



An
Bord
Pleanála

Inspector's Report ABP-311585-21

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| Development | Demolition of two dwellings and construction of 125 bed space student accommodation, and associated site development works. |
| Location | 1 and 3, Woodbine Road, Booterstown, Blackrock, Co. Dublin |
| Planning Authority | Dún Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D21A/0667 |
| Applicant(s) | Budara Management Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Budara Management Limited |
| Observer(s) | Appendix A |
| Date of Site Inspection | 9 th December 2022 |
| Inspector | Phillippa Joyce |

1.0 Site Location and Description

- 1.1. The appeal site is located at 1 and 3 Woodbine Road, Booterstown, Blackrock, County Dublin. The site is a corner site formed at the intersection of Woodbine Road and Stillorgan Road. The site has a rectangular configuration and is indicated as measuring c.0.2ha in total area. The site comprises two separate properties, both single storey, detached structures. 1 Woodbine Road is a dwelling house, and 3 Woodbine Road is in commercial use as a childcare facility. The properties have front and rear garden areas, boundary walls with mature vegetation, and vehicular accesses onto Woodbine Road. The site incorporates the public footpaths and grass verges extending along Woodbine Road and Stillorgan Road.
- 1.2. The area surrounding the site comprises a mix of uses and buildings. The uses include residential, commercial and educational, and the associated built environment is divergent in terms of architectural design, scale, and heights. Traditional residential areas characterised by 2 storey detached and semi-detached dwellings are located to the northeast and east of the site (The Elms, Woodbine Road, Woodbine Avenue, Glenomena Park). Taller residential typologies in the vicinity of the site include Cranford Court, a 4 storey apartment block, located to the northwest, Woodbine House a residential scheme including a 4/ 5 storey apartment block located to the southeast, adjacent to which is the Aparto Montrose, formerly the Montrose Hotel, a 5 storey building in use as student accommodation.
- 1.3. Commercial uses adjacent to the site include the Cranford Centre, a 2 storey neighbourhood shopping centre adjacent to the northwest, Woodbine Service Station, a single storey garage/ coffee shop to the southeast, and several retail and commercial operations at ground floor level of the Aparto Montrose. To the southwest of the site, on the opposite side of the Stillorgan Road dual carriageway, accessed via a flyover, is the UCD campus. Operating along the Stillorgan Road is the quality bus corridor with high frequency bus services, serviced by a bus stop located to the south of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing buildings within the site, and the construction of a single block of student accommodation. The

proposed block provides for 125 bedspaces, student facilities, staff offices, and ranges in height from 2 to 6 storeys over basement level, with an above-ground floorspace of 3,810sqm (3,915sqm including the plant at basement level).

2.2. The proposed development also includes car parking (4 spaces and 1 drop-off delivery space) and cycle parking (115 cycle spaces comprising 89 long-term (resident) spaces located within the site and 26 short-term (visitor) spaces in the public realm area adjacent to Woodbine Road), new pedestrian and vehicular access arrangements, public realm improvements, hard and soft landscaping, boundary treatments, utilities, servicing, and all site works. The demolition and site clearance works include the removal of existing structures (floorspace of 407sqm), hardstanding areas, site services, and vegetation within the site.

2.3. In addition to the standard plans and particulars, the application as initially lodged was accompanied by the following reports and documentation:

- Planning Report;
- Architectural Design Statement and Schedule of Accommodation;
- Visual Impact Assessment and Photomontages;
- Daylight, Sunlight and Shadow Assessment;
- Energy Statement;
- Arboricultural Inventory and Impact Assessment;
- Landscape Design Report;
- Landscape Management Plan;
- Mobility Management Plan;
- Car Parking Management Plan;
- Engineering Planning Report;
- Site Specific Flood Risk Assessment;
- Outline Construction and Demolition Waste Management Plan;
- Outline Construction Management Plan;
- Ecological Impact Statement;

- Screening Report for Appropriate Assessment; and
- Letter of consent from the County Council to include publicly maintained areas along Woodbine Road and Stillorgan Road in the site.

2.4. Outlined in greater detail below in Section 6.0 The Appeal, as part of the first party appeal, the applicant has submitted an amended design of the proposed development. The stated purpose of the amended design is to address the refusal reason and other items raised in the planning authority's assessment. The amended design involves revisions to the site layout plan, the 2nd, 3rd, and 4th floor plans (there is no change to the basement, ground, and 1st floor plans as initially lodged), elevations, and section drawings.

2.5. The main revisions include the full omission of the 5th floor level (6th storey) of the block, a reduction in principal building height from 21.55m to 18.3m, revisions to the roof profile and the extent of the 3rd, and 4th floor levels (4th and 5th storeys) at roof level, a reduction in the above-ground floorspace from 3,810sqm to 3,344sqm, and a reduction in total bedspaces from 125 to 109. The student accommodation comprises single bedrooms arranged in distinct 'clusters' (each with segregated access to a communal kitchen/ living/ dining area), studio rooms, and a concierge unit. The proposed residential offer is as follows:

Table 1: Summary of Residential Unit Mix¹

| Unit Type | Bedrooms | In No. of Clusters | Studio Rooms | Concierge Unit | Total Bedspaces |
|-----------------------|------------|--------------------|--------------|----------------|-----------------|
| Ground floor | 8 | 1 | 3 | - | 11 |
| 1 st floor | 33 | 4 | 1 | - | 34 |
| 2 nd floor | 24 | 3 | 1 | - | 25 |
| 3 rd floor | 22 | 3 | 1 | - | 23 |
| 4 th Floor | 14 | 2 | 1 | 1 | 16 |
| Total | 101 | 13 | 7 | 1 | 109 |
| % of Total | 93% | - | 6% | 1% | 100% |

¹ Note: I have re-categorised '1.37 Accessible Studio' from a studio room (as referred to by the applicant) to a single bedroom due to its being integrated within Cluster 4.

2.6. To correspond with the amended design and to address concerns raised in the reports of the internal sections of the planning authority, the applicant has submitted revised architectural and engineering plans and particulars. Of the initially lodged reports, listed above, the first party appeal includes the following revised reports:

- Planning Report incorporating Architectural Design commentary;
- Schedule of Accommodation;
- Visual Images;
- Shadow Images;
- Engineering Memorandum on Responses to DLRCC (traffic, water services, and flooding issues);
- Car Parking Management Plan;
- Engineering Planning Report; and
- Site Specific Flood Risk Assessment.

2.7. I consider there is planning merit in the amended design submitted in the first party appeal, which, in my opinion, addresses and overcomes the planning authority's reason for refusal of permission. In the interests of clarity for the Board, I confirm that the assessment included in Section 7.0 of this report is based on the amended design, and associated plans and particulars.

3.0 Planning Authority Decision

3.1. Summary of Decision

3.1.1. On 10th September 2021, the planning authority issued a Notification of Decision to Refuse Permission due to one refusal reason, as follows:

Having regard to the prominent nature of the subject site and the position of the proposal in close proximity to the west and north boundaries, it is considered that the proposed development would constitute an overly abrupt transition in height and scale, which would be out of character with the area by way of excessive bulk, scale, height and mass. The proposal would be visually obtrusive, overbearing and discordant when viewed along the streetscape and from the surrounding properties

in the area. It would have undue overshadowing impacts on the residential property to the northeast side and would represent over-development of the site. Overall, the proposal would set an undesirable precedent for similar type development in the area and would be contrary to the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, and to the zoning objective 'A - To protect and/ or improve residential amenity'. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is the basis for the planning authority decision. The key items included in which can be summarised as follows:

- Student accommodation, in terms of use and as a residential typology, is considered to be acceptable in principle;
- Proposal considered to comply with relevant 2016 CDP policy for student accommodation (Policy RES12);
- Site is a suitable potential location for student housing as it is within easy walking distance to UCD, and good access to public transportation along the N11 QBC, satisfying the hierarchy of priority in 2016 CDP Section 2.13.12;
- Proposed bedrooms considered to meet minimum floor area requirements in guidelines, and supporting facilities and areas at ground floor are noted;
- Concern expressed in relation to the proposed building's proximity to site boundaries;
- Notes the existence of other student accommodation in Aparto Montrose;
- Not clear whether there is documentary confirmation on the 'qualifying lease' proving the facility will be let to students,
- Concern on the scale of the building on the Stillorgan Road streetscape (described as akin to a seven-storey building);

- Proposal not considered to satisfy the upward modifier in the 2016 CDP Building Height Strategy, instead the downward modifier applies due to the negative impact on the residential amenities of the area;
- Proposal would be overbearing, visually obtrusive, unduly prominent, and not positively contribute to the N11 corridor;
- Proposal not considered to accord with 2016 CDP policy on infill development as it does not respect the height and massing of residential units or retain features such as existing boundaries and landscaping;

3.2.2. Other Technical Reports

Transportation Planning: report recommended FI on pedestrian priority design of entrances and footpath, type of cycle stands, electrical charging points for bicycles, a revised Car Parking Management Plan with measures to ascertain and manage potential residents' parking in neighbouring areas, turning areas for refuse/emergency vehicles, and public lighting plan.

