10.4. **Architectural Heritage/Visual Amenity**

##### Context

10.4.1. I draw the attention of the Bord to the fact that many submissions received relate to concerns regarding impacts on existing Protected Structures, both within and in the vicinity of the site. Impacts on visual amenity have also been raised in many of the submissions received, in particular in terms of impacts on the character of the area, impacts on Residential Conservation Areas, Palmerston Park, houses on Temple Square and on the arboretum/botanical gardens. Impacts on arboretum/botanical gardens was dealt with above in section 10.3. It is acknowledged that there will be a change in outlook and character as the site moves from its current state to that accommodating a development of the nature and scale proposed. Given the locational context of the site, this in my opinion, is not necessarily a negative and I believe the site can accommodate such a development without detriment to the visual amenities of the area. A Visual Impact Assessment (VIA) was submitted with the application which contains a series of photomontages taken from 21 specifically chosen viewpoints. I am generally satisfied with the information contained therein

(see section 10.2.4 above in relation to development management criteria at scale of relevant city/town).

### Protected Structures

- 10.4.2. The third party submissions received in this regard are noted. An Architectural Heritage Impact Assessment was submitted with the application, which recognises that the site is of architectural heritage importance, in particular for its urban and social/cultural heritage (see section 10.2.4 above in relation to development management criteria and specific assessments). There are three Protected Structures within the Trinity Hall campus- Sarah Purser House (formerly Palmerston House) (RPS No. 2244), Greenane (An Grainan) House (RPS No 2245) and Oldham Hall House (formerly Glen na Smoil) (RPS No 2243). These are Victorian detached villas, two-storey over basement. Immediately adjoining to the south-west, outside of the site boundary, is another Protected Structure 'Esterel' (RPS No 8041), currently the Brazilian Ambassador's residence. There are a number of Protected Structures in the vicinity of the site, primarily mid to late 19<sup>th</sup> century housing, together with a number of properties of note.
- 10.4.3. Purser House was originally called Palmerston House, and is the oldest of the villas on the site, dating back to the 1860s. It was built on the demesne lands of Old Rathmines Castle after it had been demolished to make way for the newly laid out Palmerston Grounds. Greenane House and its neighbour to the south, Esterel, are both products of the 1870's intensification of development in the area as direct consequence of new transport links. The two houses have a clear symmetrical relationship with each other. Oldham House was built in the 1880's and is the most recent of the 4 villas. It is stated in the Architectural Heritage Impact Assessment that none of the four Protected Structures, outlined above, is of outstanding architectural significance but they do represent individually a 'type', namely the suburban villas which were built to house business and professional families escaping from the cramped and unhealthy conditions of the historic core, made possible by the parallel development of cheap, reliable public transport.
- 10.4.4. The existing sports hall attached to the rear of Oldham is to be removed and replaced with the upgraded sports hall and breakout lobby fronting on to the space between Greenane and Oldham Houses. The existing sports hall is in need of

significant repair and is stated to be no longer fit for purpose. I consider these works to be a positive. While the new sports hall will also abut the historic structure, it will be in a more considered, lighter fashion which will allow for a clearer reading of the historic structure. Restoration works to the house include reinstatement of two windows to establish the 19<sup>th</sup> century fenestration design intent and removal of existing internal gypsum plaster and replacement with lime based external render. A glass porch on the southern façade will also be renovated. The historic fabric of Greenane House will not be impacted by this development. A historic random rubble wall to its west and a shed will be demolished and a low screen wall will be constructed to the south of the house. Modern car-parking and low quality landscaping will be removed from its immediate proximity, which is to be welcomed. The historic fabric of Esterel House, which is outside of the applicant's ownership, will not be impacted by this development, although it is noted in the submission that it will be bounded on its northern and eastern boundaries by new development. The impact on the four Protected Structures (Oldham, Greenane, Purser and Esterel) varies from negligible in the case of Purser to more significant for the other houses although there are only small scale works proposed to their historic fabrics.

10.4.5. The existing landscape of the site is described in the documentation as being loose and unfocused in its contemporary setting. This is particularly true of Oldham and Greenane Houses which are not properly integrated into a coherent landscape setting. The new proposed design creates two new spaces within the campus and redefines the landscape relationship of other external areas to which it relates. I would concur with the applicants when it is stated that the current proposal represents a continuation of the significant change in the recent physical and social character of the campus, first defined by Cunningham House and then greatly intensified by development in the early 2000s. I would also concur with the assertion that the most significant impact will be the change of visual context in which the Protected Structures sit. The new development will be visible in the context of the Protected Structures and the scale of that proposed reflects that of recent development on the wider lands, continuing the pattern of creating a more urban character. I am of the opinion that the original setting of these structures has already been lost. The site, as existing, accommodates a development of greater scale than was originally on the site. This is not necessarily a negative. The proposed



development will increase that scale again as the site evolves to adapt to current needs. I consider that the site can accommodate a development of the scale proposed without undue detriment to the existing Protected Structures, both on site and in the vicinity. The site is evolving and adapting to current needs and its appropriate re-use into the future is a positive for both the lands and the wider area. The layout, design and materiality proposed is such that it will be very clear which are historic structures on site and which are contemporary additions. I consider that the two can sit side by side, both reflecting the period in which they were designed and constructed and I am generally satisfied in this regard. The report of the planning authority is also noted- they have not raised concern in this regard. The applicant was required to refer to subject application to a number of Government bodies with regards to architectural heritage. The attention of the Bord is drawn to the fact that none have responded or responded with objections in this regard. I have also had regard, in undertaking this assessment to the Architectural Heritage Guidelines, and am generally satisfied that the proposal is not in conflict with same. I recommend that if the Bord is disposed towards a grant of permission that the matter of architectural heritage protection be dealt with by means of condition.

#### Residential Conservation Areas/ Palmerston Park/Temple Square

10.4.6. I note the small portion of the site, associated with Greenane House and its curtilage is zoned 'Objective Z2' 'Residential Neighbourhoods (Conservation Areas)' and I also note the location of other similarly zoned lands in the vicinity. The proximity of the site to Palmerston Park is also noted. I have had regard to the concerns raised in third submissions with regards visual impacts and impacts on the character of these areas. Having regard to all of the information before me, I am satisfied that impacts on Residential Conservation Areas, Protected Structures in the general vicinity or any other properties of note, together with impacts on Palmerston Park will not be so great as to warrant a refusal of permission. Views of the proposed development from Palmerston Park do not raise concerns for me at this urban location. Views of taller buildings from urban parks are commonplace in cities throughout the world and in fact, are to be welcomed, giving an added sense of surveillance.

