



An
Bord
Pleanála

Inspector's Report

ABP-308529-20

Development	Temporary use for tourist or visitor accommodation (alongside permitted student accommodation) in the period between 1st September 2020 to 31st May 2021.
Location	274, North Circular Road, Dublin 7, D07 W9E8
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3206/20
Applicant(s)	Irish Student Fund (Dublin) II – Circular Student Ireland Limited
Type of Application	Permission (Temporary)
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	1. Alan Fitzgerald 2. Brian Foley 3. Senator Marie Sherlock and Cllr Declan Meenagh

Observer(s)

None.

Date of Site Inspection

16th February 2021

Inspector

Máire Daly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.36ha, with its main vehicular entrance located on the southern side of the North Circular Road (Regional Road R1010). The site is comprised of a student accommodation development as permitted under ABP Ref. PL29N.248726 (DCC Ref. Ref. 4262/16) and is located approximately 480m southwest of the centre of Phibsborough. The site is located approximately 2 km from the north city centre and is well served by public transport connections including the Luas and the No. 46A Dublin Bus route which operates along North Circular Road between Infirmary Road and UCD via Phibsborough and the city centre.
- 1.2. The site fronts onto an existing public laneway located to the rear of Rathdown Road (accessed between No. 25A and No. 51 Rathdown Road) to the west of the site. This laneway extends along the north-western, western and southern site boundaries. A residential cul-de-sac at Rosemount Road adjoins the north-eastern boundary of the site, while the St. Stephen's Green to Broombridge Luas line extends along the eastern and south-eastern boundaries. Broadstone Bus Depot is located to the south-east of the site and the Technological University Dublin (TUD) Grangegorman Campus is located to the south-west.
- 1.3. The subject site is characterised by a student accommodation scheme arranged in 9 no. blocks (A, B, C, D, E, G, H, J and K) ranging in height from 1-7storeys and providing for 429 no. bed spaces. Currently the buildings appear to be partially let (as noted on site visit). Blocks A and B are located at the northern end of the site adjacent to North Circular Road and vary in height from 1-2 storeys. Block C, D and E are located centrally on site and vary in height from 2–5 storeys. Block G, H and J extend along the southern and eastern boundaries and vary in height from 4 – 7 storeys.

2.0 Proposed Development

- 2.1. The proposed development will consist of:
 - The temporary use of the development for tourist or visitor accommodation (alongside permitted student accommodation) in the period between 1st

September 2020 to 31st May 2021. After such times the original condition 3 of Reg. Ref 4262/16 (ABP Ref. PL29N.248726) will apply.

- 2.1.1. No physical changes are proposed to the permitted development on foot of this application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 5 no. conditions issued on 09th October 2020. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to grant permission in the planning officer's report (October 2020) reflects the decision of the planning authority and the following is noted:

- The planning officer noted the history on site including the previous approval under DCC. Ref. 4100/19 (ABP Ref.306172-19) which permitted the temporary use of Blocks A, B, G, H & J for tourist or visitor accommodation in the period to 31st May 2020.
- The definition of student accommodation as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 is noted and the planning officer stated that as the proposed temporary use of this student accommodation is for tourist or visitor accommodation within academic term time, the proposed development goes beyond the above definition of 'student accommodation' and hence the need for this application.
- The planning officer noted that as the precedent for tourist or visitor accommodation has been established on the subject site and as the current proposal is for a temporary use until May 2021, it is considered that the proposal would not be seriously injurious to the residential amenity of the surrounding area.

- In conclusion, the planning officer stated that, considering the proposed use would be on a temporary basis, which would be managed by the existing student operator of the facility, and would facilitate the productive use of the existing building, which would otherwise remain vacant, it was considered that the development was acceptable in this instance.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) – report dated 08/09/2020 stated no objection, subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – response dated 22/09/2020 - no objection subject to conditions – Section 49 Contribution Scheme Levy to apply if relevant.