Surface Water Drainage Planning: report recommended FI on surface water drainage and attenuation calculations, extent of permeable paving and green roofs, and potential blockage and resultant surcharging in the surface water system.

Environmental Health Officer: no objection subject to conditions requiring a demolition management plan, a construction environmental management plan (with noise and dust protection measures), and operational waste management details.

3.3. Prescribed Bodies

Irish Water: no objection, recommends standard conditions for connection agreements subject to available capacity and compliance with codes and practices.

3.4. Third Party Observations

- 3.4.1. The planning authority states 105 submissions were received from third party observers during the processing of the application. The issues raised in the third party submissions to the planning authority continue to form the basis of the observations made by the observers on this appeal, which are outlined in detail in Section 6.0 below.

4.0 Planning History

Appeal Site (partial)

PA Ref. D05A/0002 (implemented)

Permission granted on 24th June 2005 for a change of use from a dentist surgery to a creche facility at 3 Woodbine Road.

Lands to Southeast (Woodbine Services Station)

PA Ref. D20A/0751 (implemented)

Retention permission granted on 10th December 2020 for a steel framed structure. and the continued use of same as a vehicle repair workshop.

ABP 301783-18, PA Ref. D17A/1074 (not implemented)

Permission granted on 10th December 2018 for the redevelopment of the existing motor repair and coffee shop buildings to an unmanned petrol filling station, associated services, and all site works.

Lands to East (Aparto Montrose Student Accommodation)

ABP 315033-22, PA Ref. D22A/0614

Permission granted on 19th August 2022 for the demolition of the existing 4 no. storey stairwell to the rear of the existing student accommodation residence and the construction of a part 3 no. to part 4 no. storey extension (734sq m total gross floor area) to provide 26 no. student accommodation studio units. The accompanying documentation indicates that there are 205 bedspaces in the facility.

At the time of this assessment, third party appeals against the planning authority decision to grant permission are presently undecided.

PA Ref. D12A/0483, ABP PL.06D 241957 (implemented)

Parent permission granted on 20th September 2013 for the change of use from hotel to student accommodation, comprising 190 units.

5.0 Policy Context

5.1. National Context

Consolidation of Development

5.1.1. The national policy context guiding future growth in Dublin City and suburbs (within which the appeal case is located) is determined by the National Planning Framework (NPF) and the requirements of several Section 28 Ministerial Guidelines. These require the consolidation of future development through increased densities and building heights.

5.1.2. Of relevance to the appeal case are several national policy objectives (NPOs) from the NPF including:

- NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.3. Certain national planning guidelines are also of relevance to the proposed development in respect of policy relating to increased densities for residential development, densification of urban locations in proximity to public transport, and requirements for increased building heights. These include (my abbreviation in brackets):

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009 (Sustainable Residential Development Guidelines); and

- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines).

Student Accommodation

- 5.1.4. The national policy context relating to student accommodation includes guidelines and circulars. These documents outline both the planning context for the provision and location of accommodation, and more specific standards in terms of design and facilities.
- 5.1.5. Policy documents issued by the Department of Education include (my abbreviation in brackets):
- Guidelines on Residential Development for Third Level Students, 1999 (Student Accommodation Guidelines), and
 - Matters Arising on the Guidelines on Residential Development for Third Level Students, 2005 (amendment document):
- 5.1.6. The Student Accommodation Guidelines, and the subsequent amendment, provide guidance on the nature of the qualifying leases of facilities to student residents. Other items of relevance to the appeal case include general guidance on site planning requirements, and specific requirements on the residential accommodation (arrangement, floor areas), communal facilities and amenities (types, floor areas, design), and internal design and layout (corridors, lifts).
- 5.1.7. Policy documents issued by the Department of Housing include:
- National Student Accommodation Strategy, 2017,
 - Circular PL8/2016 APH2/2016, and
 - Circular NRUP/05/2021.
- 5.1.8. The Strategy emphasises the need to increase the supply of purpose-built student accommodation (PBSA) to meet the existing and increasing housing demand from both domestic and international students attending the country's Higher Education Institutions, and thereby also reducing the demand from students for accommodation in the private rental sector. The Strategy identifies that the demand for PBSA currently outstrips supply, and predicts this trend will continue to 2024. Of relevance to the appeal, in the Dublin area, the Strategy estimates that by 2024 the supply of

PBSA will be 28,806 bedspaces and the demand will be for 42,375 bedspaces, thereby representing a shortfall in provision of some 13,569 bedspaces.

- 5.1.9. The Strategy acknowledges that concerns may exist about the impact of PBSA on local communities, though states that if effectively managed the presence of students can have positive effects for both students and the community. The requirement for management plans for PBSA, indicating for example, security measures and management of anti-social behaviour, is highlighted.
- 5.1.10. The Circulars provide guidance on the nature of student accommodation, and direct planning authorities to ensure that student accommodation is not used for residential accommodation of a permanent nature, is safeguarded for use by students and other persons related to higher education institutes during the academic year, and is capable of being used for legitimate occupation by other persons/ groups during holiday periods when not required for student accommodation purposes.
- 5.1.11. The Circulars reiterate the position of the Strategy, to continue to increase the supply of student accommodation and, for example, in assessing change of use applications, planning authorities are directed that the overriding consideration must be the need for student accommodation in the area.

5.2. Regional Context

Consolidation of Development

- 5.2.1. The regional policy context is set by the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES). In respect of consolidated growth, policy objectives for Dublin City and suburbs, and of relevance to the appeal case include:
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists; and
 - RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs,

and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES.

Student Accommodation

5.2.2. The RSES identifies that changing household formation trends require a range of housing typologies, including student housing, which are adaptive to meet people's full life cycle housing needs. Recent trends in the delivery of specialised housing typologies, which include student accommodation, are necessary to accommodate the changes in demand and demographics in the region. Policy objectives relevant to the appeal case include:

- RPO 9.1: Local authorities shall ensure the integration of age friendly and family friendly strategies in development plans and other relevant local policy and decision making, including provision for flexible housing typologies, buildings and public spaces that are designed so that everyone, including older people, disabled people and people with young children can move around with ease, avoiding separation or segregation; and
- RPO 9.3: Support local authorities, approved housing bodies and other sectoral agencies in the provision of a greater diversity of housing type and tenure, including social and affordable housing and exploring new models of low cost rental and affordable homeownership.

5.3. Local Context

Change between Dún Laoghaire Rathdown County Development Plans

- 5.3.1. The Dún Laoghaire Rathdown County Development Plan 2016-2022 (2016 CDP) was in effect at the time the planning application was assessed, the appeal was lodged, and the observations were received. As such, the application and appeal documentation both refer to policy in the 2016 CDP (cited in Section 3.0 Planning Authority Decision and Section 6.0 The Appeal in this report).
- 5.3.2. In the interim, the Dún Laoghaire Rathdown County Development Plan 2022-2028 (2022 CDP) came into effect on the 21st April 2022. Accordingly, therefore, this appeal is assessed with regard had to the provisions of the 2022 CDP.

5.3.3. The relevant 2022 CDP map-based designations include:

- The site is zoned as Objective 'A' which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities';
- The site is in a transitional zone adjacent to lands with different zonings. These include Objective 'NC' for Cranford Court neighbourhood centre adjacent to the northwest of the site, which seeks 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities', and Objective 'TLI' for the UCD campus, located to the south of the site, which seeks 'To facilitate, support and enhance the development of third level education institutions'; and
- A Core Bus Corridor (CBC) designation applies along the Stillorgan Road N11/ R138 c.35m to the south of the site.

5.3.4. I consider the most relevant local 2022 CDP policy and requirements to be within Chapter 4 Neighbourhood: People, Homes, and Place (higher density, appropriate infill design, housing mix, student accommodation, quality building design), Chapter 12 Development Management (overall design, student accommodation, demolition and replacement dwellings), Chapter 13 Land Use Zonings (permissibility of uses, use class definitions), and Appendix 5: Building Height Strategy (definitions and assessment requirements for individual planning applications).

5.3.5. Chapter 4 Neighbourhood: People, Homes and Place outlines policy for increasing the supply of quality residential development in an appropriate manner:

- Section 4.3.1.1, Policy Objective PHP18: Residential Density – increase housing supply, encourage higher residential densities, and promote urban growth through consolidation and intensification of infill sites;
- Section 4.3.1.3, Policy Objective PHP20: Protection of Existing Residential Amenity – infill developments of greater density and building height to adjacent residential areas required to protect existing residential amenity through appropriate design and siting;

- Section 4.3.2.3, Policy Objective PHP27: Housing Mix – create sustainable residential communities by providing a wide variety of housing and apartment types, sizes, and tenures;
- Section 4.3.2.5, Policy Objective PHP29: Provision of Student Accommodation – increase supply of high-quality, purpose built and professionally managed student accommodation in suitable locations with convenient access to third level colleges in a manner compatible to surrounding residential amenities, with regard had to specified policy documents and circulars; and
- Section 4.4.1.8, Policy Objective PHP42: Building Design and Height – encourage high quality design and compliance with the Building Height Strategy in new developments.