10.4.7. Concerns regarding visual impacts of the proposed development on properties within Temple Square, 'Esterel' (No. 3 Temple Road) and other properties in the vicinity are

again noted. However, I am not unduly concerned in this regard. This is an urban location and development of the nature and scale proposed is to be expected at such urban locations. Given the separation distances involved, the design and orientation of the proposed development, together with the screening measures in place, I am satisfied that the proposal would have negligible visual impacts on any property in the vicinity.

10.4.8. Impacts on residential amenity are dealt with elsewhere in this report (section 10.5 below).

#### Conclusion

10.4.9. I have had regard to the Architectural Heritage Protection Guidelines in undertaking this assessment. I am satisfied that the location, design and materiality of the proposed development is such that it is a sympathetic response to the site sensitivities. The scale of the development proposed reflects that previously permitted on the wider landholding. The landscaped space to the rear of Greenane will serve to emphasise the building's continued spatial independence. The removal of the existing sports hall will be a positive for the site and the new hall will be a far more sympathetic addition. I have considered the submissions/observations received from third parties in this regard, including the concerns raised by the elected members. I have also considered the report of the planning authority. I have examined all of the information before me and have twice visited the site and its environs. Having regard to the distances involved, the design and location of the proposed development and the site context, I am satisfied that the proposal would have negligible impacts on the character or setting of any nearby Protected Structures, any residential conservation area or on any buildings or parks of note in the vicinity. I would concur with the opinion of the planning authority that the visual impact of the proposed development is acceptable and am of the opinion that the scale of the development proposed can be accommodated at this location without detriment to the visual amenities of the area.

### 10.5. Existing Residential Amenity

10.5.1. Concerns have been raised in many of the submissions received with regards to, *inter alia*, overlooking, overbearing, overshadowing and loss of light and privacy concerns, together with concerns that the development as proposed, would



negatively impact on properties in this regard. A significant number of submissions have been received from the residents of Temple Square. I have had regard to all of the submissions received in my assessment.

- 10.5.2. The nearest residential property that has potential to be impacted upon by the proposed development is 'Esterel' (No. 3 Temple Road), located immediately adjoining the subject site to its south/south-west. This two-storey Georgian building is currently in use as the Brazilian Ambassador's residence and as stated above, is designated as a Protected Structure. Given the separation distances involved, the design and orientation of the proposed development, together with the screening measures in place, I am satisfied that the impacts of the proposal on this property would not be so great as to warrant a refusal of permission.
- 10.5.3. The residential development, Temple Square, is located to the east of the subject site and comprises mainly two and three storey townhouses with a small number of single storey properties, including that at the corner with Temple Road. Some of the properties in Temple Square back directly onto the boundary with the subject site. I note the separation distances involved with Temple Square, a minimum of 13.6 metres with Block A at its nearest point. I consider this distance to be acceptable, given the design treatment, setbacks proposed and the fact that there are no windows on this nearest element of the proposed eastern elevation of Block A. The remainder of the block is a maximum of four storeys nearest the properties with Temple Square and all other separation distances with Temple Square are well in excess of 22 metres between opposing first floor windows. I also note the extent of planting being retained along the eastern boundary. Given the locational context, the orientation of the site, the separation distances involved and the design of the proposed development, I am satisfied that impacts on properties in Temple Square would not be so great as to warrant a refusal of permission.
- 10.5.4. Having regard to the orientation and location of the site, the separation distances involved, level differences and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of any other properties in the vicinity. Impacts on privacy would not be so great as to warrant a refusal of permission. I am generally satisfied that the proposal will not impact on the amenities of the area, including issues of overbearing, overlooking, overshadowing or loss of light to such an extent as to warrant a refusal of permission. A Daylight, Sunlight and

Overshadowing Study has been submitted with the application and I am generally satisfied with the results and conclusions outlined therein (see section 10.2.4 above in relation to development management criteria at scale of site/building). For the residential dwellings considered on Temple Road and Temple Square, all of the points tested have a VSC above 27% or not less than 80% their former value (i.e. the existing scheme). Therefore, all points tested exceed BRE recommendations. It is acknowledged in the report that additional shading is to be expected on the existing residential dwellings during certain periods of the year. This would be similar to that experienced in typical suburban locations. At this site, overshadowing as a result of the proposed development only occurs to properties in Temple Square in late afternoon of the winter months, where longer shadows occur due to the lower sun altitude. Outside of that timeframe, there will be minimal additional shading to these properties. As noted in the BRE guidance, even low buildings will cast long shadows during this time. In Spring and Summer, there will be minimal overshadowing. I am of the opinion that this is an urban location and a certain degree of overlooking, overshadowing, impacts on privacy and loss of light is to be anticipated at such a location.

10.5.5. I have examined all the documentation before me and I note all of the submissions received in this regard. I note the Chief Executive Opinion of the planning authority in this regard, which concludes that it is anticipated that no negative impacts to existing residential amenity of neighbouring property as a result of overshadowing, overlooking or overhearing will occur. I acknowledge that the proposal will result in a change in outlook for some of the local residents, as the site changes from its current state to that accommodating development of the nature and scale proposed. Given the location of the site, I do not consider this change to be a negative. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. Residential development is permissible under the zoning objectives. As has been previously stated, the development site is located within an established part of the city where services and facilities are available, is in close proximity to good public transport links and where pedestrian and cycle connectivity is good (see section 10.2.4 above in relation to development management criteria at scale of relevant city/town). The existing Trinity Hall development is itself a relatively new addition to the urban form of the area, which I

consider adds to the variety of housing stock within the area in a quality manner. The proposed development will form a fully integrated extension of the existing Trinity Hall complex and the proposal is considered acceptable in this regard.

