



An
Bord
Pleanála

S. 146B of Planning and Development Act 2000 (as amended)

Inspector's Report ABP-307051-20

Strategic Housing Development

Alterations to previously approved ABP-305405-19 in respect of proposed additional plant at roof level of Buildings V1 and V5.

Location

DCU Glasnevin Campus, Collins Avenue Extension, Dublin 9.

Planning Authority

Dublin City Council.

Applicant

Dublin City University.

Inspector

Stephen Rhys Thomas.

1.0 Introduction

This is an assessment of a request for proposed alterations submitted under section 146B of the Planning and Development Act 2000 to a permitted strategic housing development permitted by the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

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

3.0 Planning History

- 3.1. **ABP-305405-19** - Permission was granted by the Board for the construction of student accommodation on the Dublin City University campus. The development comprises: demolition of the existing Larkfield student accommodation and the construction of a student accommodation development of 7 blocks with an overall gross floor area of 42,111sqm (excluding car parking and cycle storage areas) providing a total of 1,240 student bed spaces (in 213 cluster units) together with

supporting student amenity spaces, a student residences management office, and a retail/café/education unit.

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

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

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

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

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

3.6. The submitted request is for alterations to plant at roof level of blocks V1 and V5, that is the subject of the planning permission granted by the Board, subject to 20 conditions, on 18 December 2019 under the Strategic Housing Development provisions, ABP-305405-19 refers. The permission was granted after the screening for environmental impact assessment and appropriate assessment concluded that they were not required.

4.0 **Legislative Basis**

4.1. Section 146B of the Planning and Development Act 2000 (as amended) provides for a person carrying out or intending to carry out a Strategic Housing Development to make a request to alter the terms of a development, the subject of a planning permission under the Act. Section 146B(2)(a) provides that:

As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

Section 146B(3)(a) states –

If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority ... concerned.

5.0 **Proposal**

The current request was received from Dublin City University on 15 April 2020. It seeks additional plant at roof level of Buildings V1 and V5.

The entire proposal involves the construction of new roof plant compounds on blocks V1 and V5, comprising a 2.3 to 2.5 metre high louvred screen set back up to 4 metres from the building edge.

The alterations to the permitted development have arisen following further detailed design development and result from an alternative strategy towards energy and

heating strategies which has resulted in the requirement for additional plant at roof level.

The permitted planning permission specified a central energy centre using gas-fired CHP located at basement level. This scheme complied with the energy and carbon performance requirements set out in Part L 2017 and NZEB.

In order to future proof the development in line with the medium to longer term policy of Ireland's commitment to meet the EU's climate and energy target for 2030, it is proposed to implement an energy centre which is not dependent on natural gas. This can be achieved with heat pump technology which would be powered solely by electricity either from the national grid or generated on campus from low to zero carbon sources.

Air source heat pumps draw energy from the ambient air, and this will mean that an element of new plant will need to be located at roof level with appropriate visual and acoustic screening.

6.0 Assessment

- 6.1. The original application was not subject to an environmental impact assessment or appropriate assessment. The limited scale and nature of the proposed alteration means that it would not have the potential to give rise to likely significant effects on the environment. The limited scale and nature of the proposed alteration also means that it would not have the potential to have a significant effect on any Natura 2000 site, either in itself or in combination with other plans or projects and no Appropriate Assessment issues arise.
- 6.2. The requested alteration would not change the nature of the permitted uses on the site. It would not change the number of permitted student bed spaces or the size or layout of the previously authorised buildings. The proposed development would result in new plant zones at roof level of blocks V1 and V5. The plant zones are set back, centrally located and screened to ensure minimal impact from a visual and acoustic perspective. A Noise Assessment has been submitted that concludes the acoustic screening will ensure the proposed plant will not have any significant negative impact upon the nearest noise sensitive receptors with respect to noise.

- 6.3. The screened compounds at roof level of blocks V1 and V5 will emerge approximately 0.8 metre above the parapet wall of each block and be set back approximately 4 metres from the building edge. The plant located behind the louvred screens will not be visible. I note that condition 6 of the permitted development states:

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 amenity of property in the vicinity and the visual amenity of the area.

The proposed plant is detailed as having a height of 1.8 metres and the parapet wall height above roof level is detailed as 1.5 metres. The proposed roof plant will protrude approximately 0.3 metres above roof parapet level albeit behind a taller screen. I do not consider the louvred screen to comprise any of the developments listed by condition 6. I consider the plant projection above roof parapet level to be marginal and immaterial given the overall 17 to 32 metre height of the blocks concerned. I do not consider the terms and intent of condition 6 to be breached.

- 6.4. From a visual perspective the proposed louvred screens will appear as uniform roof top extensions to each block and will not be readily observable from the campus or further afield. The proposed roof top plant behind the screens will not be visible in any shape or form. The proposed structures would not alter the character of the permitted development or the amenity afforded to its occupants. It is therefore concluded that the requested alteration would not constitute the making of a material alteration of the terms of the development concerned.

7.0 Recommendation

- 7.1. I recommend that the Board decides that the making of the alteration which is subject of this request does not constitute the making of a material alteration of the terms of the development as granted permission under ABP-305405-19 and that it makes the alteration under section 146B(3)(a) of the Planning and Development Act, as amended.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 15th day of April 2020 from Dublin City University under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at DCU Campus, Collins Avenue Extension, Dublin 9 which is the subject of a permission under An Bord Pleanála reference number ABP-305405-19.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 18 December 2019,

AND WHEREAS the Board has received a request to alter the terms of the development which is the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- additional plant at roof level of Buildings V1 and V5 as shown on the drawings submitted with the request

AND WHEREAS the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars.

REASONS AND CONSIDERATIONS

Having regard to:

(i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-305405-19 for this site, which includes 7 blocks with an overall gross floor area of 42,111sqm providing a total of 1,240 student bed spaces (in 213 cluster units) together with supporting student amenity spaces, a student residences management office, and a retail/café/education unit,

(ii) the screening for environmental impact assessment and for appropriate assessment carried out in the course of that application,

(iii) the limited nature and scale of the alteration, and

(iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alteration, and

(v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alteration

It is considered that the proposed alteration would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alteration.

Stephen Rhys Thomas
Senior Planning Inspector

2 June 2020