5.3.6. Chapter 12 Development Management contains requirements for new development and redevelopment proposals:

- Section 12.3.1.1, Design Criteria – comply with national planning guidance, land use zoning, other CDP policy objectives, synergies with adjoining land use zonings, and several urban design standards;
- Section 12.3.7.11, Student Accommodation – support purpose built-professionally managed student accommodation off-campus at suitable locations having regard to the following:
 - *The location of student accommodation should follow the following hierarchy of priority:*
 - *On campus*
 - *Within 1km distance from the boundary of a Third Level Institute*
 - *More than 1km from a Third Level Institute and within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes. In all cases such facilities will be resisted in remote locations at a remove from urban areas.*
 - *The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such*

accommodation will not be permitted where it would have a detrimental effect.

- *The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.*
- *The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.*
- *The number of existing similar facilities in the area (applicable only to off-campus accommodation). In assessing a proposal for student accommodation, the Planning Authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity;*

- Section 12.3.9, Demolition and Replacement Dwellings – replacement of a single dwelling with multiple units will be weighed against a number of factors including distinctiveness of dwelling and gardens, and whether any such dwelling is habitable;
- Section 12.4.5.1, Parking Zones – accord with parking standards for relevant zones (appeal site is located in Zone 2: Near Public Transport, indicating a maximum of 1 space per 15 bedspaces);
- Section 12.4.5.2, Application of Standards – deviations from standards may be appropriate for smaller infill proposals and subject to certain criteria (accessibility by walking and cycling, proximity to public transport services); and
- Section 12.4.6 Cycle Parking – defers to standards in ‘Standards for Cycle Parking and associated Cycling Facilities in New Developments’ (student accommodation facilities require 1 long-term space per 2 bedspaces, and 1 short-term (visitor) space per 5 bedspaces);

5.3.7. Chapter 13 Land Use Zonings indicates the use class definitions, permissibility of uses, and approach to transitional zones and:

- Section 13.2 defines student accommodation as:

‘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 (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 (from Planning and Development (Housing) and Residential Tenancies Act 2016)’;

- Within Objective ‘A’ zoned lands, student accommodation is ‘open for consideration’. For a proposal to be positively considered it is required to be compatible with the overall policies and objectives for the zone, to not have undesirable effects, and to otherwise be consistent with the proper planning and sustainable development of the area; and
- Section 13.1.2 Transitional Zonal Areas – for sites in transitional zonal areas abrupt transitions in scale and use in the boundary areas of adjoining land use zones, and proposals which would be detrimental to the amenities of the more environmentally sensitive zone, are to be avoided.

5.3.8. Appendix 5: Building Height Strategy outlines the policy approach to building height in different locations of the County (the appeal site is located in a ‘Residual Suburban Area’);

- Section 1.1 – changed approach to building height in the 2022 CDP from that of the 2016 CDP for residual suburban areas. Maximum heights and the use of upward and downward modifiers have been removed and replaced with a set of performance-based criteria (Table 5.1) for the assessment of proposed developments for increased height;
- Section 4.4, Policy Objective BHS3: Building Height in Residual Suburban Areas – promote a general building height of 3 to 4 storeys whilst balancing the reasonable protection of existing amenities;

- Proposals for ‘increased height’ and/ or ‘taller buildings’ in residual suburban areas are required to be assessed against the performance-based criteria in Table 5.1; and
- ‘Increased height’ is defined as buildings taller than the prevailing building height in the surrounding area, and ‘taller buildings’ are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

5.4. Natural Heritage Designations

- 5.4.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). The Elm Park Stream is located c.154m to the northwest of the site. There are no watercourses within or adjacent to the site.
- 5.4.2. The European Site designations in proximity to the appeal site include (measured at closest proximity):
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.1,048m to the northeast; and
 - South Dublin Bay SAC (site code 000210) is c.1,048m to the northeast.
- 5.4.3. There is one pNHA designation that aligns with the European Site designations above, including the:
- South Dublin Bay pNHA (site code 000210) is c.1,048m to the northeast.

5.5. Preliminary Examination Screening for Environmental Impact Assessment

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application. I identify the following classes of development in the Planning and Development Regulations 2001, as amended, as being of relevance to the proposal:
- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere;

- Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations; and
- Class 15 relates to any project listed in Part 2 which does not exceed a quantity, area or other limit specified in that Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.5.2. Having regard to:

- The nature and scale of the proposed development (demolition of buildings (c.407sqm), and construction of a residential accommodation scheme for students (c.3,449sqm, as per the amended scheme in the first party appeal) on a site with an overall area of c.0.2ha, which is notably below the mandatory thresholds in respect of Class 10 Infrastructure Projects of the Planning and Development Regulations 2001, as amended;
- The nature of the proposed development as not being a project type that would give rise to waste, pollution or nuisances that differ from that arising from other residential developments in the receiving environment, or that would give rise to a risk of major accidents or risks to human health;
- The location of the site on lands that are zoned for residential use under the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, and the results of the strategic environmental assessment of the Dún Laoghaire Rathdown County Development Plan 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC);
- The location of the site within an existing built-up urban area, which is served by public infrastructure (including water and drainage services of Irish Water and Dún Laoghaire Rathdown County Council, upon which the proposal would have marginal effects), and the existing pattern of residential, neighbourhood centre, and educational development in the vicinity;
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001, as amended

(including any designation protecting the landscape, natural or cultural heritage), the mitigation measures proposed to ensure no connectivity to any such sensitive location and, due to the absence of any ecological and/ or hydrological connection, the project not being likely to have a significant effect on any European Site;

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended;

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The main issues raised in the first party grounds of appeal can be summarised as follows:

Overview

- Applicant undertook pre planning consultations with the planning authority prior to lodgement, amending designs (building siting, proximity to boundaries, building heights, external finishes) and providing additional reports in response to feedback;
- No further information request was issued on the application which would have allowed the applicant to address any concerns prior to the refusal of permission;

- Disputes concerns in the planning authority's refusal reason, particularly with regard to the proposal's negative impact on the residential amenity of existing properties;
- Satisfied the proposed development as initially submitted is appropriate for the site (proximity to UCD campus of 100m walking distance) and area (character of adjoining land uses, pattern of development including taller buildings particularly along the Stillorgan Road); and
- Appeal includes an amended scheme, revised in relation to scale and design of the accommodation, to address visual impacts, permission for which the applicant is willing to accept by way of condition.

Need for Student Accommodation

- Critical need generally for student accommodation as part of the offer in the rental market, particularly at locations in proximity to existing third level education campuses, and critically in Dublin;
- Circular Letter (NRUP 05/2021) from the DHLGH to planning authorities highlights the critical need for purpose-built student accommodation to serve the higher education sector;
- The National Student Accommodation Strategy in the Government's Rebuilding Ireland: Action Plan for Housing and Homelessness highlights the contribution increased student accommodation provision can make to resolving the overall undersupply of housing; and
- Provision of purpose-built student accommodation will ease pressure on other parts of the private rental market, and provide affordable and quality accommodation to our student population;

Appropriateness of Proposal

- Complies with national, regional and local policy context (cites Policy RES12: Provision of Student Accommodation, Policy RES4: Existing Housing Stock and Densification, Section 8.2.3.4(xii): Additional Accommodation in Existing Built Up Areas – Student Accommodation, and Upward Modifiers of the 2016 CDP) supporting consolidated growth in infill sites with denser and taller forms of residential development at locations served by public transport;

- Conforms with the recent pattern of development established in the Dún Laoghaire Rathdown area of residential schemes with increased densities and building heights; and
- Achieves balance between protecting the amenities of adjoining dwellings, protecting the character of the area, and providing new residential infill development.

Design of Proposal

- Planning authority's assessment does not give due regard to the importance of the context and topography of the site and receiving area;
- Site's location at the entrance to the city and to the extensive UCD campus offers an opportunity for a landmark building, and the site's topography which is higher than the adjacent N11 highway, allows a taller building to be visually assimilated;
- Disputes the planning authority's finding of undesirable precedent, referring to analysis of the built forms in the local area (4 and 5 storey blocks) and to several SHD applications permitted in proximity to or along the N11 (schemes with staggered building heights, up to a maximum of 11 storeys);
- Amended design included in the appeal addresses concerns raised in the planning authority decision relating to 'abrupt transition in height and scale' and the 'excessive bulk, scale, height and mass' of the proposal; and
- Revisions include reductions in the building height, scale and massing of the proposal;
 - Top floor level of the building is omitted;
 - Amended block will be 5 storeys in height along the N11, reducing to predominantly 4 storeys and further reducing to 2 storeys adjacent to 5 Woodbine Avenue;
 - Façade of the northwest elevation is stepped back at a 3 storey height; and

- Modifications cause a reduction in the number of bedspaces from 125 to 109 and of 12.5% in floor space (3,810sqm to 3,344sqm excluding the basement level).