#### Noise/Anti-Social Behaviour

- 10.5.6. There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. It is noted that a Construction Demolition Waste Management Plan and Construction Environmental Management Plan were both submitted with the application. These plans deal with such matters as construction traffic management, construction site compound, delivery times, waste management, noise, dust and air quality and I am generally satisfied in this regard. The issue of construction traffic has also been dealt with in section 6.5 of the submitted Civil Engineering Infrastructure Report. The matter could be adequately dealt with by means of condition.
- 10.5.7. Concerns have been raised in almost all of the third party submissions in relation to noise from students, anti-social behaviour, disruption and littering. Criticism of existing management arrangements, in particular at night have also been detailed. The contents of submissions received relating to this matter have been read and are noted. Many of the matters raised in relation of anti-social behaviour/disruption/littering within the public realm are a matter for An Garda Síochána, outside the remit of this planning application. A Student Accommodation Management Plan has been submitted with the application. The proposed development will be managed by the existing Trinity College Dartry Campus management and staff as an extension to the Trinity Hall complex. I note that the Student Accommodation Management Plan states that a combination of directly employed TCD staff and contracted security are on duty in the existing residences (24/7) with increased staffing levels at evening and weekends and it is envisaged that a similar routine will apply in the new residence for which planning permission is now sought. In addition to continually monitoring the substantial CCTV network, staff carry out regular patrols of buildings and the grounds. The main reception is manned 24/7. I am satisfied in this regard. It is inevitable that there will be some increased noise and footfall given the increase in population associated with the proposed

development. I have no information before me to believe that this would be excessive. Trinity Hall management have extensive experience in managing the existing complex and I am satisfied that the issue of student management can be adequately dealt with by means of condition.

#### Broadband/mobile phone coverage

10.5.8. I note the third party submissions received in this regard but have no information before me to believe would have any negative impacts on phone or broadband coverage in the vicinity.

#### Future Use and setting of precedent

10.5.9. Some third party submissions received have raised concerns regarding the future use of the site and the proposed development. Development permitted under this grant of permission is as per the submitted public notices, save as may be amended by any condition attached thereto. Any deviation from this would require a new grant of permission, as per current legislation.

10.5.10. Some third party submissions have raised concerns regarding the precedent that a grant of permission for the proposed development would set. I am satisfied that every application is assessed on its own merits.

#### Conclusion

10.5.11. Having regard to all of the above, including the submissions received and the Chief Executive Opinion of the planning authority, I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission. I recommend that if the Bord is disposed towards a grant of permission that conditions be attached regarding management of the proposed development.

### **10.6. Quality of Proposed Residential Development**

10.6.1. Concerns have been raised in some of the third party submissions received regarding the standard of accommodation being provided in this application. I am not unduly concerned in this regard. The level of amenity being afforded to future occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. A Daylight,

Sunlight and Overshadowing Study was submitted with the application and it contains a scientific and robust analysis, with which I am satisfied (see section 10.2.4 above in relation to development management criteria at scale of site/building).

- 10.6.2. I am satisfied that the proposal would be an attractive place to live for any future occupants. Some submissions received query the occupancy of bedrooms. The documentation submitted, which includes for the public notices is quite clear that the proposal is for 358 no. student accommodation bedspaces and I am satisfied in this regard. Section 16.10.7 of the operative City Development Plan sets out Guidelines for Student Accommodation and the proposal is generally consistent with same. Internal amenity space is largely provided at ground and first floors of Blocks A, C and the forum block, including a replacement multi-use sports hall and adjoining Forum amenity space (stated total amenity floor area of 1033m<sup>2</sup>). Students will also have access to all existing facilities within the wider Trinity Hall complex. The proposed four no. apartments also generally comply with all relevant standards.
- 10.6.3. The Planning Authority are satisfied in this regard. I again note section 5.5.12 of the operative City Development Plan which acknowledges 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. Section 16.10.7 Guidelines for Student Accommodation is also noted. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside.

## 10.7. Traffic and Transportation

### Access

- 10.7.1. Access to the site is primarily through an existing entrance on Dartry Road to the west of the subject site. This will remain the main access to the site. A secondary gated entrance exists to the SW on Temple Road, primarily for use for maintenance access and this will be temporarily modified to facilitate construction access. There is an existing third vehicular entrance to the SE on Temple Road and the proposed works include for the increase in width of this existing access gate. It is proposed to

be used only for fire tender and maintenance vehicle access to the development but will also accommodate pedestrians and cyclists. It will also act as a temporary construction access. The planning authority consider that the loss of on-street car parking spaces to facilitate this access is acceptable in principle in this instance, subject to payment of fees. I would concur and noted at the times of both my site visits, that there were ample car parking spaces available on-street along Temple Road. The issue of Traffic Engineering has been dealt with in section 6 of the submitted Civil Engineering Infrastructure Report. A Mobility Management Plan has also been submitted with the application.

### Car Parking

- 10.7.2. The subject site is located in Area 2 of Map J of the operative City Development Plan and the maximum Development Plan parking standard is 1 space per 20 bedspaces and 1 space per apartment, equating to a maximum 22 car parking spaces permissible for the proposed development. No car parking spaces are proposed. Existing parking provision is 43 spaces, with an additional 47 spaces (outside red line boundary) serving the overall Trinity Hall campus, giving a total figure of 90 spaces currently. It is proposed to remove the existing 43 spaces on site and replace this area with structures and landscaping. The applicants state in their submission that as the majority of residents will be travelling to/from Trinity College where there is no on-site student parking, car usage is expected to be at a minimum. This was verified by a survey undertaken by the applicants in April 2019 which shows that in terms of the current distribution of students living in Trinity Halls at that time, none used cars as a means of student travel to/from campus with the majority travelling by LUAS (see section 10.2.4 above in relation to development management criteria at scale of relevant city/town).
- 10.7.3. Having regard to the location of the site and its proximity to quality public transport within a five minute walk (LUAS line is 800m away with bus routes on Cowper Road and Rathgar Road), together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations, I consider the proposal in terms of car parking to be acceptable at this location. I note that the planning authority, in their Chief Executive Report has not raised concern in relation to this matter. The Transportation Division of the Planning Authority recommends a grant of permission, subject to conditions.



### Cycle Parking

10.7.4. The operative City Development Plan requires the provision of a minimum 183 cycle parking spaces to cater for the proposed development. A total of 189 spaces are proposed. There are currently 422 bicycle spaces on site. Again the planning authority has raised no issue with the quantum of cycle parking space proposed, subject to condition relating to improved security measures and I am also satisfied in this regard.

### Conclusion

10.7.5. Given the location of the site within an urban area on zoned lands, together with the nature of the use proposed, I do not have undue concerns in relation to traffic or transportation issues. I note the concerns raised in some of the third party submissions and acknowledge that there will be some increased traffic as a result of the proposed development, in particular during the construction phase. However, the site is well served with public transport, with a number of bus routes within the vicinity and two LUAS stations within a 10 minute walk. On-street paid parking is available along Temple Road. While there is not a cycle lane immediately adjoining the site, there are good cycle facilities for much of the way into Trinity and the city centre. The Planning Authority in their report also raises no concerns in relation to such matters, subject to condition. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

## **10.8. Drainage and Flood Risk**

10.8.1. In terms of site services, the site is currently served by an a 450mm diameter public surface water pipeline and an existing 800mm combined public sewer to the south, both along Temple Road. It is proposed to connect into these existing services. SuDS measures are proposed, in accordance with the GDSDS and Dublin City Council requirements. Green roofs, rain gardens, permeable paving and rainwater harvesting are all proposed. As the building footprint will extend over the existing StormTech system, this will be removed and alternative SuDS measured introduced. Discharge from the site onto Temple Road will be limited to greenfield run-off. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections

has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. A Statement of Design Acceptance from Irish Water has also been issued, which states that based on the information provided, Irish Water has no objection to the proposal.

