



An
Bord
Pleanála

Inspector's Report 307422-20

Development	Demolition of 3 no. 2-storey buildings & construction of student accommodation development with 122 no. bedspaces
Location	Nos. 116, 118 & 120 Drumcondra Road Upper, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4533/19
Applicant(s)	Gerry Buckley
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First Party & Third Party
Appellant(s)	Gerry Buckley & Eamonn Plunkett
Observer(s)	All Hallows Area (Residents) Association
Date of Site Inspection	29 th September 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1,945 m² and is located at Nos. 116, 118 and 120 Drumcondra Road Upper, Dublin 9. Drumcondra Road Upper is a 4-lane carriageway to the front of the site, including inbound and outbound bus lanes (Swords / City Centre QBC).
- 1.2. The site is located within walking distance of St. Patrick's Campus of Dublin City University (DCU), which is located approx. 270 m to the south-west of the site on the opposite side of the public road. The site is also within walking distance of DCU All Hallows Campus, which is located approx. 236 m to the south-east.
- 1.3. Notable taller buildings in the vicinity include the Skylon Hotel, a recently completed Lidl supermarket and the Cregan Library of DCU, all of which are located on the western side of Drumcondra Road Upper.
- 1.4. The existing buildings on site are 2-storeys in height and comprise 1 no. detached property and a semi-detached pair. Nos. 118 and 120 Drumcondra Road Upper were noted to be in commercial use at the time of the inspection, with No. 116 noted to be in residential use.
- 1.5. The existing buildings are set-back from the public road, with off-street, car parking provided to the front. Each building has a rear garden of approx. 38 m in length. The "All Hallows Green" residential scheme is located approx. 10 m to the east of the rear site boundary and is characterised by 3-storey duplex blocks.
- 1.6. The adjoining buildings to the north and south of the site step forward onto the public footpath. No. 122 Drumcondra Road Upper to the north is 2-storeys in height and has a commercial unit at the ground floor level (Mace convenience shop) with apartments above. The southern elevation of this property at 1st floor level includes 5 no. windows fronting onto the northern boundary of the subject site. An external terrace space at the rear 1st floor level also adjoins the northern site boundary.
- 1.7. The adjoining building to the south, "The Ivy House" public house, is 3-storeys in height fronting onto Drumcondra Road Upper and steps down from 2 to 1 storeys to the rear. The blank gable elevation of this property adjoins the front/southern boundary of the application site.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of 3 no. 2-storey buildings on the subject site (c. 508 m²) and the construction of a purpose-built, professionally managed student accommodation development with 122 no. bedspaces in 17 no. clusters and 15 no. studios.
- 2.2. The proposed development consists of a part 4-storey block with a set-back at 4th floor level (over part basement level) fronting onto Drumcondra Road Upper; a 2-storey internal link building and a block to the rear of the site consisting of 5-storeys. The total GFA of the proposed development is 3,567 m².
- 2.3. Permission is also sought for a management office, reception area, café, games room and leisure area, electrical substation and switch room at ground floor level. Laundry, plant, attenuation, storage and bin store areas are contained at basement level and communal areas are provided for residents throughout the development at each floor. Balconies are located on the east and west internal elevations, all facing onto a central landscaped courtyard/amenity space. There are 66 no. bicycle spaces to be provided. Services and fire tender access is also to be provided from Drumcondra Road Upper.
- 2.4. Permission is also sought for all ancillary engineering works, hard and soft landscaping and all associated site development works necessary to facilitate the development.
- 2.5. The proposed development is to be used for student accommodation or accommodation related to a Higher Education Institute only during the academic year and student accommodation or accommodation related to a Higher Education Institute or tourist/visitor accommodation only during academic holiday periods.
- 2.6. Dublin City Council requested Further Information in relation to the proposed development on 28th January 2020. No reduction in the number of proposed bedspaces arose under the applicant's response.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 19 no. conditions issued on 29th May 2020.
- 3.1.2. Condition no. 3 restricts the development from being used for the purposes of permanent residential accommodation, as a hotel, hostel, aparthotel or similar use without a prior grant of permission.
- 3.1.3. Condition no. 4 requires the development to be amended as follows:
- (1) Reduce the height of Block B north of the common room to 2-storeys, creating a c. 5 m set-back from the northern site boundary above ground and 1st floor level, with no north-facing opes created to serve the amended Block B;
 - (2) All rear/eastern above 1st floor opes in Block B facing All Hallows Green shall be modified to look south/south-east down the adjoining access road and open space serving All Hallows Green;
 - (3) The layout of the 1st floor level of the link block shall be reconfigured to ensure the accommodation cluster unit is fully self-contained and separate from the staff canteen and wc; that the living area/common room within the cluster faces south and has a window(s) which shall not be high level ope(s); and, there shall be no windows on the eastern elevation. It may be necessary to omit bedroom(s) to create a satisfactory layout for this cluster;
 - (4) The balconies in the south elevation of Block B shall be omitted.
- 3.1.4. Condition no. 7 requires the café at ground floor level in Block A to be publicly accessibly during normal opening hours.
- 3.1.5. Condition no. 19 requires the submission of a temporary works design to Dublin City Council Drainage Division prior to the commencement of construction, indicating whether the ground anchors which extend outside the red line area form part of the design, with the relevant licence or consents required where the anchors are on public or privately owned lands.
- 3.1.6. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (27th January 2020 and 28th May 2020)

3.2.2. Further Information was requested in relation to 8 no. items on 28th January 2020, which can be summarised as follows:

(1) Concerns in relation to the height and location of the 2-storey link block along the shared boundary with No. 122 Drumcondra Road Upper, in terms of:

(a) Its overbearing and overshadowing appearance relative to the adjacent 1st floor apartment,

(b) Light and noise pollution from the high-level windows/rooflights on the north facing elevation; and,

(c) The amenity of the 1st floor common room and staff canteen, lit solely by rooflights and high level windows;

(2) Serious concerns regarding the height and massing of the 5-storey rear block which is likely to overshadow, appear overbearing and visually intrusive to the occupants of the adjacent property and the separation distance between the bedrooms at the north-western corner of the block and the shared side boundary and 1st floor roof terrace of No. 122 Drumcondra Road Upper;