Other Items in Planning Authority Decision

- Clarification of the proposed type of sheltered bicycle rack system in the scheme;
- Clarification that no trees outside of the redline boundary will be removed, and that the proposed landscaping comprises raised planting beds and shrub planting, both with semi-mature trees, along the western and eastern boundaries respectively;
- Invites agreement of a public lighting scheme by condition with the planning authority;
- Inclusion of measures to provide greater pedestrian priority for the scheme (continuous minimum width footpath, reduced sized entrances, road signage, and road markings); agreement that all car parking spaces will be provided with EV charging points; car parking management measures to address potential parking by residents in neighbouring areas (management company responsible for collecting residents' car registration details, reviewing instances of such parking, liaising with local residents, implementing penalties in rental contracts); and swept path analysis demonstrates available space for safe vehicle manoeuvres as necessary (refuse vehicles and fire tenders do not enter site);
- Revisions to the surface water drainage system including an attenuation tank with increased volume to address any potential surcharge, and additional areas (of the site within the control of the applicant) of permeable paving (internal courtyard) and gravel build-up (bicycle parking area) allowing for required localised infiltration;
- Clarification on the extent of surcharge and potential flood risk associated with the proposal in the event of a blockage in the surface water drainage system, which are found to be negligible (volume of 2.9m³ at one manhole in the site's southern corner overflowing to Woodbine Road); and

- In respect of a 'qualifying lease' (demonstrating that the scheme is leased to students during the academic year), invites a prior to commencement condition for written approval of same with the planning authority.

6.2. Planning Authority Response

- 6.2.1. A response has been received from the planning authority stating that the amended design does not address all the concerns of the planning authority. These include the design, height, layout of the building, and the changes to the boundaries, grassed verge, and overall impact on the streetscape.

6.3. Observations

- 6.3.1. 36 observations have been received on the appeal from observers with addresses given in the surrounding area, including Woodbine Road, Woodbine Avenue, and Glenomena Park. The main issues raised can be summarised as follows:

Demolition of Buildings and Removal of Boundaries

- Loss of historic stonewall along Stillorgan Road;
- Stonewall has high quality brick lining, is associated with a walled garden and should be preserved;
- Set an entirely unwelcome precedent for demolishing family residences and converting them into student apartment blocks;
- Proposal contravenes the Development Plan as fails to conserve existing housing stock;
- Loss of the childcare facility;
- Loss of trees and hedgerows at the site; and
- Loss of planted area along southwest footpath which is a valuable amenity to the local area.

Residential Density and Housing Mix

- Area is characterised by detached family homes and a student facility in a single block is wholly out of character with the area;
- Residential street comprising solely of family homes;

- Excessive density of residential units at the site which represents overdevelopment;
- Proposal is a densification of an established suburban location which is contrary to planning policy; and
- Density being looked for is ridiculous.

Student Accommodation

- Already ample student accommodation in the area in Montrose, Woodbine House and on UCD campus;
- Disproportionate concentration of a transient population which will overwhelm the permanent community to a completely unacceptable degree;
- A student bedspace facility is not a critical need in the area;
- Operators of the childcare facility have been good neighbours, 6 storeys of students will not be;
- Proposal will lead to 'studentification' of the area;
- Presence of student residents (existing and potential) in the area is associated with to littering, broken glass, broken bollards and signposts, vandalism, social nuisance, drinking alcohol in public places, large scale gatherings, noise disturbance, aggressive behaviour, and break-ins;
- UCD campus has space for student accommodation and is better suited to the student lifestyle;
- Overconcentration of student accommodation in the area with 290-350 students in Aparto Montrose and Woodbine House, 3,000-3,800 student bedspaces on-campus, permission granted for c.6,200 students on-campus (figures cited by observers vary);
- UCD Strategic Campus Development Plan 2016-2026 indicates increasing student bedspaces to 6,000 by 2026;
- Proposal represents a 42% increase in student accommodation (based on Aparto Montrose bedspaces) in the area;

- Amended proposal would result in an increase of c.36% in student accommodation (based on combined figure of c.303 student bedspaces in Aparto Montrose and Woodbine House) within a radius of c.80m of those facilities;
- An Operational Management Plan, which is required by the National Student Accommodation Strategy, has not been submitted for the facility;
- Absence of a management plan for the students is a signal that the proposal is a speculative development, for commercial gain not for the good of the area;
- An incredibly inconsiderate proposal as existing students cannot be managed without adding more;
- Necessary for a professional management team to be present on an ongoing basis;
- Request for inclusion of appropriate conditions to manage the facility addressing noise and anti-social behaviour (including security measures, use of the amenity area and bicycle store);
- Green roofs should be used for maintenance and management purposes only; and
- Proposal premature until the Local Area Plan for Clonskeagh/ UCD (2016 CDP Local Objective 146) has been completed.

Design, Height and Visual Amenity

- Area comprises detached 1 and 2 storey houses of individual, distinctive designs; and proposed building height is excessive;
- Design, height, scale and mass of proposal is totally out of keeping with the character of the area;
- Excessive scale in terms of floor area as the average house on Woodbine Road is 20-26 times smaller than the proposed development;
- Infringement of the existing building line along the Stillorgan Road;
- Visually overbearing, obtrusive, discordant, incongruous, and jarring;

- An ugly, featureless building with no architectural merit, the construction of which would destroy the area;
- Agreement with planning authority about an overly abrupt transition in height and scale;
- Amended design marginally reduces the bulk of the building, the extent of overshadowing and overbearance remain;
- Revised design remains overbearing and disproportionate;
- Reduced 5 storey building is still unacceptably high, and in excess of the recommendations in the Building Height Strategy in the 2016 Development Plan; and
- Public realm area on Stillorgan Road should be reduced and an increased separation distance provided between the site and the adjacent 5 Woodbine Road, allowing for increased landscape boundary treatments.

Residential Amenity

- 5 Woodbine Road will experience unacceptable levels of overlooking, negatively affecting the amenity of a family home;
- 'Daylight, Sunlight and Shadow Assessment' fails to adequately consider the impact on 5 Woodbine Road, owners have undertaken their own assessment which finds a dramatic reduction in sunlight to areas typically and desirably receiving higher levels of sunlight, proposal will have a detrimental impact on the property;
- 3 Woodbine Road will lose most of the afternoon sun and all of the evening sun, and overlooked by several windows;
- Create excessive overlooking and cause overshadowing of neighbouring houses therefore reducing privacy and residential amenity;
- A loss of light is likely to occur for more than only one residence as identified;
- Includes a second floor residents' beer garden;
- Proposal will have adverse impact on residential amenities of neighbouring properties and contrary to planning policy;

- Proposal greatly damaging to a settled residential community;
- Support the planning authority's refusal reason and proposal is contrary to the residential zoning objective 'A';
- Proposal does not contain high quality residential open space for residents only strips of landscaping;
- Negatively affect open market values;
- Depreciate the values of properties in the area;
- Disturbance and nuisance (traffic, dust, noise) caused during construction phase (18 months-2 years) of the scheme;
- Outline construction management plan includes incorrect/ unrealistic information on site access, extent of traffic disturbances from HGV trips, and workers' use of public transport; and
- Seismic study should have been submitted to determine potential impact of basement construction.

Traffic and Transportation

- Nuisance to residents due to increased activity and movements of pedestrians, cyclists, and vehicles at the facility;
- Lack of car parking provided for the scheme within the site;
- Surrounding area does not have the capacity to cater for the overflow car parking that will inevitably occur;
- Student residents may be entitled to purchase on-street parking permits which could result in a substantial increase in on-street parking causing serious traffic congestion in the area;
- Area already experiences illegal overflow car parking;
- Junction of Woodbine Road and Stillorgan Road is currently unsuited for heavy pedestrian traffic;
- Potential for increased congestion at the site's location will have a seriously detrimental impact on safety and the functionality of Woodbine Road;

- Increase in traffic and parking needs will create a serious risk for children and elderly;
- Arrangement of the existing roundabout, intersection with Stillorgan Road and proposal with the extent of bicycles proposed is not conducive to cycling safety;
- Significant risk of uncontrolled car parking on the road, 24 hours a day, 7 days a week; and
- When cars are parked on the road, difficult for two cars to pass, one has to pull in or go very slowly.

Water Services and Utilities

- Existing sewage infrastructure will be put under additional pressure by proposal; and
- Insufficient waste services provided.