10.8.2. A Civil Engineering Infrastructure Report, which includes a Flood Risk Assessment were submitted with the application. The information contained within these documents appears reasonable and robust. The report of the Engineering Department of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.

10.8.3. The subject site is located within Flood Zone C. The OPW mapping website, [www.opw.ie](http://www.opw.ie) shows no recorded flooding in the vicinity of the site. The submitted Flood Risk Assessment concludes that the site historically has no recorded flood events as noted in the OPW's historical flood maps. I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines, I am satisfied in relation matters of drainage and flood risk management (cross reference).

## 11 Other Matters

### Ecology

11.1 An Ecological Impact Assessment was submitted with the application, the contents of which appear reasonable and robust (see section 10.2.4 above in relation to development management criteria and specific assessments). It acknowledges that the habitats within the proposed development site are highly modified and the site consists of a number of buildings, sheds and hard surfaces. No watercourses are identified within the proposed development site, with the nearest watercourse being approximately 310 metres to the south, the River Dodder. A walkover survey was undertaken in April 2019, which included a bird survey and a search for non-native invasive species. With the exception of dedicated bat surveys, no further surveys were undertaken.



- 11.2 In terms of bats, it is noted that dusk and dawn surveys were undertaken, focused on buildings to be demolished and mature trees to be removed. No evidence of roosting bats was identified, however a number of mature trees within the site provide potential roosting habitat for bats. The majority of trees lacked suitable cavities for roosting bats and ivy cover was largely absent. Widespread commuting and foraging was noted. The EclA states that the development will not result in the fragmentation of any linear features which may act as bat commuting or foraging corridors and connecting habitat to the wider landscape. The landscaping plans include for the provision of bat boxes and swift bricks.
- 11.3 The Biodiversity Section of the planning authority state that the optimum time for bat surveys is May to September and therefore the results of the bat survey, undertaken on April 17<sup>th</sup> 2019 may not be indicative. Given that the survey was undertaken in mid-April, I am not unduly concerned with the timing of subject survey. I acknowledge that no repeat surveys were undertaken. The timing of surveys or lack of repeated surveys were not raised as potential issues within the Department of Culture, Heritage and the Gaeltacht report. The planning authority report continues that given the proximity to Palmerston Park, the mature trees would provide important habitat connectivity with the park. Given a lack of repeated surveys, it is not possible to conclude that the zone of influence with regards to bats is merely contained within the red line boundary and conclusions in EclA cannot be supported in this regard. Again, the Department of Heritage, Culture and the Gaeltacht did not raised issue in this regard, subject to condition. It is highly likely that this is an important site for bats. The Biodiversity section of the planning authority request that a winter hibernation survey and ground level bat activity survey be undertaken in accordance with best practice guidelines, during the appropriate survey period (May to September). They continue by stating that at this stage it cannot be determined if the proposed development shall have impacts on bats. Conditions have been attached in this regard. I am satisfied, based on the information before me that the matter can be adequately dealt with by means of condition.
- 11.4 A number of common birds were recorded within the site and no evidence of species of conservation concern such as otter or badger was recorded within the site boundaries. No suitable habitat for otter in the form of watercourses is present within

the development boundary. Common mammals including fox may use utilise the site on occasion, however evidence of these species was not recorded during the field survey. With the exception of passing bats, no other protected fauna associated with any nearby European Sites or protected under Annex II or IV of the EU Habitats Directive or the Irish Wildlife Act 1976-2019 were recorded during the walkover survey undertaken in April 2019. The non-native invasive species, three-cornered garlic and Spanish bluebell were widespread in the scattered trees and parkland habitat within the proposed development site. Conditions have been recommended by the Biodiversity Section of the planning authority with regards control of invasive species.

- 11.5 The EclA concludes that there will be no significant impacts on biodiversity given the nature, scale and design of the proposal. No significant residual effects on surface water quality were identified. The potential residual impacts on ecological receptors will not be significant and no potential for the proposed development to contribute to any cumulative impacts on biodiversity when considered in combination with other plans and projects was identified. Provided that the proposed development is constructed and operated in accordance with the design described within this application, significant effects on biodiversity are not anticipated at any geographic scale. The report from the Biodiversity Section of the planning authority is noted and I refer the Bord to same (contained within Appendix B of PA Opinion). Notwithstanding the concerns raised in the Biodiversity section report, the planning authority have not raised concerns in this regard. The Department of Culture, Heritage and the Gaeltacht have not raised concerns in this regard. Having regard to all of the information before me, I am satisfied that the issue of biodiversity can be adequately dealt with by means of condition.

#### Archaeology

- 11.6 I note that some third party submissions have raised concerns regarding impacts of the proposal on the archaeology of the area. An Archaeological Impact Assessment was submitted with the application, which states the site of Rathmines Castle (RMP No. DU022-087) is located outside and adjacent to the NE of the development site. The report states that monitoring of site investigation works in 2019 and excavation of adjacent development to the west of the site revealed nothing of archaeological significance, however there is potential for as yet unknown sub-surface

deposits/features and/or artefacts associated with 17<sup>th</sup> century Rathmines Castle surviving at this location. It continues by stating that further archaeological assessment is required and recommends that pre-development testing be carried out by a suitably qualified archaeologist in advance of proposed development and/or monitoring of groundworks. I am satisfied with the contents of this report and recommend that if the Bord is disposed towards a grant of permission, the issue of archaeology could be dealt with by means of condition. Neither the planning authority nor the Department of Culture, Heritage and the Gaeltacht have raised concerns in this regard. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached in relation to the matter of archaeology.

#### Consultation

- 11.7 I note that some of the submissions received state that there was inadequate/lack of meaningful consultation with them by the applicants. This was also raised by some of the elected members. The applicants state in their submission that an information evening was held with local residents at Trinity Hall in November 2019. It is noted that while meaningful consultation may be to the benefit of both parties, there is no statutory requirement to undertake such engagement.