(3) Concerns regarding the façade articulation and finishes to the 5-storey block, including the south and east facing elevations;

(4) Detailed drawings and specifications of the proposed boundary treatments;

(5) Concerns of the Transportation Planning Division regarding the 3 m height between the finished road level along the internal access to soffit level and whether there is sufficient height to allow fire tender access to the central courtyard of the development;

(6) Concerns regarding the quantum, layout and functionality of the proposed cycle parking, with a request to consider an increased quantum to include 10% visitor cycle parking, with dedicated long term resident bicycle parking to accord with development plan policy;

The submission of revised drawings demonstrating consistency in all architectural, landscape and Autotrack drawings, demonstrating that the swept path for fire tender vehicles and refuse collection vehicles are not inhibited;

(8) The submission of a preliminary Construction Management Plan.

- 3.2.3. A response to the Request for Further Information was submitted on 12th March 2020, which can be summarised as follows:

Response to Further Information Item No. (1)

- 3.2.4. Design alterations to the 2-storey link building to reduce its impact on No. 122 Drumcondra Road Upper, including a reduced overall height to eaves level from 5.2 m to 4.8 m fronting onto the shared boundary; the omission of the north-facing, high-level windows and their replacement with a 3 no. coxdome 'skylantern' rooflights; and, the inclusion of stained glass windows on the east elevation to provide greater levels of daylight access and ventilation.

Response to Further Information Item No. (2)

- 3.2.5. The inclusion of projecting windows with obscure glass panels to the bedrooms at 1st – 4th floor levels in the north-western corner of Block B to address overlooking concerns in relation to adjoining 3rd party lands.

Response to Further Information Item No. (3)

- 3.2.6. The introduction of merlin grey zinc cladding to the top floor of Block B.
- 3.2.7. The use of brick on the ground, 1st and 2nd floors of the eastern elevation of Block B and a green wall at ground to 3rd floors on the southern elevation.

Response to Further Information Item No. (4)

- 3.2.8. Confirmation of all proposed boundary treatments.

Response to Further Information Item No. (5)

- 3.2.9. Provision of an internal access height of 3.52 m – 3.6 m to facilitate emergency and refuse vehicle access.

Response to Further Information Item No. (6)

- 3.2.10. Revised cycle parking layout to facilitate 80 no. cycle parking spaces, accommodated in 2 no. secure, covered bicycle storage areas.

Response to Further Information Item No. (7)

- 3.2.11. The submission of revised drawings demonstrating consistency in all architectural, landscape and Autotrack drawings, demonstrating that the swept path for fire tender vehicles and refuse collection vehicles are not inhibited.

Response to Further Information Item No. (8)

- 3.2.12. The submission of a Construction and Waste Management Plan prepared by Waterman Moylan Engineering Consultants.
- 3.2.13. The applicant's agent also suggested that a partial set-back of 2.5 m could be provided at the 4th floor level of Block B by way of a compliance submission should the concerns of the Planning Authority remain regarding the height of this block. Revised drawings of the proposed amendment were not submitted.

Planning Officer's Further Information Report 28th May 2020

Item No. 1

- 3.2.14. Dublin City Council's Planning Officer considered that the amendments to the 2-storey link building (Block C) addressed concerns regarding impacts on adjoining amenities. The Planning Officer further considered that the 1st floor unit in the link block should be reconfigured to provide a window to the living area and to ensure the unit is fully self-contained and separate from staff areas. These amendments are reflected in Condition No. 4(c) of the Notification of the Decision to Grant Permission.

Item No. 2

- 3.2.15. The Planning Officer considered that the inclusion of projecting windows to the bedrooms in the north-western corner of Block B was acceptable to address overlooking concerns in relation to No. 122 Drumcondra Road Upper.
- 3.2.16. The Planning Officer continued to have concerns regarding the 5-storey height of Block B and considered that the block would appear visually incongruous in distant streetscape views of the site. In order to address this issue, and overshadowing and adverse visual impacts to No. 122 Drumcondra Road Upper, it was considered that the 3rd floor/4th storey of this block should be omitted in its entirety, with the 2.5 m partial set-back suggested by the applicant's agent deemed insufficient to address these issues. I note however, that the requirement to omit this floor is not reflected in Condition No. 4 of the Notification of the Decision to Grant Permission.

- 3.2.17. It was also considered that the balconies on the southern elevation of Block B should be omitted on the grounds of safety and security, impacts on adjoining amenities and the future development potential of the adjoining public house site. This amendment is required under Condition No. 4 (d) of the Notification of the Decision to Grant Permission.
- 3.2.18. The Planning Officer's Report includes commentary from the Senior Executive Planning Officer, who expressed significant remaining concerns regarding the impact of the development on the residential amenity of No. 122 Drumcondra Road Upper. On foot of the foregoing, it was recommended that Block B be further modified, by stepping the building down to 2-storeys in height on its northern side. It was also considered that the above 1st floor level windows on the eastern elevation should be redirected away from existing properties at All Hallows Green. These amendments are required under Condition No. 4 (a) and (b) of the Notification of the Decision to Grant Permission.

Item No. 3 - 8

- 3.2.19. The applicant's response to all remaining items of the requested Further Information was deemed acceptable.

3.3. Other Technical Reports

- 3.3.1. **Transportation Planning Division (20th January 2020 and 7th April 2020):** Recommended that Further Information be requested in relation to 4 no. items including the height of the internal access, cycle parking, consistency in the planning drawings regarding the swept path analysis route and a Construction Management Plan.
- 3.3.2. Following the applicant's Response to the Request for Further Information, no objection arose to the proposed development subject to conditions.
- 3.3.3. **City Archaeologist (16th January 2020):** No objection subject to conditions.
- 3.3.4. **Engineering Department Drainage Division (22nd January 2020):** No objection subject to conditions.

3.4. Prescribed Bodies

- 3.4.1. **Irish Water:** None received.

3.4.2. **Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** None received.