6.4. Further Responses

6.4.1. No further responses have been received on the appeal.

7.0 Planning Assessment

7.1. I consider the main issues for the appeal to be as follows:

- Principle of Development;
- Residential Density and Housing Mix;
- Student Accommodation;
- Design, Layout and Public Realm;
- Building Height, Scale, Massing and Visual Amenity;
- Residential Amenity;
- Traffic, Access and Parking;
- Water Services and Utilities; and
- Appropriate Assessment Screening.

7.2. Principle of Development

- 7.2.1. As outlined above in Section 5.2 Local Context, at the time the planning application was lodged and appeal made, the Dún Laoghaire Rathdown County Development Plan 2016-2022 (2016 CDP) was in effect. The application and appeal documentation both refer to policy in the 2016 CDP. In the interim, the Dún Laoghaire Rathdown County Development Plan 2022-2028 (2022 CDP) has come into effect and is the applicable CDP for the assessment of the appeal case.
- 7.2.2. I highlight to the Board that while the site continues to be zoned for residential use in Objective 'A', the exact wording of the objective has changed between the development plans. In the 2016 CDP, the objective sought 'To protect and/ or improve residential amenity'. In the 2022 CDP, the objective has been expanded to also include for the provision of new residential development: 'To provide residential development and improve residential amenity while protecting the existing residential amenities'.
- 7.2.3. In terms of use class, the proposed development is for student accommodation which is 'open for consideration' under Objective 'A'. For the proposal to be positively considered, it is required to be compatible with the overall policies and objectives for the zone, to not have undesirable effects, and to otherwise be consistent with the proper planning and sustainable development of the area. These requirements are considered in the following sections of the assessment.
- 7.2.4. There are no new designations in the 2022 CDP pertaining to the site or buildings therein (e.g. protected structures, architectural conservation area, tree preservation orders, protected views). The Building Height Strategy (Appendix 5 of the 2022 CDP) continues to promote new developments with a building height of at least 3 to 4 storeys at locations such as appeal site, with taller buildings being subject to a performance-based criteria assessment (incorporating the requirements of the national Building Height Guidelines), which replaces the upward and downward modifier system included in the 2016 CDP.

7.3. Residential Density and Accommodation Mix

- 7.3.1. The proposed development comprises the demolition of the existing structures and a replacement scheme for a residential block with 109 student bedspaces (as amended in the first party appeal) at an infill site. The existing buildings are single

storey detached structures, 1 Woodbine Road is in use as a residence and 3 Woodbine Road presently operates as a childcare facility.

- 7.3.2. The observations express concerns relating to the demolition of the structures (loss of existing housing stock, and a required childcare facility), the removal of site boundaries and public grass verges (loss of historic stonewall boundary and valued amenity area), the excessive residential density (overdevelopment of a suburban location), and the introduction of a new residential typology (replacement of family homes of distinctive designs with student accommodation in a non-descript block). I note that in its assessment, the planning authority did not raise concern in respect of the site clearance works, the loss of the childcare facility, nor the residential density or typology of the replacement scheme.
- 7.3.3. Having reviewed the applicant's plans and particulars, undertaken my site inspection, and had regard to the 2022 CDP policy context, I consider that the existing buildings and boundaries are not architecturally distinct or of high conservation value. I find their demolition to be acceptable, their replacement to be reasonable, and the proposal to be in compliance with 2022 CDP Section 12.3.9, Demolition and Replacement Dwellings. While I acknowledge that the boundaries and the vegetation/ landscaping in and adjacent to the site are of amenity value, I do not find their removal and proposed replacement to be unreasonable or injurious to the area.
- 7.3.4. The replacement of the existing buildings facilitates the construction of new modern residential floorspace in the format of student accommodation. The appeal site is at an infill location within a built-up, serviced urban area in proximity to a high frequency public transport route (Stillorgan QBC). At such locations, national (NPF, Sustainable Residential Development Guidelines, Building Height Guidelines), regional (RSES), and local policy (2022 CDP) require consolidation of new development through the achievement of denser and taller schemes.
- 7.3.5. Several observations are highly critical of the density of the scheme. While not directly comparable with standard methods used for calculating density for housing or apartment schemes (due to the student accommodation format including extensive communal areas), in terms of residential yield, the proposal provides for 109 bedspaces (including a unit for concierge use) compared with the existing

potential of c.10 bedspaces (estimated from a review of the floor plans of the existing buildings). The Student Accommodation Guidelines require that the density of student accommodation proposals be in line with residential density guidelines with due regard being given to the type of location and to applicable safeguards.

- 7.3.6. The Sustainable Residential Development Guidelines direct that minimum net densities of 50dph should be applied within public transport corridors, with the highest densities being located at bus stops and decreasing with distance from such nodes. In terms of density, there is no policy context stipulating an upper quantitative limit for densities in locations such as the appeal site. Instead, a key consideration is the context of the infill site.
- 7.3.7. Importantly, the appeal site has two highly advantageous locational features which are material considerations in this appeal case. Firstly, as referred to above, located to the southeast and southwest of the site are the Stillorgan Road, currently a QBC and designated as a Core Bus Corridor (CBC) in the 2022 CDP, and the UCD campus. I calculate that the site is c.75m walking distance to the closest bus stop on the Stillorgan Road and c.200m walking distance to the entrance of the UCD campus. Such locational features cause the site to be especially suitable for higher density development, particularly of the residential format for student accommodation, as is proposed. As the proposal is consolidating urban growth, increasing the supply of residential units, and contributing to a greater mix and variety of residential typologies available in the area, I find the proposal to be in compliance with 2022 CDP Section 4.3.1.1, Policy Objective PHP18: Residential Density and Section 4.3.2.3, Policy Objective PHP27: Housing Mix.

Summary

- 7.3.8. In summary, while I acknowledge the change from the existing site conditions, I consider the proposed replacement scheme, which includes boundary treatments and amenity features to compensate the value of those being removed, to be an appropriate form of infill development with a resultant acceptable residential yield. The proposal ensures the supply of additional residential accommodation, more efficient and sustainable use of zoned and serviced lands including public infrastructure, thereby complying with the range of applicable policy objectives at

national (NPO 27, 33, and 35), regional (RPO 5.3 and 5.5), and local (PHP18 and 27) levels.

7.4. Student Accommodation

Overview

- 7.4.1. As noted previously, the planning authority's assessment did not object to the provision of student accommodation as a use class at the site, as a residential typology, or to the incidence of such facilities in the area. Conversely, several observations express grave concerns in relation to the proposal, objecting to the increased supply in the area (ample existing provision, not critically needed, studentification, overconcentration of facilities), to the associated anti-social behaviour (littering, vandalism, noise disturbance), to the site's location (not appropriate in an established residential area, should be located within UCD campus), and to the absence of an operational management plan for the facility (speculative development, requires professional management, must be conditioned accordingly).
- 7.4.2. In Section 5.0 Policy Context of this report, I have identified the applicable policy context for student accommodation set primarily at national level, and reiterated and elaborated upon at regional and local levels. The policy context includes increasing and safeguarding the supply of student accommodation, locational and site planning requirements, and accommodation requirements in terms of qualitative and quantitative standards. I propose to address these items in turn below.

Increasing and Safeguarding Supply

- 7.4.3. In respect of increasing the supply of student accommodation, the proposed development comprises 109 bedspaces (see Table 1: Summary of Residential Unit Mix in Section 2.6 above). I consider this to represent a notable quantum of new residential units, the provision of which will contribute to addressing the shortfall in purpose-built student accommodation (PBSA) identified in the National Student Accommodation Strategy. This is estimated as being 13,569 bedspaces by 2024 in the Dublin area, and the proposal therefore complies with an overriding aim of the Strategy to increase supply.

- 7.4.4. Further, as the proposal is a purpose-built, privately managed student accommodation facility, this constitutes a specialised residential format, the necessary provision of which will cater for changing household formation trends and meet a greater range of housing needs which are identified as objectives in the RSES (RPO 9.1 and 9.3). In this regard, the proposal thereby also satisfies policy in 2022 CDP Section 4.3.25, specifically Objective PHP29, by increasing the supply of high-quality, purpose built and professionally managed student accommodation.
- 7.4.5. I note the absence of an operational management plan for the facility in the case documentation, a requirement of the Strategy, as highlighted in several observations. I concur with the observations which state the importance of the facility being managed and request that a plan to be put in place. In the event of a grant of permission, I consider this can be addressed by way of condition requiring written agreement of same with the planning authority.
- 7.4.6. In respect of safeguarding the supply of student accommodation, the planning authority indicates that it is unclear whether the applicant has provided written confirmation of a qualifying lease (demonstrating that the scheme is leased to students during the academic year). In the appeal, the applicant confirms that the proposal will be let for student accommodation purposes and invites a condition for written approval of same from the planning authority. While I note the applicant's position, I do not consider such a condition to be necessary.
- 7.4.7. Instead, in the event of a grant of permission, I consider it appropriate to attach a condition restricting the use of the proposal to that of 'student accommodation' as defined in 2022 CDP Section 13.2, which in turn is taken from the Planning and Development (Housing) and Residential Tenancies Act 2016. Such a worded condition would allow the facility to be used for accommodating students and other persons related to higher education institutes during the academic year, and to its being capable for use as legitimate occupation by other persons/ groups during holiday periods when not required for student accommodation purposes. In this regard, the use of the facility as permanent residential accommodation will be prohibited. Such a condition would satisfy the requirements of the Circulars, in particular those of Circular PL8/2016 APH2/2016, whilst being cognisant of the need for an ongoing supply of student accommodation in the area due to the presence of UCD, a requirement of Circular NRUP/05/2021.