#### Public Health

- 11.8 Many of the submissions received refer to the presence of Covid-19 and the ability of the student accommodation to operate safely in such circumstances. The management of the proposed facility in such circumstances, or similar circumstances, will be a matter for the applicants to address, in light of public health advice pertaining at that time.

#### Legal

- 11.9 One detailed submission has raised matters relating to previous works on the overall lands and on-going legal proceedings relating to same. I have read the submission and note its contents. Such issues are considered to be legal matters outside the remit of this planning application and are not relevant to my assessment of this current application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out

any development. I also note the provisions of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

11.10 The site has been outlined in red (stated area of 1.07ha) and the lands within the applicants control in the vicinity (namely the wider Trinity Hall complex) have been outlined in blue, as required under the legislation. The subject site comprises the south-eastern corner of the wider Trinity Hall complex. The exact location of the site, including its location relative to the wider Trinity Hall complex, have been clearly detailed in the submitted documentation, including the submitted public notices. It is stated in the public notices that 'the development will consist of an extension to existing purpose-built student accommodation at Trinity Hall...'. I am satisfied that there is no ambiguity as to the location of the site or the fact that it is located within the wider Trinity Hall complex.

11.11 One of the submissions received, notes that in response to Q8 of the application form, 'Site History', the applicant has answered 'No' to the question '*Is the applicant aware of any valid planning applications or An Bord Pleanála decisions previously made in respect of this land/structure?*'. The third party considers this answer to be false/misleading, given that there are a number of applications on the wider Trinity Hall landholding. It would appear to me from an examination of the history of the wider Trinity lands, that while applications were made on the wider lands (as outlined in blue and which included the area currently outlined in red), no application/appeal specifically pertained to the site as currently outlined in red with a stated site area of 1.07 hectares (they pertained to the wider landholding, of which the site now outlined in red formed part). I note that the current sports hall proposed for demolition was the subject of works in the original application on the overall lands. I refer the Bord to section 2.3 of the Planning Report & Statement of Consistency submitted with the application, which clearly details the planning history of the overall lands. Notwithstanding the answer to Q8 of the application form, I am of the opinion that within the documentation there is no ambiguity with regards the planning history of the overall lands and I am satisfied in this regard.

#### Enforcement

11.12 A third party submission contends that no decision should be made by ABP on this current application until such time as a final determination has been made in the

legal proceedings relating to purported unauthorised development on the wider landholding. I draw the attention of the Bord to this. I am of the opinion that compliance with conditions relating to previous grant of permission on lands within applicant's control and any enforcement and/or legal proceedings in relation to such matters are matters for the planning authority, outside the remit of this application. As stated above, as in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

#### SHD Process

11.13 Some of the third parties have raised concerns with regards the strategic housing development process. An Bord Pleanála are obliged to implement the provisions of planning law, including the SHD process laid down in the Planning and Development (Housing) and Residential Tenancies Act 2016. They are also obliged under section 9 of that Act to have regard to the policies of the Government and the Minister, including guidelines issued to planning authorities and to the provisions of Development Plans.

#### Inconsistencies

11.14 Some parties have referred to inconsistencies in the information provided, while others have contended that information was difficult to read or lacked sufficient detail. While these are noted, they are considered to be relatively minor and do not affect the outcome of my recommendation.

## **12 Material Contravention**

12.0.1 Section 16.7.2 of the Dublin City Development Plan 2016-2022 stipulates a maximum permissible building height of 16 metres in Low-Rise, Outer City locations for commercial and residential development. The proposed development site is considered to be located in such a Low-Rise, Outer City location. The proposal provides for a maximum overall height of 26 metres (eight storeys) above adjoining ground level and the applicant acknowledges that the proposal therefore contravenes the Development Plan cap on building heights.

- 12.0.2 The attention of the Bord is drawn to the fact that a Material Contravention Statement has been submitted with the application and the applicants have advertised same within their public notices, as required under the legislation. This Statement deals with the issue of height. Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of development and permissions granted in the vicinity since the adoption of the development plan.
- 12.0.3 I am of the opinion that a grant of permission that would materially contravene section 16.7.2 of the Dublin City Development Plan 2016-2022, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, on the following basis.
- 12.0.4 In terms of section 37(2)(b)(i), I note that the current application, which is in excess of 200 bedspaces, has been lodged under the strategic housing legislation and is considered to be strategic in nature. One of the third party submissions received states that the proposal is not strategic in nature. I would not concur with this assertion. In this regard, I note the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), which includes for 'the development of student accommodation units which, when combined, contain 200 or more bed spaces...'. This current proposal provides for 358 student bedspaces. I also note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing from its current under supply set out in Rebuilding Ireland- Action Plan for Housing and Homelessness, issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban location close to public transport and centres of employment. I would concur with the applicants when they state that the strategic importance of the delivery of purpose-built student accommodation to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.



12.0.5 In relation to section 37(2)(b)(iii), I note the Building Heights Guidelines for Planning Authorities (December 2018), which provides a policy basis for increased building heights at appropriate locations. Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met. I have had regard to the aforementioned performance criteria and am satisfied that they are being met in this instance. The National Planning Framework – Ireland 2040 fully supports the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I note Objectives 13 and 35 of the NPF in this regard. Objective 13 states that ‘In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected’. Objective 35 promotes an ‘Increase residential density in settlement, 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’. I consider this to be one such suitable site.

12.0.6 Having regard to all of the above, I am satisfied in this regard and consider that the Bord is not precluded from a grant of permission in this instance.

### **13 Screening for Environmental Impact Assessment (EIA)**

13.0.1 A question has arisen in some of the third party submissions as to whether a mandatory EIA should have been undertaken, having regard to Schedule 5, Part 2, Class 13 (a)(ii) of the Planning and Development Regulations 2001 (as amended), given the extent of development on the wider Trinity Hall lands, permitted in August 2000. In this regard, I note Schedule 5, Part 2, Class 10(b)(i) and (iv) of the Planning and Development Regulations 2001-2017. In this instance, I am of the opinion that student accommodation does not fall under the remit of Schedule 5, Part 2, Class 10(b)(i)- thresholds in relation to unit numbers- as it does not meet the definition of a dwelling unit, as defined under section 4 of the Residential Tenancies Act 2004. The

proposal is providing for 358 student bedspaces, not 358 dwelling units. Four no. dwelling units are proposed, which will result in an overall loss of four dwelling units from what currently exists. These student bedspaces are not a 'self-contained residential units'- one does not rent out an entire apartment, but instead solely a bedroom. Therefore, Schedule 5, Part 2, Class 10(b)(i) is not applicable in this instance. The provision of the four staff apartments does not meet the threshold set out in Schedule 5, Part 2, Class 13(a)(ii). In terms of Schedule 5, Part 2, Class 10(b)(iv), I note that the stated site area (as outlined in red) is 1.07 hectares. This current site, as outlined in red, forms part of the overall Trinity Hall landholding, which was outlined in PL29S.117164. This overall landholding, has not materially increased in size from what was outlined in the original application (PL29S.117164) on the lands. Therefore, having regard to the above, I am of the opinion that mandatory EIA is not necessary in this instance, having regard to Schedule 5, Part 2 Class 13 of the Planning and Development Regulations 2001, as amended.