3.4. Third Party Observations

3.4.1. A total of 7 no. third party submissions were made on this application from the following:

- (1) Senator Marie Sherlock and, Seanad Eireann, Kildare Street, Dublin (joint submission)
- (2) Cllr. Declan Meenagh
- (3) Brian Foley, No.14 Great Western Square, Phibsboro, Dublin 7
- (4) Christina Casey No. 7 Rathdown Road, Dublin 7 on behalf of herself and others;
- (5) Ciaran Doherty No.9 Great Western Square, Phibsboro, Dublin 7 on behalf of the Great Western Square & District Residents Association Phibsborough.
- (6) Joe Doyle, No. 7 Cherrymount Park, North Circular Road, Dublin 7
- (7) Alan Fitzgerald, No. 8 Rosemount Road, Dublin 7.

3.4.2. The grounds of objection can be summarised as follows:

- Concerns regarding quarantine and use of communal spaces and how this will be managed.
- Second time change of use has been requested.
- Increase in noise pollution for local residents as a result of the temporary use.
- One sector should not be afforded a change of use that would impact further on a struggling tourism and hotel sector
- Application specifies 'tourist and visitor' and also states 'short term key workers and other professionals'. This application seeks change to tourist and residential accommodation and a dangerous precedent will be set as a result.
- Continued issues in relation to privacy and overlooking from various blocks and light over spill into neighbouring gardens, which will be only exacerbated by more frequent use as proposed tourist accommodation.
- Negative effect on the Great Western Square and Environs Architectural Conservation Area and on the residential conservation areas to the west and north of the site.
- Cost of accommodation is a deterrent for domestic students seeking to rent such accommodation.
- The condition of permission is clear as per Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act, in that the proposed accommodation is to be used only for student accommodation during the academic year.
- Loss of revenue for the owner and operator is not justifiable grounds to warrant a change of use.

4.0 Relevant Planning History

- ABP Ref. 306172-19 (DCC Ref. 4100/19) Permission granted on 21st May 2020 for temporary use of Blocks A, B, G, H and J for tourist or visitor accommodation in the period to 31st day of May, 2020, commencing from the date of a final grant of permission. After such times, the original condition number 3 of planning register reference number 4262/16 (An Bord Pleanála

appeal reference number PL 29N.248726) will apply. Blocks C, D, E and K will remain in use as student accommodation and no physical changes were proposed.

- Condition no. 2 limited the temporary use to the 31st day of May 2020 and stated after this date the original condition number 3 of planning register reference number 4262/16 (An Bord Pleanála appeal reference number PL 29N.248726) shall apply. The permission also stated that Blocks C, D, E and K shall remain in use as student accommodation.
- ABP Ref. PL29N.248726 (DCC Ref. Ref. 4262/16) Permission granted on 1st November 2017 for a student accommodation development comprising 429 no. bedspaces in 9 no. blocks, ranging in height from 1 to 7 storeys.
 - Condition no. 3 requires that the permitted development 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 for a change of use. This condition also requires the development to be operated and managed in accordance with a Student Accommodation Management Plan. Condition no. 4(b) required the submission of a revised Student Accommodation Management Plan to ensure the provision of residential 24-hour on-site management of the units.

5.0 Policy Context

5.1. National Guidance

5.1.1. **National Student Accommodation Strategy 2017** – Rebuilding Ireland.

5.1.2. **Circular Letter DHPCLG Circular PL 8/2016 APH 2/2016: - Identifying Planning Measures to Enhance Housing Supply** - the increase in the provision of student accommodation was identified as an objective of the circular and local authorities were encouraged to adopt a positive approach to new purpose-built student accommodation proposals.

The circular states that a flexible approach should be applied in respect of any planning conditions related to use/occupation of student accommodation. Such an approach would recognise the need to establish a steady rental income for such student accommodation throughout the year in order to ensure the deliverability of development projects from a financing point of view and recognise that student accommodation complexes can play an important role in providing affordable accommodation for tourists and visitors in major urban areas during peak summer demand periods.

5.1.3. **Legislation**

Section 13 (d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 defines student accommodation 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”.

5.1.4. **Circular Letter PL04/2019 – New Regulation of Short Term Letting**

This circular provides guidance in relation to the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 (S.I. 235 of 2019). The new legislative provisions regulate the short-term letting of residential accommodation. The aim of these provisions is to address pressures in the private rental market and regulate the loss of long-term rental properties in rent pressure areas (incl. Dublin City) for use as tourism-related, short-stay accommodation.