3.5. **Third Party Observations**

3.5.1. A total of 2 no. third party observations were made on the application from: (1) Armstrong Fenton on behalf of Eamonn Plunkett, No. 122 Drumcondra Road Upper, Dublin 9; and, (2) Smith + Kennedy Architects on behalf of S. Carthy of Ivy House, Drumcondra Road Upper, Dublin 9.

3.5.2. The points which were raised can be summarised as follows: (1) previous refusal of permission on the site not addressed; (2) overbearing and overshadowing impacts on No. 122 Drumcondra Road Upper, amenity impacts on the bedroom window in the apartment of this property and impacts on the root protection zone of trees within this site (3) overdevelopment; (4) excessive building heights; (5) impact on building line on Drumcondra Road Upper; (6) inaccurate ridge height shown on contiguous elevation drawing of Drumcondra Road Upper; and, (7) site notice inaccuracies.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 3173/17; ABP Ref. PL.29N.249201:** Planning permission refused by An Bord Pleanála on 28th March 2018 for the reconstruction, alteration and reuse of the existing buildings and the construction of new 4-storey buildings to the road frontage and to the rear of the site, with 13 no. 1-bedroom, 10 no. 2-bedroom and 4 no. 3-bedroom apartments, with a ground floor café/bistro and ancillary spaces.

4.2. Planning permission was refused for 1 no. reason having regard to the siting, scale, mass and height of the proposal and the proximity of the development to adjoining property, resulting in the overdevelopment of the site, an unacceptable level of overlooking, an excessively overbearing effect on adjoining property and an unacceptably low level of residential amenity for adjoining residents and future occupants. It was also considered that the development would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of Drumcondra Road Upper.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

5.2.1. The site is subject to land use zoning objective “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”. Residential land uses are permissible under this zoning objective.

5.2.2. Appendix 21 of the development plan (Land Use Definitions) confirms that residential land uses include student accommodation, which is defined in Section 13 (d) of The Planning and Development (Housing) and Residential Tenancies Act 2016 as follows:

“student accommodation –

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

(i) as permanent residential accommodation, or

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

and

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

5.2.3. The indicative plot ratio standard for Z1 zoned land in the outer city is 0.5 – 2.0, while the indicative site coverage standard is 45% - 60%.

5.3. Student Accommodation

5.3.1. **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.

5.3.2. **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.

5.4. **Development Guidelines**

5.4.1. The development standards for student accommodation are set out in Section 16.10.7 of the plan, as amended by variation no. 3 adopted by Dublin City Council on 19th September 2017. Applicants are required to submit evidence to demonstrate that there is not an over-concentration of student accommodation in an area, including a map showing all such facilities within 1km of a proposal.

5.4.2. The following internal standards will apply:

- Student accommodation to generally be provided by grouping study bedrooms in 'house' units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.;
- Single/double occupancy studio units that provide en-suite bathroom facilities and kitchenettes/cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m and a maximum gross floor area of 35 sq.m;
- Shared kitchen/living/dining rooms shall be provided, based on a minimum 4 sq.m per bed space, in addition to any circulation space;
- Minimum bedrooms sizes will be: single study bedroom - 8 sq.m (with en-suite shower, toilet and basin - 12 sq.m); twin study bedroom -15 sq.m (with en-suite shower, toilet and basin - 18 sq.m); single disabled study bedroom, with en-suite disabled shower, toilet and basin - 15 sq.m;

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

5.4.3. All such applications must be accompanied by documentation outlining how the scheme will be professional managed and how the scheme will support integration with the local community, through its design and layout.

5.4.4. Applications for car-free developments should be accompanied by a mobility management plan outlining how arrivals/ departures will be managed.

5.5. **Building Height**

5.5.1. The site is located in the Outer City, and within which, the development plan specifies a building height limit of 16 m for commercial and residential developments.

5.6. **Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

5.6.1. **Specific Planning Policy Requirement 1:** In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

5.6.2. The Guidelines confirm that in suburban/edge locations in cities and towns, development should include an effective mix of 2, 3 and 4 storey developments which integrate well with existing and historical neighbourhoods. Developments of 4-storeys or more in height can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

5.7. **Natural Heritage Designations**

5.7.1. None.

5.8. EIA Screening

- 5.8.1. Having regard to the nature and scale of the proposed development, comprising a student accommodation scheme of 122 no. bedspaces on zoned residential land in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Dublin City Council's Notification of the Decision to Grant Permission is subject to both First and Third-Party appeals as summarised in turn below.
- 6.1.2. **A First-Party appeal** has been lodged by Corr & Associates in relation to Condition No. 4 (a) and (c) only, the grounds of which can be summarised as follows:
- The height of the proposed development has been informed by the height of the Skylon Hotel, DCU St. Patrick's Library landmark building, the Ivy House and the neighbouring Lidl supermarket, with the existing building heights noted to range from 11.1 – 21.37 m;
 - Block B has a maximum height of 14.1 m which is significantly below the 16 m height permissible in this Outer City location under the development plan. The site coverage of 44% and plot ratio of 1.83 also accord with development plan standards;
 - A separation distance of 23.6 m arises to the neighbouring All Hallows apartment scheme, which exceeds the 22 m required. In addition, the rear boundary of the site consists of established trees that screen the development entirely from the existing apartments;
 - The daylight and sunlight report demonstrates that the resulting level of overshadowing of Block B on the rear garden space of No. 122 Drumcondra Road Upper would be acceptable and would meet the criteria of best practice guidance;

- The zinc cladding on the top floor of this block, and the proposed green wall on the northern elevation, were designed to enhance and soften the appearance of this block as experienced by No. 122 Drumcondra Road Upper;
- The requirements of Condition No. 4 (a) represent an overly conservative and unreasonable revision to the proposed development given the site's strategic location on a key public transport corridor and QBC;
- Condition No. 4 (a) has been applied by the Planning Authority on the basis that the development may be visible from certain parts of Drumcondra Road Upper, which is an inadequate assessment. The block is positioned c. 36.4 m into the subject site and therefore cannot be viewed from the vast majority of locations along this road;
- The amendments which are required to the northernmost section of Block B under Condition No. 4 (a) will not alter the level of overshadowing from this block to the rear garden of No. 122 Drumcondra Road Upper, due to the orientation of the subject site;
- The resulting loss of bedspaces from 122 no. to 108 no. will have a significant impact on the commercial viability of the overall development;
- In the event the height of Block B remains a concern to An Bord Pleanála, it is submitted that a partial set-back of 2.5 m can be provided to the northernmost section at 4th floor level to further soften this elevation;
- A revised and more appropriate layout has been provided to the 1st floor of the internal link building, which allows for a south-facing common room in compliance with Condition No. 4 (c) – Drawing No. SK-5 (Option B) refers.