13.0.2 With regards sub-threshold EIA, the applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Report. The Screening Assessment concludes that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; that an Environmental Impact Assessment of the proposed development is not required. I am satisfied that the submitted Environment Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment (see section 10.2.4 above in relation to development management criteria and specific assessments).

13.0.3 The current proposal is an urban development project that would be in the built up area but not in a business district. The proposal is for 358 bedspaces and four apartments on a stated site area of 1.07 hectares. The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage, although it is acknowledged that there are three Protected Structures within the overall landholding. The proposed development is not likely to have a significant



effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and Natura Impact Statement that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

- 13.0.4 The development would result in works on zoned lands. The majority of the proposed development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

## **14 Appropriate Assessment Screening**

- 14.0.1 An AA Screening Report and Natura Impact Statement were submitted with the application (AA Screening Report is contained within Appendix 1 of NIS). The AA Screening Report states that no Annex I listed habitats or no supporting habitat for Annex II species of SCI bird species associated with any European site were identified on site. No evidence of other protected fauna was observed on site. Habitats within the development site are highly modified and/or common in the wider area and do not have the potential to support faunal populations associated with designated sites. Two types of non-native invasive species were identified on site. The site lies within the suburban zone of the city. The site of the proposed development consists of buildings and paved surfaces, surrounded by amenity grasslands. This is a busy campus, subject to high levels of disturbance. No watercourses were identified within the proposed development site. The nearest watercourse is the River Dodder, approximately 310 metres to the south of the development boundary. Residential development to the south of Trinity Hall separate this watercourse from the development site. Table 3.1 of the AA Screening Report identifies designated sites within the Likely Zone of Impact, with the nearest

sites being South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), both 3.6km distant.

Table 4: Designated Sites within Likely Zone of Influence

Site Name	Site Code	Distance	Conservation Objectives
North Bull Island SPA	004006	c.7.5km	Detailed objectives
South Dublin Bay and River Tolka Estuary SPA	004024	c.3.6km	Detailed objectives
Howth Head SAC	000202	c.12.5km	Detailed objectives
Howth Head Coast SPA	004113	c.14.8km	Generic objective
Rockabill to Dalkey Island SAC	003000	c.11.2km	Detailed objectives
Dalkey Island SPA	004172	c.11.5km	Generic objective
South Dublin Bay SAC	000210	c.3.6km	Detailed objectives
North Dublin Bay SAC	000206	c.7.5km	Detailed objectives
Wicklow Mountains SAC	002122	c.8.2km	Detailed objectives
Glenasmole Valley	001209	c.9.2km	Generic objective
Knocksink Wood SAC	000725	c.11.4km	Generic objective
Baldoyle Bay SAC	000199	c.12.9km	Detailed objectives
Ballyman Glen SAC	000713	c.13.0km	Detailed objectives
Wicklow Mountains SPA	004040	c.8.5km	Generic objective
Baldoyle Bay SPA	004016	c.12.9km	Detailed objectives

14.0.2 Qualifying Interests/Special Conservation Interests for which each European Site have been designated are outlined in Table 3.1 of the AA Screening Report (pages 8-18 inclusive). In terms of Conservation Objectives for each site, it is noted that the Sites with generic conservation objectives, seek to maintain or restore the favourable consideration condition of the habitat/species for which the Site has been selected. Detailed conservation objectives are available on [www.npws.ie](http://www.npws.ie) and I refer the Bord to same which seek to maintain and/or restore favourable conservation condition.

14.0.3 The following designated sites, in Table 5 below, have been screened out in the Stage 1 AA Screening Report based on the nature and scale of the works proposed, the absence of connectivity and the distance from the designated sites. In addition, potential for indirect impacts can also be ruled out. I am satisfied in this regard.

Table 5:

Site Name	Site Code	Distance	Conservation Objectives
Howth Head SAC	000202	c.12.5km	Detailed objectives
Howth Head Coast SPA	004113	c.14.8km	Generic objective
Rockabill to Dalkey Island SAC	003000	c.11.2km	Detailed objectives
Dalkey Island SPA	004172	c.11.5km	Generic objective
Wicklow Mountains SAC	002122	c.8.2km	Detailed objectives
Glenasmole Valley	001209	c.9.2km	Generic objective
Knocksink Wood SAC	000725	c.11.4km	Generic objective
Baldoyle Bay SAC	000199	c.12.9km	Detailed objectives
Ballyman Glen SAC	000713	c.13.0km	Detailed objectives
Wicklow Mountains SPA	004040	c.8.5km	Generic objective
Baldoyle Bay SPA	004016	c.12.9km	Detailed objectives

14.0.4 Four sites have been screened in, considered by the applicants to be within the Likely Zone of Impact. These are as follows:

Table 6:

Site Name	Site Code	Distance	QIs/SCIs
North Bull Island SPA	004006	c.7.5km	Light-bellied Brent Goose Shelduck Teal Pintail Shoveler Oystercatcher Golden Plover Grey Plover Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Turnstone

			Black-headed Gull Wetlands & Waterbirds
South Dublin Bay and River Tolka Estuary SPA	004024	c.3.6km	Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Bar-tailed Godwit [A157] Redshank [A162] Dunlin [A149] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetlands & Waterbirds [A999]
North Dublin Bay SAC	000206	c.7.5km	Mudflats and sandflats not covered by seawater at low tide  Annual vegetation of drift lines  Salicornia and other annuals colonising mud and sand  Atlantic salt meadows  Mediterranean salt meadows  Embryonic shifting dunes

			Shifting dunes along the shoreline with white dunes  Fixed coastal dunes with grey dunes  Humid dune slacks  Petalwort
South Dublin Bay SAC	000210	c.3.6km	Mudflats and sandflats not covered by seawater at low tide [1140]  Annual vegetation of drift lines [1210]  Salicornia and other annuals colonising mud and sand [1310]  Embryonic shifting dunes [2110]

Potential Direct/Indirect Effects

14.0.5 For each of these four identified sites, it is stated that there will be no direct effects as the proposed development is located outside of the designated site. The documentation refers to a single potential for an effect of Natura 2000 sites which is that surface water from the development will discharge to the public network which in turn discharges to the River Dodder, approximately 5.2km upstream of Dublin Bay. Taking a precautionary approach, a potential pathway for indirect effects on the designated sites as a result of surface water pollution via the public surface water network and the River Dodder during construction and operational phases of the development was identified in the AA Screening Report. It is concluded by the applicant that consequently, the potential for significant effects on these four designated sites cannot be excluded at Stage 1 of the Appropriate Assessment process and Stage 2 Appropriate Assessment is required.