5.2. Development Plan

- 5.2.1. The operative development plan is the Dublin City Development Plan 2016-2022. The majority of the site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective, “*to protect, provide and improve residential amenities*”.
- 5.2.2. The northernmost part of the site is subject to land use zoning “Z2” (Residential Neighbourhoods – Conservation Areas) which has the objective, “*to protect and/or improve the amenities of residential conservation areas*”.
- 5.2.3. Residential land uses are permissible under Z1 and Z2 zoning objectives. Appendix 21 of the Development Plan (Land Use Definitions) confirms that residential land uses include ‘student accommodation’, which is defined as “a professionally managed residential building, or part thereof, built either on or off campus, for the purpose of accommodating students over the duration of the academic year”.
- 5.2.4. **Section 5.5.12 Student Accommodation** sets out a broad policy statement in relation to the expansion of the student accommodation sector and includes the following policies:

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.*

- 5.2.5. **Section 6.5.3 Tourism/Visitors**

Policy CEE12:

(i) To promote and facilitate tourism as one of the key economic pillars of the city’s economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, apart hotels, tourist hostels, cafes, and restaurants, visitor attractions, including those for children.

(ii) To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.

5.2.6. **Section 6.5.5. Employment, Enterprise and Economic Development Sectors** outlines the following policy with regard to student accommodation:

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.

5.2.7. **Section 16.10.7 Guidelines for Student Accommodation:** This section sets out the development standards for student accommodation. 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.

5.2.8. **Strategic Development and Regeneration Area 8** Grangegorman is located to the south west of the site.

5.3. **Natural Heritage Designations**

5.3.1. None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. Three third-party appeals opposing the development were received from the following:

1. Alan Fitzgerald;
2. Senator Marie Sherlock and Cllr Declan Meenagh (joint appeal) with support from surrounding residents of Dublin 7 and Dublin 9 (individually detailed in the appeal document); and

3. Brian Foley;

6.1.2. The grounds of the appeals can be summarised as follows:

- Concerns regarding the precedent that will be set for planning in Dublin city by altering planning regulations to effectively compensate developers/operators against future losses. The change of use if granted would directly compete with the city's hotel operators.
- Concerns in relation to the reference to 'co-living'.
- Granting the proposed change of use serves to undermine the planning process where the applicant simply repeatedly seeks change of use applications and this should not be endorsed.
- The use of the accommodation outside of the academic year was not the intended purpose for this development.
- No explanation has been given as to how the granting of permission is in the interest of orderly development.
- There is a lack of a city-wide approach and an over concentration of holiday lets – consideration of this application should not be carried out in isolation. The use of the site as tourist or visitor accommodation would effectively change a residential area into a commercial use for the majority of the year.
- This is the second time that the owners of this development have sought a change of use for visitor and tourist accommodation and this is leading to a situation where it is attempting to circumvent the original granted planning permission by constantly applying for temporary changes of use.
- The condition of the original granted permission is clear pursuant to Section 13(d) of the Planning and Development Housing and Residential Tenancies Act in that the proposed accommodation is to be used only for student accommodation during the academic year. Also, it is noted that student accommodation developments have an advantage, in that they are exempt from Part V obligations under the planning and development Act 2000.
- Section 1.12 of the planning report (submitted with the planning application) expands the traditional definition of tourist and visitor to include 'short term

key workers and other professionals'. In effect this the planning application is seeking to alter the original planning conditions so that it can be of both tourism and residential use.

- No evidence is put forward in the planning application as to the efforts made to fill the available space with different cohorts of students at alternative price points or through alternative contract structures.
- This application is one of five which have been granted by DCC to student accommodation facilities seeking a change of use. Together the volume has the potential to add 1600 additional beds to the city supply for tourists or short term residential beds.
- The operators of the site have failed to comprehensively and properly engage with residents living adjacent to the Highfield site on the issues of light pollution and light overspill onto adjoining houses, as well as failing to deliver on an earlier commitment to provide trees as screening to the facility.