- 7.4.8. On balance, as outlined above, I consider the quantum of student accommodation being provided to be notable though not excessive, to be a necessary and specialist residential format given the likely and ongoing need for student accommodation in proximity to UCD, and the attachment of conditions (restricting the facility's use to students and related persons during the academic year, and requiring an operational management plan for the facility, to be in compliance with national, regional and local policy on the matter of supply.

Locational and Site Planning Requirements

- 7.4.9. In respect of the proposal's location, as outlined previously, the site has two highly advantageous locational features being c.75m walking distance to the closest bus stop on the Stillorgan Road (a QBC and designated CBC) and c.200m walking distance to the entrance of the UCD campus. In its assessment, the planning authority finds the site to be a suitable location for student housing, due to these features, and to generally satisfy the then-applicable 2016 CDP policy on student accommodation.
- 7.4.10. Of relevance to locational considerations in the appeal case is Section 12.3.7.11, Student Accommodation of the 2022 CDP. The section outlines the locational criteria which are required to be considered in the assessment of student accommodation schemes as including firstly, preferable locations based on hierarchy and secondly, the extent of similar facilities in the area. These two issues are raised extensively in the observations, with observers stating that additional student accommodation should be provided within UCD campus, where it can be suitably managed and associated impacts absorbed, that there is a high level of existing student facilities in the area, and that the proposal represents an overconcentration of supply. I propose to address each issue in turn.
- Location: The proposed development is not within a third level institute campus, which is the first tier of priority locations. However, the site is located c.200m walking distance to the main entrance of the UCD campus, which is highly accessible from the site's location. The 200m separation distance is well within the 1km guide for the second tier of priority locations. There are clear and safe pedestrian and cycle routes to the campus. The site displays other locational advantages such as the close proximity to QBC bus stops

along the Stillorgan Road. While I note the observers' position that additional student accommodation should be located on-campus in UCD, the 2022 CDP does allow for and has identified other locations which are considered to be suitable, and the proposed development comes well within the scope of these.

- Extent of Similar Facilities: The proposed development is a PBSA facility. Outlined in Section 4.0 of this report, I have undertaken a planning history search of available planning sources. Additionally, some of the observations provide estimations on the number of student bedspaces off-campus in the local area, in the wider south Dublin area, and on-campus in UCD. In assessing the extent of similar facilities, while noted, I do not consider it reasonable to include the two latter scenarios due to relative distances involved and the likelihood of containment within those areas. I therefore consider the relevant instance to be the off-campus facility at Aparto Montrose. While observers refer to student accommodation in Woodbine House, I cannot identify (and the planning authority has not referred to) planning history for its use as a PBSA facility. Instead, it would appear that Woodbine House is an apartment block (with an associated terrace row of houses) permitted on foot of PA Ref. D99A/0257 for general residential use that, based on information provided by the observers, may be accommodated by students, though I submit may equally be accommodated by other persons. From available information for the Aparto Montrose, there appears to be in the region of c.205 student bedspaces in the facility. While I acknowledge observers' general concerns about student behaviour and strong opposition to further student accommodation being located in the local area, there is no definitive demographic evidence, statistical trends or property analysis demonstrating that there is an over-concentration of PBSA facilities at this location. Two observations provide estimations of the percentage increases in student bedspaces, however, these are without comparison to wider demographics in the area. An observation claims the proposal is premature pending the completion of an LAP for Clonskeagh/UCD (Local Objective 146 of the 2016 CDP, and LO 127 of the 2022 CDP). Neither the planning authority's assessment or its appeal response identify the potential for or the occurrence of an overconcentration of student

accommodation facilities in the area, or refer to or provide an indication on the LAP preparation. In the absence of definitive evidence or an informed position from the planning authority on these matters, I do not consider the existence of c.205 bedspaces in one PBSA facility to be representative of an overconcentration of similar facilities in the local area, nor that the proposal is premature. Instead, I have had regard to the national policy context, namely the Strategy and the Circulars, whereby planning authorities are directed to facilitate appropriately designed, scaled, and located facilities, and to the regional and local policy context which also seek to facilitate such provision. In my opinion, therefore, the proposed development complies with the applicable aspects of Section 12.3.7.11, Student Accommodation of the 2022 CDP.

- 7.4.11. An additional locational element which I consider to be relevant to the appeal, is the relationship of the proposed student accommodation, as a use class, with that of the adjacent zonings and existing uses. The appeal site is located in a transitional zone, located at the edge of Objective 'A' residentially zoned lands (the boundary created by the Stillorgan Road dual carriageway), adjacent to the Cranford Court neighbourhood centre which is zoned as Objective 'NC', and proximate to the UCD campus which is zoned as Objective 'TLI'. Additionally, while zoned as Objective 'A', the appeal site is opposite a garage/ coffee shop and is in close proximity to the Aparto Montrose with several commercial operations at street level.
- 7.4.12. The nature of this transitional zone (the mix of zonings and uses) and the edge-location of the site in a residential zone (not within or surrounded by residentially zoned lands), are relevant planning considerations for assessing the appropriateness of the proposed student accommodation use. I consider that the proposed development complies with 2022 CDP Section 12.3.1.1, Design Criteria by achieving synergies with adjoining land use zonings. The proposal creates mutually beneficial dynamics with the surrounding neighbourhood centre and education zonings, and the commercial uses in terms of accessibility, convenience, servicing, and supports. While the site's Objective 'A' residential zoning is the more sensitive zoning, I do not consider the proposed development, albeit an intensification of the current residential use, to be injurious to the adjacent Objective 'NC' or 'TLI' zonings, thereby being in compliance with 2022 CDP Section 13.1.2 Transitional Zonal Areas.

In my opinion, subject to appropriate conditions in the event of a grant of permission, the surrounding mix of uses and zones are able to absorb the potential impacts associated with the proposed student accommodation use.

- 7.4.13. In respect of site planning requirements for the proposal, the Student Accommodation Guidelines state that off-campus schemes should make a positive contribution to the built environment, integrate with and not be isolated from the surrounding community, and be provided with adequate open space and amenity areas with good landscaping. A number of the observations are critical of the proposal, describing it as discordant, incongruous and jarring in the streetscape, as breaking a building line along Stillorgan Road, causing abrupt transitions in scale, and providing poor amenity space with only strips of landscaping.
- 7.4.14. Further, 2022 CDP Section 12.3.7.11, Student Accommodation includes architectural design and layout in the criteria which are required to be considered. In similarity with the site planning items above, several observations are highly critical of the more specific external design items, particularly the height and scale (including of the amended design), describing it as featureless, overbearing, and disproportionate. I address the concerns as follows:
- Design and Layout: The proposed development has an architectural design that is responsive to its receiving area, which I consider to be divergent in terms of designs, scales, and heights. The observations focus on the 2 storey traditional housing in the area, however, I agree with the applicant and consider the context to more varied, less fragile and to include the 4 and 5 storey buildings within the visual scope of the site. The proposal gradually increases in scale, height, and massing from the buildings in adjacent sites by stepping up from 2 storey residences on Woodbine Road and 2 storey commercial Cranford Centre, whilst achieving adequate separation distances, maintaining acceptable building lines, and creating new urban edges. In my opinion, the gradual and staggered increase prevents an overly abrupt transition between the built forms as cited in the refusal reason and observations. The proposal features an appropriate choice of external materials and finishes, landscaping, centrally located and accessible courtyard amenity space, and public realm improvements. I consider that the proposal is an appropriate design solution for the site, is a high quality modern

building, which will make a positive contribution to the Stillorgan Road and Woodbine Road streetscapes.