## Assessment

14.0.6 I note the following:

- The site is not located within a Designated Site and no loss of habitat will occur or reduction in community extent- proposal is located a minimum of 3.6km from the nearest Designated Site
- The site does not contain suitable supporting habitat for Annex II species or SCI bird species- site consists of modified habitats, brownfield in nature.
- There will be no direct effects on any of the above listed Designated Sites
- There is no potential for the proposed development to contribute to any cumulative adverse impacts on any European Site
- Surface water from the site discharges to the public network, which ultimately discharges to the River Dodder, approximately 5.2km upstream of Dublin bay
- Discharge from the site to the public surface water network will be limited to greenfield run-off rate of 2l/s by means of a vortex flow control device.
- Surface water generated during construction activities will be routed towards settlement tanks prior to controlled discharge. There will be no direct discharge to the surface water network
- IW have confirmed that the proposed connection to their network can be facilitated
- Flood Risk assessment concludes that there are no significant flood risks from pluvial, fluvial or tidal sources
- Construction measures are proposed to avoid all water pollution during construction and operational phases

14.0.7 Wastewater will be directed to Ringsend WWTP, which is designed to serve a population equivalent of 1.64 million, with plans to upgrade this facility. This current proposal will have an insignificant impact on this figure. The Ringsend WWTP is operating under licence from EPA and that licence is itself, the subject of its own AA. There is no evidence that water quality is impacting on these aforementioned designated sites within Dublin Bay.

14.0.8 Having regard to all of the above, I do not agree that a Stage 2 Appropriate Assessment is required in this instance and I am satisfied that Stage 1 AA is appropriate for all sites. I disagree with the applicants' decision to move to Stage 2 for four sites- I am of the opinion that all sites can be screened out at Stage 1. In my opinion, significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to offshore European sites due to the distance involved and levels of dilution. Cumulative impacts are not anticipated and neither was any potential for different impacts resulting from the combination of various projects and plans.

14.0.9 The NIS describes construction best practice measures and control measures for the purposes of appropriate assessment and refer to them as mitigation measures within elements of the NIS (section 6.2.1. Mitigation measures are also referred to within the CEMP, EclA and other documentation submitted. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water has been demonstrated by long usage. Therefore, it is my opinion that the proposed development would be not likely to have a significant effect the quality of water in the Natura 2000 sites. The impact cited in the AA Screening Report would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any such area whether or not it is connected to a Natura 2000 site. There is no evidence on which to conclude that the applicant or any of its employees or successors in title would be likely to behave in such a manner.

14.0.10 Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect the North Dublin Bay Special Area of Conservation (00206), South Dublin Bay Special Area of Conservation (00210); North Bull Island Special Protection Area (004006) and South Dublin Bay & River Tolka Estuary Special Protection Area (004024) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required. If the Board does not adopt the screening recommendation set out in this report, then the submitted NIS provides sufficient information to allow a Stage 2 Appropriate Assessment to be completed.

## 15 Recommendation

15.0 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 suburban 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. As stated above, the proposed development will increase residential accommodation, enhance existing recreational amenity space provision, provide ancillary and complementary facilities and provide additional facilities for the Botany Department of Trinity College. It will form a fully integrated extension to the existing Trinity Hall residences and will have access to, and use of, existing facilities and amenity spaces provided within that scheme. 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.

15.1 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.



## 16 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Dublin city centre, on lands currently accommodating high quality, purpose-built student accommodation
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning Objective Z1, which aims to 'protect, provide and improve residential amenities'
- (c) the policies and objectives set out in the Dublin City Development Plan 2016,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the National Student Accommodation Strategy 2017
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2013
- (j) Architectural Heritage Protection, Guidelines for Planning Authorities 2011
- (k) Chief Executive Opinion and associated appendices
- (l) the nature, scale and design of the proposed development,

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

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

(o) the planning history within the area, and

(p) the submissions and observations received and

(q) the report of the Inspector,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale of development in this suburban location, would not seriously injure the residential or visual amenities of the area, would not detract from the character and setting of any Protected Structure or Conservation Area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 09<sup>th</sup> day of March 2020 by Trinity College Dublin care of Reddy Architecture + Urbanism, Dublin 6.

#### Proposed Development:

The application site includes Cunningham House and existing Sports Hall (abutting Oldham House, a Protected Structure) and is generally bound to the west and north by the existing Trinity Hall Campus, to the east by the boundary with the Temple Square development and to the south by Temple Road. The site excludes Greenane House (a Protected Structure) but includes the area immediately adjoining the House. The application site also includes a small parcel of land located adjacent to the existing vehicular access from Darry Road and the existing electrical substation located to the north-east of Purser House (a Protected Structure) all within the main Trinity Hall campus.

Permission for a strategic housing development on lands at Cunningham House, Trinity Hall, Darry, Dublin 6.