6.2. Applicant Response

6.2.1. The response by John Spain Associates Planning and Development Consultants on behalf of the applicant addresses the grounds of appeal as follows:

- The previous permission granted under ABP Ref. 306172-19 for the partial temporary use of Blocks A,B,G,H & J of accommodation to tourists and/or visitors in the period to 31st May 2020 was subject to a third party appeal and did not receive final approval until 21st May 2020. In this respect, the development was not implemented.
- The previous permitted development sought to ensure the buildings would have been efficiently utilised in an appropriate manner prior to the beginning of the 2020 academic year and were not left vacant due to the completion of the development falling in quarter 4 2019 and therefore in the middle of an academic year.
- A previous granted permission for the temporary partial use of the accommodation for tourist/visitor use has been established at the location and no issues were raised previously by the planning authority or the Board.

- It is the intention of the applicant that the current proposal would provide for a combination of students and short-term visitors in the period up to 21st May 2021. The operational management plan anticipates between 50% and 80% of the bed spaces to be occupied by students at any time during the academic year (Including the proposed temporary period). This clearly indicates that the use of the accommodation for the original permission 'student accommodation' use will continue to be prioritised, with the visitor tourist stays subsidiary to this.
- The proposed temporary use would give continuity to the use of the development for tourist or visitor accommodation as referred to under the definition of student accommodation by the Planning and Development Housing and Residential Tenancies Act 2016, as amended. This will ensure the efficient and appropriate use of the accommodation and associated amenities in the period up to the 31st of May 2021 which may otherwise be vacant.
- ABP and DCC have recently granted permission for similar developments for the temporary use of student accommodation for tourist/visitor accommodation on both the subject site (ABP. Ref. 306172-19) and other sites with the area (Dublin 7 including ABP Ref. 307009-20, DCC Ref. 3204/20, DCC and Dublin Ref.3205/20 and in Dublin 1 including DCC Ref. DSDZ4332/18 and DSDZ3044/19).
- The DCC planner's report acknowledges the rationale of the proposals provided by the applicant in light of the COVID-19 pandemic which has resulted in reduced demand for student bed spaces in the current academic year and their decision has been based on relevant policies and consideration of the current planning framework as well as planning history on the site.
- It is considered that the precedent for the use of the student accommodation for tourist visitor use has been established by the definition of student accommodation set out in 2006 Act. The proposals are essentially extending this use on a temporary basis which is considered compatible with the permitted use at the location.

- The applicant states that they have no intention of utilising the premises for the purposes of co-living in the future and state that the premises will continue to operate as student accommodation under the conditions of the parent permission (P.A. Ref. 4262/16).
- In response to Senator Sherlock and Cllr Meenagh's appeal, the applicant states that the proposed development is intended to provide an alternative to B&B and traditional hotel accommodation as noted within the GSA operational management plan. In this respect the proposed accommodation will provide a different experience to the current stock of tourist and visitor accommodation and enhance the diversity of choice for consumers in Dublin.
- The operator states that they have recently received inquiries from keyworkers, construction workers, recent graduates and interns who have been struggling to find suitable short-term accommodation in Dublin at reasonable cost. The applicant states that all requested bookings will be reviewed by GSA prior to confirmation, therefore ensuring that the amenities of neighboring properties are protected.
- The proposal aligns with the principles of Circular PL8/2016 and will implement flexibility to the development which is compatible with the permitted student accommodation at the site.
- The applicant states in an effort to fill vacant bed spaces at the development, the operator GSA has altered its typical letting strategy for students and advertised same via the relevant website.
- Regarding the concerns in relation to the cumulative/long term impacts of the granted permission in respect of other similar developments, the applicant states that the subject premises are temporary in nature and have been proposed in response to the current exceptional circumstances arising from the COVID-19 pandemic and are considered appropriate having regard to the definition of student accommodation as set out in 2016 act and the zoning objectives of the various sites.
- The applicant states that they have recently actioned concerns relating to light pollution and they are also providing solutions to address privacy concerns.