6.1.3. In responding to the requirements of Condition No. 4, the appeal submission includes an alternative "Option B" for the consideration of the Board, which increases the number of bedspaces from 122 no. as originally proposed to 135 no. The applicant's agent submits that this option does not represent a material change to the overall development.

6.1.4. The amendments which are proposed include:

(1) Revising the 3rd floor of Block A to match the 2nd floor plan and providing a new set-back 4th floor level fronting onto Drumcondra Road Upper. The overall height of the block is increased from 11.5 m to 14.1 m;

(2) Providing a set-back of 5.398 m to Block B adjacent to the shared boundary with No. 122 Drumcondra Road Upper at 2nd, 3rd and 4th floor levels. A new set-back 5th floor is also proposed, resulting in a part 2-storey, part 6-storey block. The overall height of the block is increased from 14.1 m to 16.8 m;

6.1.5. In providing a justification for the proposed Option B, the applicant's agent submits that:

- The amended scheme will provide 135 no. bedspaces, which will optimise the strategic development of the subject site from both a planning policy and commercial viability stand-point;
- The revised proposal complies with the "Urban Development and Building Height Guidelines" (2018) which provide that increased building heights to achieve higher densities at "central and/or accessible urban locations" served by frequent public transport infrastructure must generally be facilitated;
- A wide variety of student accommodation schemes have been granted by Dublin City Council or An Bord Pleanála, with building heights well in excess of that proposed, including in architecturally sensitive locations.

6.1.6. The appeal is accompanied by a letter of support from Mr. Declan Raftery, Chief Operations Officer at DCU, who notes a significant requirement for additional student accommodation in the Glasnevin/Drumcondra Area.

6.1.7. The appeal includes a copy of the Daylight and Sunlight Assessment which accompanied the application; a copy of the Further Information drawings submitted to Dublin City Council (Option A) and a set of drawings which illustrate the proposed Option B.

6.1.8. **A Third-Party appeal** has been lodged by Armstrong Fenton on behalf of Eamonn Plunkett of No. 122 Drumcondra Road Upper, Dublin 9, the grounds of which can be summarised as follows:

- While there is no objection in principle to the development of the site for student accommodation, it is submitted that the development is inappropriate in its current form and that planning permission should be refused;
- The proposed development will reduce the amenity of the appellant's property and has been designed in a manner which is detrimental to its future development potential, due to the setting of the proposed buildings within the site and the separation distances;
- The proposed development does not address the previous refusal of permission on the site (ABP Ref. PL29N.249201) regarding the overbearing nature of the development and loss of residential amenity with respect to the appellant's property;
- The current proposal has decreased the separation distance between the appellant's property and the proposed development, with increased building heights, plot ratio and site coverage. An increased quantum of development is proposed extending along the northern site boundary, resulting in overshadowing and overbearing impacts and a loss of privacy to the appellant's property;
- A site of this size could be developed in a manner which respects the amenity of the appellant's property, with the adjoining 3-storey public house having no existing windows facing onto the application site and a modern 3-storey apartment complex located to the east at All Hallows Green;
- The proposed development will have an unnecessary overbearing effect on 5 no. windows on the southern elevation of the appellant's property, all of which provide light to living and bedroom areas of the existing 1st floor apartments. The development will also reduce the usability of the 1st floor terrace due to its proximity to the gable wall of the proposed development;
- The applicant's response to the Request for Further Information does not demonstrate any reduction in the negative effects of the height and positioning of the proposed link building on the appellant's property. The submitted drawings do not reflect the extent of the appellant's property and a revised daylight and sunlight analysis was not submitted;

- The revised building line onto Drumcondra Road Upper will be detrimental to the existing street character and will create an overbearing effect and will result in the significant loss of light to an existing 1st floor bedroom window within the appellant's property;
- The daylight and sunlight analysis demonstrates that the proposed development will greatly overshadow the appellant's property, particularly in the rear garden between 12.00 and 16.00 on 21st June, which is unacceptable;
- The proposed development would greatly reduce the usability of the appellant's private amenity spaces and unduly damage its future development potential;
- The analysis also demonstrates that the proposed development will have a major impact on an existing bedroom window (TP13) in the appellant's property, which will essentially leave the bedroom in darkness, particularly in the shorter months of the year. A second window (TP17) will have the amount of daylight it receives halved, which further demonstrates that the proposal is inappropriate in design and will be excessively overbearing;
- The alleyway created between the appellant's property and the proposed buildings will create an area which has the potential to attract anti-social behaviour and will impact on the quality of life of existing and future residents;
- The arborist report submitted with the application confirms the potential for the proposed development to damage the root protection zone of trees located within the appellant's site;
- In assessing the applicant's Further Information Response, the Planning Officer considered that the 3rd floor of Block B should be omitted in its entirety. This amendment is not reflected in the wording of Condition No. 4 as it relates to this block;
- The development would be contrary to the Z1 zoning objective of the site, which could be developed in a more appropriate manner to protect existing and future residential amenities.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. An observation has been received from All Hallows Area [Residents] Association, 5 Griffith Downs, Drumcondra, Dublin 9. The following new issues are raised: (1) the existing houses should be preserved as part of the streetscape and heritage of Drumcondra Road Upper; (2) absence of car parking will result in overspill parking on adjacent roads; (3) increased traffic on Drumcondra Road Upper; and, (4) impact on QBC route (see section 3.5 of this report for issues raised by third party observers).