The proposed development will consist of an extension to existing purpose-built student accommodation at Trinity Hall with an overall gross floor area (GFA) of approximately 10,982sqm (over a part lower ground floor level plant area of 55sqm GFA) providing a total of 358 no. purpose-built student bed spaces together with complementary and ancillary uses. The proposed development consists of:

- Demolition of Cunningham House, the Sports Hall (including the removal of existing part basement of 104sqm), the eastern section of the existing rear boundary wall and associated single storey ancillary sheds within the curtilage of Greenane House (a Protected Structure) (c.2,864sqm total GFA to be demolished).
- Provision of 4 no. connected blocks arranged in a quadrangle form: Block A ranges in height from four to eight storeys; Block B is four storeys in height; Block C is three storeys in height while the Forum Block is single storey in height (partially double height space rising to a maximum height of 9.6m above adjoining ground level).
- 358 no. purpose-built student bed spaces comprising of 11 no. 5-bedroom units; 4 no. 6-bedroom units; 1 no. 7-bedroom unit and 34 no. 8-bedroom units together with ancillary student amenity spaces.
- 4 no. staff apartments (3 no. 2-bedroom apartments and 1 no. 3-bedroom apartment) with winter-gardens/balconies on south elevation of Block A and north and west elevation of Block C.
- 2 no. study spaces/classrooms providing a total of 68sqm gross floor area.
- A replacement multi-use Sports Hall, together with the adjoining Forum amenity space, resulting in a total area of 1,033sqm.
- Outdoor amenity spaces within the central courtyard together with enhanced public realm and landscaping works within the curtilage of Oldham and Greenane House (both Protected Structures) and a restricted access outdoor space at podium level above the Forum Block.
- 188 no. bicycle parking spaces within the application site.
- Single storey security hut at the main vehicular entrance to Trinity Hall from Dairtry Road (10sqm GFA).
- Minor repositioning of the existing access gate onto Temple Road, moving it 4.2m westward, to facilitate maintenance and emergency access only, together with associated repair works to existing boundary wall.
- Works to Oldham House (a Protected Structure) to include works necessary for the demolition and replacement of late 20th century Sports Hall (directly abutting Oldham House); replacement of late 20th century existing doors and window at ground floor level (all on the east elevation only) to facilitate

connections to the new Forum amenity space; reinstatement of 2 No. original, historic first floor rear window openings (east elevation only) to match existing adjacent, sash windows and 1 no. new door to provide access to proposed roof terrace; removal of existing sand/cement and gypsum plaster finish to east façade and replacement with lime render; and renovation of porch structure, stairs and first floor door on southern elevation.

- Provision of a screen wall to the south of Greenane House (a Protected Structure).
- All associated and ancillary landscaping works; site lighting; refuse storage, boundary treatments; plant; solar photovoltaic panels; water, wastewater and surface water works; upgrade works to existing electrical substation and all other site and development works.

This application will be accompanied by a Natura Impact Statement (NIS).

## **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 site's location close to Dublin city centre, on lands currently accommodating high quality, purpose-built student accommodation

- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning Objective Z1, which aims to 'protect, provide and improve residential amenities'
- (c) the policies and objectives set out in the Dublin City Development Plan 2016,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the National Student Accommodation Strategy 2017
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) Architectural Heritage Protection, Guidelines for Planning Authorities, 2011
- (k) Chief Executive Opinion and associated appendices
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a wide range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history within the area, and
- (p) the submissions and observations received and

(q) the report of the Inspector,

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

### **Stage 1 Screening for 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 information 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 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 required in this case.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale of development in this suburban location, would not seriously injure the residential or visual amenities of the area, would not detract from the character and setting of any Protected Structure or Conservation Area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission that could materially contravene section 16.7.2 of the Dublin City Development Plan 2016-2022 in terms of height would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) Definition of strategic housing development, pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)
- (b) The Government's policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, in particular Pillar 4 which encourages the facilitation of additional student accommodation as a key in addressing the housing crisis by reducing the pressure students place on the rental market.
- (c) the provisions in favour of higher buildings set out in the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Minister under section 28 of the 2000 Act in December 2018, in particular SPPR 3A of these guidelines

(d) Objectives 13 and 35 of the National Planning Framework- Project Ireland 2040.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the, 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, or as otherwise stipulated by conditions hereunder, 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 following details shall be submitted to, and agreed in writing with, the planning authority within six months:
  - i. Details of greening of flat or gently sloping roofs
  - ii. Revised cycle parking design with improved security measures

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability

3. Drainage arrangements including the 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 and surface water management.

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

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

5. The proposed 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.

6. The proposed development shall be implemented as follows:
- (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) Student House Units shall not be amalgamated or combined.

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

7. The internal road network serving the proposed development, including entrances, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

8. 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.

The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

**Reason:** In the interests of residential and visual amenity.

9. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

10. (a) All trees proposed to be felled shall be checked pre-construction for the presence of bats and a derogation licence shall be sought from the NPWS should evidence of bat activity be found. No works are to take place prior to the granting of such licences.

(b) The provision of bat boxes on trees shall be made in accordance with the Landscape Plan and further bat housing within the building fabric of proposed Blocks

A, B and C. Their installation and maintenance plan shall be confirmed in writing with photographic evidence of same to the planning authority.

(c) All demolition works shall take place outside of the bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>)

**Reason:** in the interests of protection of biodiversity

11. Details of the materials, colours and textures of all the external finishes to the proposed buildings and public areas shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and durability.

12. 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.

13. All works to protected structures shall be carried out under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher). The following shall also be complied with:

(a) All works to protected structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for

Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (b) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (d) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.
- (e) Provide detailed survey drawings and photographs of all historic buildings and fragments of buildings to be demolished as part of the works to the planning authority prior to the commencement of any works on site.
- (f) Details of the proposed manner in which the cultural significance of the site and its known artefacts and historic details are to be presented shall be agreed with the planning authority, prior to the commencement of any works on site

**Reason:** To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

14. Site development and building works shall be carried only out between the hours of 07.30 to 18.00 Mondays to Saturdays inclusive, 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 amenities of property in the vicinity.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

16. 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, 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.

(d) Agree in writing the archaeological method statements for mitigation with the Department of Culture, Heritage and the Gaeltacht, prior to commencement of any works on site

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

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

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

18. 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.

19. 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.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

21. 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

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Lorraine Dockery

Senior Planning Inspector

30<sup>th</sup> July 2020

**APPENDIX A:**

Alice Brennan

Ann Naughton

Ashley Poynton and Elaine Carway

Basil Hampson and Lorraine Lyons

Ciaran Tuite

Dan Coulcher and Paula Fyans

David and Grainne O'Meara

Declan Keane

Derek McNamee

Development Applications Unit

Diana Healion

Edward Grant

Eithe FitzGerald and Killian McGrogan

Frank W. Bowen

Gelderbury Ltd

Gerald FitzGerald

Gillian Gleasure

Inland Fisheries Ireland

Irish Water

Ivan Doherty

James Kenny

Mark and Anne Ryan

Marion and Adrian Masterson and Others

Martin and Mary Thornton

Myles and Louise Lee

Niall Reddy

OJ Tuffy

Paddy Marron

Philip O'Reilly

Roddy Slattery  
Rodney Smythe  
Tracy Armstrong  
Veronica Mahon

Decision Quashed