6.3. **Planning Authority Response**

- The planning authority did not respond to the grounds of appeal.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the third party submissions received, inspection of the site and having regard to relevant local/regional/national policies and guidance, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and submissions on appeal, relate to the following:

- Principle of the Development
- Impact of Temporary Use on the Availability of Student Accommodation
- Proposed Uses on Site and Impacts on the Tourism Sector
- Impacts on Residential Amenity
- Other Matters
- Appropriate Assessment

7.2. **Principle of the Development**

7.2.1. The applicant wishes to apply for the temporary use of the development for tourist or visitor accommodation (alongside permitted student accommodation) within the academic year in the period between 1st September 2020 to 31st May 2021. After such time the original condition 3 of ABP Ref. PL29N.248726 would apply. No physical changes are proposed to the permitted development. The temporary use of the development is proposed by the applicant as a solution to the current COVID-19 pandemic, which has resulted in diminished demand for student accommodation in the current academic year. The applicant states that the development will assist in the efficient use of the accommodation and avoid the possibility of buildings being left vacant during this time.

- 7.2.2. I note that a similar proposal for temporary use for tourist or visitor accommodation was granted permission by the Board (ABP. Ref. 306172-19) on 21st May 2020 but was not implemented due to the timing of the grant so close to the end of the academic year. This previously approved temporary use however only applied to five (Blocks A, B, G, H & J) of the nine blocks on site. The current application seeks the use of all nine blocks on site for the proposed temporary use.
- 7.2.3. The applicant states as part of the 'Short Term Let Management Plan' submitted as part of the application (page 11), that the accommodation provided is envisaged to support guests seeking flexible safe self-catered accommodation, primarily for domestic travelers due to the current travel restrictions, but that they can also offer self-contained studios if safe quarantine is required.
- 7.2.4. The current proposal comprises partial use of the scheme for tourist or visitor accommodation, to ensure the buildings are utilised in an appropriate manner during the academic year up to 31st May 2021, while also remaining open to students in accordance with the definition set out in the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. Section 13 (d) of the 2016 Act defines student accommodation as including its use as tourist or visitor accommodation outside of academic term time. While I acknowledge the appellants submissions in this regard and their concerns regarding the precedent that this may set, I would consider this proposal essentially an extension of this provision within the Act based on a limited time period during unprecedented times. I consider the proposal compatible with the permitted use on site and therefore I am satisfied in this instance that the development is acceptable in principle.

7.3. Impact of Temporary Use on the Availability of Student Accommodation

- 7.3.1. The appellants submit that there was no evidence put forward in the planning application nor was it sought by the planning authority, on any efforts made by the operator and owner to fill the available accommodation with different cohorts of students at alternative price points or through alternative contract structures.. They state that this should have been attempted prior to seeking any alternative on site.
- 7.3.2. In response to the appellants concerns, the applicant has stated that the operator GSA, altered it's typical letting strategy for students and advertising via the relevant websites. This included for discounts for annual bookings made during the COVID-

19 period, as well as reaching out to language school students beyond the traditional third level market. The applicant believes that this demonstrates a proactive response to challenging market conditions. In addition, the applicant states that in the instance where increased demand for accommodation arises, the operator would prioritise student bookings and lettings above short-term lettings for tourist/visitor use. The applicant also has stated in their response to the third party appeals that the operational management plan anticipates between 50% and 80% of the bed spaces to be occupied by students at any time during the academic year (including the proposed temporary period). As such, the proposed change of use will not result in the loss of available accommodation to students. I am satisfied that student accommodation will remain the primary use on site, with the proposed temporary use complementary and subsidiary to this and therefore consider the applicant has addressed the appellants concerns sufficiently as part of their response.

7.4. Proposed Uses on Site and Impacts on the Tourism Sector

- 7.4.1. The appellants express concerns relating to the lack of clarity within the planning application as to the intended future use of the facilities, and believe that in effect the planning application is seeking to alter the original planning conditions so that it can be of both tourist and residential use. I note that reference to 'co-living' within the applicant's Planning Report has also led to some confusion. The applicant has addressed these concerns in their response to the third party appeals stating that they have no intention of providing any form of co-living on site and maintain that the premise will continue to operate as student accommodation as set out under the conditions of the parent permission.
- 7.4.2. The applicant has stated that the operator of the site has recently received enquiries from key workers, construction workers, recent graduates and interns who have been struggling to find suitable short-term accommodation in Dublin at reasonable cost. The applicant sees the current proposal as a way of meeting the identified present need.
- 7.4.3. Addressing the third party concerns raised in relation to the impacts of such developments on the tourism industry, the applicant has stated that in this respect the proposed accommodation will provide a different experience and alternative to the current stock of tourist and visitor accommodation and enhance the diversity of