6.4. Further Responses

6.4.1. A further response was received from Corr & Associates on behalf of the applicant on 17th July 2020. It is considered that the appellant has failed to identify the development potential of No. 122 Drumcondra Road Upper and that any such potential is limited given that the existing property forms part of a semi-detached pair.

6.4.2. It is submitted that the neighbouring properties, including No. 122 Drumcondra Road Upper, have been given due consideration during the design process, with further mitigation measures provided at Further Information stage to reduce any perceived impacts. A tree survey has been undertaken, which addresses the impact of the development on neighbouring trees.

6.4.3. The applicant's agent considers that the 2 no. apartments which were provided to the rear of No. 122 Drumcondra Road Upper, allow for direct overlooking of the rear garden space of the application site. It is submitted that the 4th floor window on the southern elevation of this neighbouring property does not accord with the permitted plans, and as such, the proposed development should not be required to respond to this non-conforming element.

6.4.4. It is also submitted that, in the event the development was reconfigured to extend along the Ivy House gable wall, the development would not meet daylight/sunlight

requirements. It is also submitted that the front building line has been brought forward in response to pre-planning advice received from Dublin City Council.

- 6.4.5. The applicant's agent also considers that there is no inconsistency between the Planning Officer's report and the requirements of Condition No. 4 as asserted by the appellant.
- 6.4.6. The response includes an extract of an updated site plan drawing which illustrates the full building footprint of No. 122 Drumcondra Road Upper and an elevation drawing which illustrates the proposed Option B in the context of this neighbouring property.

7.0 **Assessment**

- 7.1. First and third-party appeals have been lodged in relation to Dublin City Council's Notification of the Decision to Grant Permission. My assessment considers the application de novo. I consider that the proposed development, as amended by the applicant's Further Information response, is consistent with the development description advertised in the statutory notices, and as such, forms the basis of my assessment.
- 7.2. The proposed development has been amended by way of the applicant's appeal submission. In my opinion, the changes are material and would be more appropriately addressed by way of a revised planning application. Notwithstanding the foregoing, the amended scheme has been considered as part of my assessment. In the event An Bord Pleanála considers granting permission for the amended scheme, in my opinion, the application should be readvertised to the public.
- 7.3. I am satisfied that the main issues for consideration in this case include the following:
 - Compliance with Development Plan Policy / Standards
 - Scale, Layout and Form of the Proposed Development
 - Daylight, Sunlight and Shadow Impacts
 - Impact on Character of Drumcondra Road Upper
 - Planning History
 - Impact on Site Trees

- Appropriate Assessment

7.4. Each of these issues is addressed in turn below.

7.5. **Compliance with Development Plan Policy / Standards**

- 7.5.1. The site is subject to **land use zoning** objective Z1 (Sustainable Residential Neighbourhoods). Residential land uses, which includes student accommodation, are permissible under this zoning objective. Policy QH31 of the development plan seeks, inter alia, to support the provision of purpose-built third level accommodation close to education centres and adjacent to high-quality public transport corridors. Policy CEE19 seeks to promote Dublin as an international student city and recognises the need to provide additional student accommodation. Having regard to the site's land use zoning objective, its accessible location and proximity to existing educational centres, I consider that the proposed development would be acceptable in principle at this location.
- 7.5.2. I note that the development has a stated **plot ratio** of 1.83:1 and a **site coverage** of 44%, both of which comply with development plan standards.
- 7.5.3. In considering the **unit sizes**, I note that the proposed development includes a total of 122 no. bedspaces, with 15 no. studio units, including 1 no. universal access unit, and 17 no. clusters served by common rooms (1 cluster of 3 no. single rooms; 1 cluster of 4 no. single rooms; 9 clusters of 5 no. single rooms; 1 cluster of 6 no. single rooms; and, 5 clusters of 7 no. single rooms).
- 7.5.4. All single rooms are en-suite and have a floor area of 12.5 m², with all the associated communal rooms meeting the required standard of 4 m² per bedspace. All studio units meet the minimum internal standard of 25 m². As such, I consider that the proposed development meets the internal standards for student accommodation.
- 7.5.5. The development plan requires that **communal facilities** and services to cater for the needs of the students shall be provided for, including laundry facilities, caretaker/security and refuse facilities. In this instance, it is proposed to provide laundry, refuse and storage facilities at the part-basement level, with a game room/leisure area, reception, office and café at ground floor level. A central communal landscaped courtyard is also proposed (average dimension of 23.5 m x 14 m), with a further landscaped space extending across the length of the site to the

rear of Block B. This space is approx. 11.5 m wide and includes an outdoor gym. Set-back roof terraces are also proposed to the north and south of Block A at 3rd floor level. In my opinion, the communal facilities which are proposed on site would provide future occupants with a good standard of residential amenity.

7.5.6. The application is accompanied by a student management plan which provides an overview of the management processes and policies which will be implemented on site. A Mobility Management Plan is also included, which identifies the existing and future public transport connections, in addition to access and servicing arrangements. Details of existing on-campus and off-campus student accommodation within 1 km of the application site are also provided and which confirm that there is no over-concentration of such accommodation at this location.

7.5.7. Based on the foregoing, I am satisfied that the proposed development complies with the development management standards for student accommodation.

7.6. Scale, Layout and Form of the Proposed Development

7.6.1. The proposed development extends around the western, northern and eastern site boundaries and includes a central landscaped courtyard. Vehicular access for servicing purposes is via Drumcondra Road Upper, at the site's south-western corner. Block A fronts onto the public road at the western boundary and ranges from 3-4 storeys in height over part-basement level, with the 3rd floor being set-back. The overall height of the block is 11.4 m.

7.6.2. Block B is located towards the rear of the site and is 5-storeys in height (14.1 m). This block is set back approx. 11.5 m from the eastern boundary, with a separation distance of approx. 21.5 m arising to the neighbouring 3-storey duplex blocks at All Hallows Green.