Qualitative and Quantitative Accommodation Requirements

- 7.4.15. In respect of standards for student accommodation schemes, 2022 CDP Section 4.3.2.5 states regard is to be had to the requirements of the Student Accommodation Guidelines, among other documents. The Guidelines include several qualitative and quantitative standards which are of relevance to assessment of the proposal. Key among which include that student accommodation is to be provided in distinct groupings (referred to as house units) of study bedrooms (between 3 and 8) which are required to share a hall entrance, access stairs, corridor, and a kitchen/ dining/ living room. The accommodation is to be further supported by a range of communal facilities, amenities, and services.
- 7.4.16. The proposed development provides for a range of such ancillary services and facilities. As the facility is to be privately operated and managed, a reception area, offices, and staff facilities are provided at ground floor level and a unit for concierge use is located at the fourth floor level. Also at ground floor level, for student use are a multi-activity room, reading room, laundry room, and refuse room. Externally are a landscaped courtyard area and covered bicycle store.
- 7.4.17. The student accommodation mix comprises 101 single ensuite bedrooms (including 3 wheelchair accessible rooms), and 7 studio rooms (I highlight to the Board that while the applicant's documentation refers to 8 studio rooms, I have categorised '1.37 Accessible Studio' at first floor level as a bedroom instead of a studio room due to its being integrated with Cluster 4 through sharing the hall entrance, corridor and communal dining/ living room). On each floor level, the single bedrooms are arranged into 'clusters', the number of bedspaces in each cluster varies between 6 and 9, and the number of clusters in each floor level varies between 1 and 4 (see Table 1 in Section 2.6 of this report above). The majority (10) of the 13 clusters have 8 bedspaces, two have 6 bedspaces (Cluster 1 on both the third and fourth floor levels), while one (Cluster 4 on the first floor level) has 9 bedspaces (exceeding the maximum number of 8).
- 7.4.18. In respect of the studio rooms, I highlight to the Board that these are independent residential units, with kitchen/ dining space, have direct access to stairwells, are not

integrated with the adjacent clusters, and are not served by a communal dining/ living/ kitchen room. Such a format is not permissible under the Guidelines as student accommodation is required to be arranged in groupings of at least 3 bedspaces sharing access, circulation, and communal dining/ living areas.

7.4.19. The qualitative and quantitative standards in the Guidelines are outlined in the tables below. I have reviewed the plans and particulars and indicate whether the standards are achieved. In the event of a grant of permission, I recommend amendments are made to the proposal to ensure compliance with the Guidelines and by association with 2022 CDP Section 4.3.2.5.

Table 2: Qualitative Requirements for Student Accommodation

| Requirement | Assessment |
|--|---|
| Accommodation provided in groupings of study bedrooms, referred to as 'house units.' | Achieved. Proposal includes 13 such groupings, referred to in the case documentation as 'clusters'. |
| Study bedrooms arranged in units sharing a common entrance hall and kitchen/ dining/ living room. | Achieved. Each cluster is arranged with a shared entrance hall and communal kitchen/ dining/ living area. |
| Units shall in turn share common entrances, access stairs and corridors, and ancillary facilities. | Achieved. Clusters share common entrances, are served by one of the two stairwells/ lifts in the facility, and share ancillary facilities at ground floor level. |
| Communal facilities to service the needs of student residents. | Achieved. Facilities provided include a multi-activity room, reading room, laundry room, external courtyard area, reception area, staff offices, and a concierge unit. |
| Secure bicycle storage within the site, facilities for the handling, storage and collection of refuse. | Achieved. Covered and/ or secure bicycle storage for a total of 115 cycle spaces is provided (comprising 89 long-term spaces within the site and 26 short-term spaces in the public realm area adjacent to Woodbine Road), as is a refuse storage area which is conveniently located, well ventilated. |
| Entrance hallways and corridors well designed with good lighting and ventilation. | Partially achieved. Majority of corridors run centrally along the floor plans with bedrooms positioned on either side. |

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| | I consider, on balance, this is acceptable as the bedrooms are provided with the best opportunities for light and ventilation. |
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Table 3: Quantitative Requirements for Student Accommodation

| Requirement | Assessment |
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| Each 'house unit' shall consist of a minimum of 3 bedspaces up to a maximum of 8 bedspaces. | <p>Not achieved.</p> <p>1 of the 13 clusters exceeds the maximum number of bedspaces (Cluster 4 at first floor level has 9 bedspaces).</p> <p>The proposal includes 7 studio rooms which are independent residential units provided with kitchen/ dining space, direct access to stairwells, not integrated with the adjacent clusters, and not served by a communal dining/ living/ kitchen area. The Guidelines do not make provision for such a format.</p> <p>I recommend amendments are made to the proposal omitting a bedroom from Cluster 4 on the first floor level; omitting the 5 studio rooms at the ground, first and second floor levels (repurposing the released floorspace as larger communal facilities, communal dining/ living areas and/ or bedrooms); and revising the access arrangements for the 2 studio rooms at third and fourth floor levels to integrate with the adjacent clusters.</p> <p>The recommended amendments reduce the total number of bedspaces from 109 to 103 bedspaces (inclusive of the concierge unit).</p> |
| Each unit has a shared kitchen/ dining/ living room space based on a minimum of 4 sq. m per bedspace in the unit, in addition to shared circulation. | <p>Partially achieved.</p> <p>2 of the 13 clusters (Cluster 1 at ground floor level, and Cluster 4 at first floor level) have communal dining areas in excess of the minimum required 32sqm, and 2 other clusters have communal dining areas serving a lesser 6 bedspaces. The remaining 9 clusters have communal dining areas measuring 32sqm and make no allowance for circulation space.</p> <p>I consider that the recommended amendments to the floor plans through the omission of a bedroom and certain studio rooms and the repurposing of the released floorspace will ensure an increase in communal dining/ living areas.</p> |

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| Minimum floor areas include single study bedroom with ensuite of 12sqm, and single disabled study bedroom with ensuite of 15sqm. | Achieved. All proposed bedrooms (98 single ensuite rooms, 3 single ensuite wheelchair accessible rooms), exceed the minimum floor areas. |
| Floor area of communal facilities and amenities facilities shall not exceed 12% of the total area of the development. | Achieved. Total floor area is 3,344sqm (excluding basement level used for plant) and I estimate the communal facilities and amenities at ground floor level as 187sqm, representing c.6%. |
| Units per lift/ core should not exceed a maximum of 30. | Achieved. First floor level has the greatest number of bedspaces (34), which are served by the two stairwells/ lifts in the facility. |
| Corridors do not extend more than 15 metres from a widened "landing" area which should include natural lighting where possible. | Partially achieved. Majority of corridors are less than 15m long and those that are longer are marginally so. I consider, on balance, these to be acceptable as light and ventilation are provided. |
| At least 1 per 50 bedspaces designed for students with disabilities. | Achieved. 3 of the 101 bedrooms are wheelchair accessible. |

7.4.20. As outlined above, I recommend certain amendments to the proposal to ensure compliance with the required standards. These include firstly, omitting '1.42 Bedroom 6' from Cluster 4 on the first floor level (changing the cluster from 9 bedspaces to the permitted maximum of 8 bedspaces, and reducing the total number of bedspaces in the facility by 1); secondly, omitting the studio rooms at ground (3), first (1) and second (1) floor levels (reducing the total bedspaces by a further 5); and thirdly, revising the access arrangements of the studio rooms at the third (1) and fourth (1) floor levels to connect to the shared corridor and integrate with the adjacent Cluster 1 (changing these two clusters from 6 bedspaces to 7 bedspaces). I recommend that the released floorspace from the omitted bedroom and 5 studio rooms should be repurposed as communal facilities and amenities at ground floor level (increased floor areas for the reading room, multi-activity room, and laundry room), and increased communal kitchen/ dining/ living rooms and/ or bedrooms at

first and second floor levels. The amendments reduce the total bedspaces from 109 to 103 bedspaces and involve the omission or revision of all 7 studio rooms.

7.4.21. Further, 2022 CDP Section 12.3.7.11, Student Accommodation includes the criterion of on-site facilities, in response to which I find the following:

- On-Site Facilities: The proposed PBSA facility is offering student accommodation as single bedrooms organised in clusters with communal kitchen, living, and dining areas, supported with a further range of shared areas (multi-activity room, reading room, meeting area, external courtyard), services (laundry room, refuse room, postal services), and covered cycle parking. I estimate the communal facilities at ground floor level to measure c.187sqm, which is c.6% of the floor area of the facility. I consider the facility and the c.100 students therein would benefit from increased facilities and services, in particular, an enlarged reading room (proposed at 40sqm), and laundry room (21sqm). Due to the location of the 3 studio rooms at ground floor level, which I recommend to be repurposed for communal use, I consider it logical to allow for a larger reading room, multi-purpose room and laundry room. The proposal includes for 115 cycle spaces (comprising 89 long-term (resident) spaces within the site and 26 short-term (visitor) spaces in the public realm area adjacent to Woodbine Road), which are covered and/ or secure, and comply with applicable standards. While some observations describe the amenity space being provided as poor, I note that there are no qualitative or quantitative requirements for same, and I consider the landscaped courtyard to have a high amenity value (enclosed by the arms of the building, easily accessible, with a west facing orientation, providing light and ventilation to rooms), and that c.400sqm for c.100 students is an acceptable quantum.