choice for consumers in Dublin. The 'Short Term Management Plan' submitted with the application states that based on data available for visitors to Dublin and their own experience managing buildings outside of the academic year, that they expect approximately 50 to 80% of their rooms to be filled by under graduates and postgraduate and other students who attend language schools and the remainder to be a mixture of domestic leisure travellers or business travellers seeking a consistent base to live when traveling for extensive or repeated periods. The applicant is clear in stating that customers will use the accommodation as an alternative to typical hotel or B&B accommodation, as in the current case the service focuses on self-catering accommodation.

- 7.4.4. The site is well placed within walking distance of TUD Grangegorm and may provide a temporary residential option for those working at the University. The site also benefits from excellent access to LUAS green line stops at Grangegorman and Phibsborough which provide access to Dublin city centre and other areas across the city and therefore in my opinion provides a different type of offering for visitors and tourists alike and I do not believe will have a significant negative impact on the existing hotel or other tourism accommodation stock.

7.5. Impacts on Residential Amenity

- 7.5.1. I note that no physical works are proposed to the permitted buildings on foot of this planning application and as such, no construction impacts will arise. While I note that issues have been raised by the third parties in relation to the permitted development (ABP Ref. PL29N.248726) including those in relation to lighting and privacy concerns, I understand from the applicant's response to the third party submissions that these concerns are currently being addressed. The current application does not involve any physical works on site and therefore where any issues in relation to elements of the original permission arise the appellants have the option of pursuing compliance with these conditions through the planning authority's enforcement section.
- 7.5.2. The detailed management plan which accompanies the application, outlines a series of measures to ensure the efficient operation of the tourist/visitor accommodation. This includes measures including the review of all requested bookings by GSA prior to confirmation, thus allowing for a form of screening which will reduce the instances

of admittance of larger parties of guests, which may give rise to noise or nuisance. This will ensure the amenities of the existing residents on site, as well as neighboring properties and wider area are protected.

- 7.5.3. In conclusion, I am satisfied that the proposed temporary use will not result in any substantive change to impacts on residential or visual amenities from those of the permitted development. This will be subject to proper management of the premises as per the submitted management plan and given that the proposed change of use is temporary in nature. As previously identified, the permitted student accommodation scheme can already be used as tourist or visitor accommodation outside of academic term times and as such, the development is already deemed to be acceptable in principle on the site. Therefore, in conclusion and in my opinion, no additional impacts will arise to the local community on foot of the proposed change of use, which is temporary in nature.

7.6. **Other Matters**

Development Contributions

- 7.6.1. Dublin City Council's Section 48 Development Contribution Scheme 2020-2023 and the Luas Cross City Section 49 Supplementary Development Contribution Scheme confirm that a change of use from one commercial development to another is exempt from the requirement to pay development contributions. As such, I recommend that no such conditions are attached to this permission.

7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development, comprising a temporary change of use only, 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1.1. Having regard to the Z1 and Z2 land use zoning objectives which apply to the site, the definition of student accommodation provided under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 which includes the use of such accommodation as tourist/visitor accommodation outside of academic term times, and the temporary nature of the permission, it is considered that, subject to compliance with the condition 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The temporary use on site for tourist or visitor accommodation hereby permitted shall cease to have effect on the 31st day of May 2021. Following the expiration, the original condition number 3 of planning register reference number 4262/16 (An Bord Pleanála appeal reference number PL 29N.248726) shall apply.

Reason: In the interest of orderly development.

3. The developer shall comply with the conditions attached to the parent permission pertaining to the development permitted under planning register reference number 4262/16 (An Bord Pleanála appeal reference number PL 29N.248726) unless altered by this permission.

Reason: In the interest of orderly development.

Máire Daly
Planning Inspector

24th February 2021