7.6.3. Blocks A and B are connected by Block C, which abuts the northern site boundary and is 2-storeys in height, decreasing to 1-storey at either end. The 2-storey element varies from c. 4.8 m in height at the shared boundary with No. 122 Drumcondra Road Upper, increasing to c. 6 m fronting onto the central courtyard.

7.6.4. In my opinion, the scale, layout and form of Block A would be appropriate on the subject site. In reaching this conclusion, I note that the block steps down to 3-storeys adjacent to No. 122 Drumcondra Road Upper to the north (2-storeys) and the Ivy House to the south (3-storeys to the front), with the 4th storey set back from these

neighbouring properties. In my opinion, this approach represents an appropriate transition in scale in this streetscape.

- 7.6.5. I further consider that the scale, layout and form of Block C would be appropriate. While I acknowledge that the block directly abuts the shared boundary with No. 122 Drumcondra Road Upper, in my opinion, a building height of c. 4.8 would not be unreasonable in this urban context. I further note the amendments which were made to this block by way of the applicant's Further Information submission, which I consider will reduce the potential for noise and light impacts on the neighbouring property.
- 7.6.6. Dublin City Council's Planning Officer considered that Block C should be further reconfigured to provide a window to the living area/common room and to ensure that the unit is fully self-contained and separate from staff areas as required under Condition No. 4 (c) of the Notification of the Decision to Grant Permission. I note that the Option B drawings which accompany the applicant's appeal submission demonstrate how these amendments can be achieved. In my opinion, these requirements are reasonable and can be addressed by condition in the event An Bord Pleanála grants planning permission for the proposed development.
- 7.6.7. I consider that the scale of Block B, which extends to 5-storeys / 14.1 m in height directly adjacent to the shared boundary with No. 122 Drumcondra Road Upper, would have an excessively overbearing impact on the rear amenity space of this neighbouring property.
- 7.6.8. In assessing the scale and layout of Block B, Dublin City Council's Planning Officer considered that the block would appear visually incongruous in distant streetscape views of the site. As such, it was recommended that the 3rd floor/4th storey of the block be omitted in its entirety. It was considered that this amendment would also serve to address issues of overshadowing and adverse visual impacts on No. 122 Drumcondra Road Upper. I note however that the requirement to omit this floor is not reflected in the Notification of the Decision to Grant Permission, as identified by the third-party appellant.
- 7.6.9. The Senior Executive Planning Officer considered that further amendments were required to Block B to reduce its impact on the neighbouring property. As such, it was recommended that the block be stepped down to 2-storeys in height on its

northern side, as required under Condition No. 4 (a) of the Notification of the Decision to Grant Permission.

- 7.6.10. In my opinion, Block B would not have a significant adverse visual impact in distant streetscape views, given its position within the site, approx. 36 m from the front boundary. However, I agree with the assessment of Dublin City Council's Planning Officer's that the scale of this block should be reduced to lessen its impact on the residential amenities of No. 122 Drumcondra Road Upper. As such, I consider that the requirements to: (1) reduce the height of the block to 2-storeys at its northern end; (2) set it back by c. 5 m from the shared boundary above 1st floor level; and; (3) omit the 3rd floor/4th storey of the development, represents a reasonable compromise in this instance. In this regard I note that the Option B drawings which accompany the applicant's appeal submission, demonstrate that the block can be successfully implemented with a 5.398 m set-back from the shared boundary.
- 7.6.11. In making this recommendation I note that the application site, and the adjoining site to the north, are subject to land use zoning "Z1" (Sustainable Residential Neighbourhoods), which has the objective "to protect, provide and improve residential amenities". In my opinion, the proposed Blocks A and C, together with the amended Block B, represents a reasonable balance between delivering a more sustainable, compact form of development, whilst at the same time seeking to safeguard the established amenities of the adjoining residential lands. These matters can be addressed by condition in the event An Bord Pleanála decides to grant planning permission in this instance.
- 7.6.12. Condition No. 4 (b) requires the rear/east facing above 1st floor level opens to be modified to look south/south-east towards the adjoining access road and open space serving All Hallows Green. Dublin City Council's Planning Officer considered this amendment was appropriate to maximise the residential amenity of the existing units. In my opinion, this amendment is unnecessary given the separation distance of c. 21.5 m which would arise between opposing façades, and having regard to the proposed landscaping along the rear site boundary and the existing mature planting within All Hallows Green.
- 7.6.13. Condition No. 4 (d) requires the balconies on the south elevation of Block B to be omitted. Dublin City Council's Planning Officer considered this amendment was

necessary in the interests of safety and security and to avoid impacts on adjoining amenities and the future development potential of the adjoining public house site.

7.6.14. I note that Block B is set back from the boundary with the Ivy House site to the south/south-west by 2.5 m. I consider this arrangement is acceptable having regard to the commercial nature of the adjoining site and the absence of directly opposing windows at this location. I note that the balconies on the southern elevation of Block B appear to overlook an adjoining parcel of open space within All Hallows Green, rather than the Ivy House site as identified by the Planning Officer. However, I consider that the omission of these balconies is reasonable given their orientation directly onto the shared boundary. I also note the high quality indoor and outdoor communal spaces which will be available to future residents at the ground floor level. This matter can be addressed by condition in the event the Board grants planning permission in this instance.

Amended Scheme – “Option B”

7.6.15. In seeking to respond to the requirements of Condition no. 4, the applicant’s agent has submitted an alternative design proposal for the consideration of An Bord Pleanála (Option B).

7.6.16. The 3rd floor of Block A has been revised to match the layout of the 2nd floor. A new set-back 4th floor level is proposed, with an overall block height of 14.1 m. Amendments are also proposed to Block B, including a set-back of 5.398 m at 2nd, 3rd and 4th floor levels adjacent to the northern site boundary. A new set-back 5th floor level is also proposed, resulting in a part 2-storey, part 6-storey block with an overall height of 16.8 m. The proposed amendments seek to increase the number of bedspaces from 122 no. to 135 no.

7.6.17. The applicant’s agent submits that the proposed height increases would be appropriate on the site and would optimise its strategic development as advocated under the “Urban Development and Building Height Guidelines” (2018). The appellant’s agent considers that the proposed amendments are not material changes to the application. I note that the Option B drawings also illustrate the amendments which are required to Blocks B and C under Condition No. 4 of the Notification of the Decision to Grant Permission.

- 7.6.18. As previously identified, I consider that Option B constitutes a material amendment to the application which would be more appropriately addressed by way of a revised planning application. Notwithstanding the foregoing, in reviewing the suggested amendments, I consider that the height of Block A as originally proposed represents a more appropriate transition in scale fronting onto Drumcondra Road Upper.
- 7.6.19. I further consider that the provision of a part 6-storey block to the rear of the site (Block B) would be inappropriate and would have an unacceptable overbearing impact on No. 122 Drumcondra Road Upper, notwithstanding the proposed set-back from the shared boundary. I further consider that a block of this height would also have an overbearing impact on the 3-storey duplex blocks at All Hallows Green to the rear of the site. As such, in my opinion, the amendments which are proposed under Option B would be contrary to the proper planning and sustainable development of the site.

7.7. Daylight, Sunlight and Shadow Impacts

- 7.7.1. Block A extends into the site for a depth of 13 m adjacent to the gable elevation of No. 122 Drumcondra Road Upper, which includes 5 no. existing windows at 1st floor level. The 3 no. centrally placed windows front directly onto the gable elevation of No. 120 Drumcondra Road Upper at a set-back of approx. 3 m, which in my opinion, significantly limits their aspect.
- 7.7.2. The full extent of the building footprint of No. 122 Drumcondra Road Upper is not identified on the site plan drawing (Drawing No. P.02 'A'). An updated site plan extract is included with the applicant's response to the third-party appeal, which illustrates that Block B would extend just beyond the fire escape stairs on the side elevation of No. 122 Drumcondra Road Upper. Thereafter, the proposed building height decreases in the location of Block C, which is primarily 2-storeys in height, with single-storey link elements.
- 7.7.3. The application includes a Daylight and Sunlight Assessment of the Proposed Development as prepared by Digital Dimensions. In assessing the **daylight impacts** to existing dwellings, it is noted that a minor impact will arise to 2 no. ground floor windows (test points TP1 and TP2) at the southern end of the All Hallows Green complex to the rear of the site, while a minor impact will also arise to 1 no. 1st floor window above (TP 7). The assessment notes that there is a thick bank of trees to the

rear of the site, which has not been accounted for in the modelling. As such, in the event the development is implemented, the assessment concludes that these impacts would be unlikely to be noticed.

- 7.7.4. The assessment identifies that a major impact will arise to 1 no. window (TP13) in the side elevation of No 122 Drumcondra Road Upper. This window fronts onto the existing surface car parking to the front of the application site. While the eastern-most window towards the rear, 1st floor level does not meet the relevant criteria when considered in isolation, this room is dual aspect (test point TP18 on the rear elevation), and as such, meets the criteria on this basis. All other tested windows in No. 122 Drumcondra Road (and in Nos. 124 and 126 further to the north), meet the assessment criteria.
- 7.7.5. The third-party appellant submits that the daylight impact results for No. 122 Drumcondra Road Upper demonstrate that the proposal is inappropriate in design and will be excessively overbearing. In considering the foregoing, I note that 4 no. of the 5 no. rooms at 1st floor level in this property meet the assessment criteria with respect to daylight. While it is acknowledged that a major impact will arise to the window to the front of the property, I note that this window serves an existing bedroom, rather than a primary amenity space within the apartment unit. On the basis of the foregoing, I consider that the daylight impacts to the neighbouring property would be acceptable on balance in this instance.
- 7.7.6. In assessing daylight within the proposed development, 7 no. bedrooms were selected which were deemed to potentially have the lowest lighting levels. All rooms were noted to exceed the minimum average daylight factor of 1%. One window on the ground floor level of Block B (test point W3) has a low vertical sky component of 12.5 % compared to the recommended value of 27%. However, the assessment notes that this could be improved by increasing the size of the bedroom window. In my opinion, this matter could be addressed by condition, in the event An Bord Pleanála grants planning permission. On balance, I consider that the daylight results for the proposed development are acceptable.
- 7.7.7. The impact of the development on **sunlight to gardens / open spaces** was also assessed for the rear garden and rear 1st floor balcony of No. 122 Drumcondra Road

Upper, the amenity space to the rear of All Hallows Green and 4 no. balconies on rear façade of the opposing block.

- 7.7.8. The results demonstrate that more than 50% of the balcony and rear garden of No. 122 Drumcondra Road Upper will continue to receive 2 hours of sunlight on 21st March, as will the shared amenity space to the rear of All Hallows Green. The existing balconies to the rear of All Hallows Green do not meet the assessment criteria in the existing situation, and it is noted that any impact from the proposed development is unlikely to be noticed.
- 7.7.9. The sunlight on the ground results for the amenity spaces within the subject site demonstrate that these spaces will receive more than 2 hours of daylight on 21st March. Having regard to the foregoing, I consider that the sunlight results for gardens and open spaces are acceptable.
- 7.7.10. The assessment includes **shadow casting** diagrams for the existing and proposed situations at 10am, 12 noon, 2 pm, 4 pm and 6 pm on 21st of March / June and 10am, 12 noon, 2 pm, 4 pm on 21st December. The diagrams illustrate that the proposed development will result in varying degrees of overshadowing of the rear garden of No. 122 Drumcondra Road Upper at 10am, 12 noon, 2 pm and 4 pm on 21st March and 21st June, with limited additional overshadowing at 6pm on 21st June and 12 noon on 21st December.
- 7.7.11. The proposed development will also result in varying degrees of overshadowing of the rear gardens of Nos. 124 and 126 Drumcondra Road Upper to the north at 12 noon, 2 pm and 4 pm on 21st March and the rear amenity space of All Hallows Green at 4pm and 6 pm on 21st June.
- 7.7.12. In my opinion, the degree of overshadowing which would arise to the rear garden of No. 122 Drumcondra Road Upper, combined with the overbearing impact of Block B, would be unacceptable. As such, I consider that the amendments I have recommended be made to this block, will serve to reduce both overbearing and overshadowing impacts to neighbouring properties.

7.8. **Impact on Character of Drumcondra Road Upper**

- 7.8.1. The third-party appellant submits that the revised building line onto Drumcondra Road Upper will be detrimental to the character of the street, while the observer

submits that the existing buildings should be preserved as part of the streetscape and heritage of the area.

- 7.8.2. In considering the foregoing, I note that the subject site is not located in an Architectural Conservation Area and that the existing buildings are not subject to any conservation or heritage designations which would preclude their demolition. I further note that the existing building line between No. 114 (The Ivy House) and No. 124 Drumcondra Road Upper is varied, with the façades of Nos. 114, 122 and 124 directly adjoining the public path. The building line of the existing properties within the subject site (Nos. 116, 118 & 120) step back by approx. 11 m and reflect that of the buildings further to the north along the eastern side of Drumcondra Road Upper.
- 7.8.3. While I acknowledge that the existing buildings have attractive red-brick façades, in my opinion, the proposal to bring the building line forward within the subject site will reflect that of the immediately neighbouring properties and will regularise the building line at this particular location. As such, I consider that the proposed development would have no negative visual impact on the character of the streetscape.

7.9. Planning History

- 7.9.1. The third-party appellant submits that the current proposal does not address the previous refusal of permission on the site (DCC Reg. Ref. 3173/17; ABP Ref. PL.29N.249201) which sought permission for 27 no. apartments and a ground floor café.
- 7.9.2. In considering the issue which has been raised, I note in the first instance that each application is adjudicated on its merits. Notwithstanding the foregoing, I further note that the previous application sought to reconstruct, alter and reuse the existing buildings and provide new 4-storey buildings to the front and rear of the site. In recommending that planning permission be refused, the Board considered that the proposal would, inter alia, represent the overdevelopment of the site, would have an adverse impact on the character of Drumcondra Road Upper and would provide a poor standard of residential amenity for future occupants. In my opinion, the same concerns do not arise in this case, and that the alterations which are recommended to Block B, will serve to mitigate undue negative impacts on neighbouring properties.

7.10. Impact on Site Trees

- 7.10.1. The third-party appellant submits that the arborist report which accompanies the application confirms the potential for the proposed development to damage the root protection zone of trees located within the site of No. 122 Drumcondra Road Upper.
- 7.10.2. In reviewing this report, I note that it concludes that the proposed development will impact on some neighbouring trees located on the boundary and overhanging into the application site. It is further noted that none of the trees are of moderate or high quality and that the proposed works would not have a significant detrimental impact on their current condition or stability. The report also notes that, provided the recommendations and methods of work are adhered to, the proposed development can be successfully carried out, without having a negative impact on the character or appearance of the surrounding landscape.
- 7.10.3. Based on the information which has been submitted, I am satisfied that impacts to neighbouring trees can be appropriately mitigated by way of the recommendations contained in the arborist's report.

7.11. Appropriate Assessment

- 7.11.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

7.12. Conclusion

- 7.12.1. The subject site occupies a strategic location in terms of its proximity to education centres and public transport connections. The site is zoned for residential purposes, and under which, student accommodation is a permissible use. In my opinion, the proposed development would be acceptable on the subject site and would be in accordance with policies QH31 and CEE19 of the development plan, which seek, inter alia, to improve and support the provision of additional, high-quality student accommodation in the city. As such, I consider that the proposed development would be consistent with the proper planning and sustainable development of the area and that planning permission should be granted in this instance.

8.0 Recommendation

8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the Z1 land use zoning objective which applies to the site, the definition of student accommodation provided under Section 13(d) of The Planning and Development (Housing) and Residential Tenancies Act 2016, policies QH31 and CEE19 of the Dublin City Development Plan 2016-2022, and the proximity of the site to established education centres and high-quality public transport connections, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, which would not adversely impact on the residential amenities of neighbouring properties or the character of the streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of March 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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</p>

	<p>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.</p> <p>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.</p>
3.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
4.	<p>The development hereby permitted shall be used solely for the purposes of student accommodation, as defined in Section 13 (d) of The Planning and Development (Housing) and Residential Tenancies Act 2016, and for no other purpose, without a prior grant of planning permission. The student accommodation shall be operated and managed in accordance with the measures indicated in the management plan submitted with the application.</p>

	<p>Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.</p>
5.	<p>Block B of the proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> (a) The block shall be reduced to 2-storeys in height adjacent to the northern site boundary and set back from the boundary by c. 5 m above 1st floor level; (b) No north-facing windows shall be provided on the revised northern elevation; (c) The third floor of the block shall be omitted in its entirety; (d) The balconies on the southern elevation of the block shall be omitted. (e) The window serving the ground floor bedroom in the north-western corner of the block shall be replaced by a projecting window, or such alternative fenestration arrangement as may be deemed appropriate, to improve daylight in this room. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<ul style="list-style-type: none"> (a) Block C shall be reconfigured to allow for the provision of a south-facing common room. No windows shall be provided on the eastern elevation of this block at 1st floor level. (b) The accommodation cluster shall be fully self-contained and separate from the staff facilities. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>

7.	<p>A naming/numbering scheme for the proposed student accommodation scheme shall be submitted to and agreed in writing with the planning authority prior to the occupation of the proposed development.</p> <p>Reason: in the interest of orderly street numbering.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, including details of all proposed signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Prior to the commencement of development, the developer shall submit a plan for the written agreement of the Planning Authority containing details of the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste in the interests of protecting the environment.</p>
10.	<p>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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p>

	<p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity.</p>
13.	<p>Cycle parking shall be secure, sheltered and well-lit, with key/fob access. Cycle parking shall be in situ prior to the occupation of the proposed development and shall be retained thereafter.</p>

	<p>Reason: To promote and facilitate cycling as a sustainable mode of transport.</p>
14.	<p>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.</p> <p>Reason: To protect the visual amenities of the area.</p>
15.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
16.	<p>Prior to commencement of development, the developer shall enter into water and/or waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
 Planning Inspector

6th November 2020