Summary

7.4.22. In summary, subject to the recommended amendments to the proposal and attachment of appropriate conditions, I am satisfied that the proposal complies with the applicable policy context including national policy (the Strategy's requirement to increase PBSA supply, Circulars safeguarding supply, and the Guidelines requirements on site planning and for the design, layout, and nature of the

accommodation), regional policy (RSES objectives to increase the provision of a greater diversity of housing type and tenure), and local policy (2022 CDP objectives to increase supply of high-quality, purpose built and professionally managed student accommodation in suitable locations without adversely impacting on or causing injury to the amenities of the area, including those of adjacent residential properties).

- 7.4.23. Finally, as student accommodation is an ‘open for consideration’ use class under the Objective ‘A’ zoning, for the proposal to be positively considered, it is required to be compatible with the overall policies and objectives for the zone, to not have undesirable effects, and to otherwise be consistent with the proper planning and sustainable development of the area. I consider that the proposal is compatible with the zoning (provides new residential accommodation, in a varied and required typology), which will be managed and subject to operational conditions (thereby preventing undesirable effects), and is compliant with the necessary national, regional, and local policy requirements (thereby ensuring consistency with the proper planning and sustainable development of the area).

7.5. Design, Layout and Public Realm

- 7.5.1. In its decision, the planning authority’s refusal reason raises concerns in relation to the proposal’s design, siting, layout, and height. Similarly, observers describe the design of the proposal as being obtrusive, discordant, incongruous, jarring, of no architectural merit, and that the public realm works will adversely impact the amenity of the area. In having regard to the applicable policy context cited above in Section 5.0 of this report, the planning authority’s decision, and the contents of the observations, I propose to address issues relating to architectural design, layout, and public realm in this section, and under separate heading to consider building height, scale, massing and the associated visual impact in Section 7.6 below. The Board will note that in this section there is a degree of crossover with items that have already been considered under the items of ‘site planning requirements’ in Section 7.4 Student Accommodation above.

Design

- 7.5.2. As outlined in Section 2.0 of this report, the first party appeal includes an amended design of the proposal. The applicant states this addresses the planning authority’s refusal reason. I consider there to be planning merit in the revised scheme, which is

the subject of this assessment, and I direct the Board to the revised plans and particulars submitted in the first party appeal, including the Visual Images report, which compares the proposed development as the initially lodged scheme and the revised scheme.

- 7.5.3. The amended proposal comprises a 5 storey, flat roofed block with an inverted 'C' building footprint. The building has a streamlined elevation design, with simple architectural features and proportions. The floor to ceiling proportion of the ground floor level is higher than, though consistent with, the upper floor levels, and window and door openings are unobtrusive square forms. The building's external finishes comprise a subtle palette of brick, aluminium and steel panels and screens. The amended design includes for a simplified roof plan with a less jarring roof profile, which I consider a more successful architectural design, particularly for the northeast and southwest elevations. I am satisfied that the proposed development is an appropriate design solution for this site and the receiving area.

Layout

- 7.5.4. In respect of layout, in comparison with the existing structures, the proposed building is sited deeper into the site, in a northwesterly direction. The increased setback along the site's southeastern boundary on Woodbine Road, provides for an improved public realm with new boundary treatment, landscaping, surface car parking and set down area. The siting of the building presents new urban edges along the southwest and southeast boundaries. These edges create clear and defined building lines, which I consider positively contribute to the Stillorgan Road and Woodbine Road streetscapes respectively.
- 7.5.5. Access for pedestrians and dismounted cyclists into the proposal is via a covered passage at the western corner of the southwestern elevation on Stillorgan Road. A pedestrian route runs along the site's northwestern boundary to the covered bicycle parking area located along the northeastern boundary. To the south of the cycle parking area is the external refuse area, which is accessed from the refuse storage area at ground floor level of the building. From this area, refuse bins will be collected from Woodbine Road. Centrally positioned to the rear of the building, enclosed by each arm of the building, is a landscaped courtyard area providing amenity opportunities for the student residents, and daylight and ventilation to rooms. I

consider the layout of the proposed development, including the siting of the building, the circulation space, and the location of services and arrangement of ancillary facilities within the building and the site, to be logical, practical, and accessible.

- 7.5.6. With regard to the refusal reason, I do not concur with the planning authority that the siting of the building is too close to the site's west and north boundaries (ranging from 2.4m-15.5m, and 2.7m-7.7m respectively) and to the gables of the existing buildings therein (ranging from 3.6m-23.4m, and 16.8m-16.95m) having regard to the urban, built-up nature of the receiving area.

Public Realm

- 7.5.7. In respect of public realm works, the proposal comprises the removal of existing boundaries and the provision of new hard and soft landscaping along Stillorgan Road and Woodbine Road. The works on Stillorgan Road involve opening-up the site, creating a new public interface at the front of the proposed building (which is orientated to address Stillorgan Road), with the use large paving and raised structural planters. Along Woodbine Road, the works are softer in nature with more grassed and shrub landscaping. I consider the public realm works to be positive interventions, contributing to the amenity of the area, defining the proposed scheme, and adding visual interest to the streetscapes.
- 7.5.8. A number of observers express concerns regarding the loss of the existing boundaries and the grassed verge along the southwestern boundary of the site. In respect of the removal of hedgerow and treeline boundaries, I note that the Ecological Impact Statement states there are no protected habitat or species at the site, and the Arboricultural Impact Assessment identifies c.17 trees, including along the northwestern boundary, 12 of which are located within the site and being removed. The removal of the hedge and tree cover is classified as having minor to moderate negative impacts on local biodiversity, and the mitigation measures recommended to address same principally include the replanting of trees and other supportive landscaping. I am satisfied that subject to appropriate condition, requiring the implementation of the construction methods and mitigation measures identified in the reports, that the proposal will not be injurious to biodiversity or the amenity of the area.

Summary

- 7.5.9. I direct the Board to subsection 7.4.14 of this report, above, in which I have assessed the proposed development with regard to the architectural design and layout criterion included in 2022 CDP Section 12.3.7.11, Student Accommodation. In summary, I am satisfied that the design and layout of the proposal are acceptable in terms of architectural treatment, siting and arrangement, and proximity to site boundaries. Additionally, the proposal incorporates public realm improvements which I consider to be positive interventions in the associated streetscapes and will contribute to the amenities for the area.

7.6. Building Height, Scale, Massing, and Visual Amenity

- 7.6.1. As outlined previously, I propose to consider the substantive issues of building height and visual impact of the proposal in this section. The planning authority found the proposed development to be of a height, scale, and massing that was excessive and out of character with the area, thereby being visually obtrusive and overbearing. Several of the observations are critical of the height and scale of the proposal, both as initially lodged and as amended in the first party appeal.

Building Height

- 7.6.2. As initially submitted to the planning authority, the proposal was a 2 to 6 storey block with a principal building height of 21.55m. The amended design is for a 2 to 5 storey block with a reduced principal height of 18.3m. A key issue in considering the scale of the proposal, is the site's context and the prevailing building height in the surrounding area.
- 7.6.3. The Building Height Strategy of the 2022 CDP requires that proposals for 'increased height' and/ or 'taller buildings' in residual suburban areas, such as the appeal site, are assessed against a range of performance-based criteria. 'Increased height' is defined as buildings taller than the prevailing building height in the surrounding area, and 'taller buildings' are defined as those that are more than 2 storeys taller than the prevailing height for the area.
- 7.6.4. From my site inspection, review of the plans and particulars in the case file, and consideration of the policy context, I believe the surrounding area to be divergent in terms of building heights. The site is located within a transitional zone, at an urban

edge, with uses and architectural styles that vary significantly. The site is at a distance of c.65m to the 4 storey Cranford Court apartments and c.90m to the 5 storey Aparto Montrose, both of which exert a strong visual impact and are visible from various vantage points at, from and to the site. I acknowledge that adjacent to the site are 2 storey residences, a single storey commercial unit, and the 2 storey Cranford neighbourhood centre, and that the majority of structures in the immediate area are 2 storeys in height.

- 7.6.5. In this context of immediate proximity, having regard to the planning authority's refusal reason, and the concerns of observers in relation to the building height, I find the proposal to be a scheme of increased height, comprising a taller building rising from 2 to 5 storeys. The proposed development is therefore required to be subject to the performance criteria included in Table 5.1 of the 2022 CDP, which I have undertaken below.

Table 4: Performance Criteria Assessment of Proposed Development

| Performance Criteria | Assessment |
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| At County Level | |
| Proposal assists in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth. | <p>Redevelopment proposal provides for consolidation of new development, densification of residential use, and greater efficiencies in use of serviced land and public resources.</p> <p>Proposal contributes to an increased supply of purpose-built student accommodation identified as necessary in the National Student Accommodation Strategy.</p> |
| Site must be well served by public transport – i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route - with high capacity, frequent service and good links to other modes of public transport. | <p>Site is c.75m walking distance to the closest bus stop on the Stillorgan Road, a QBC with high frequency routes, which is also designated as a Core Bus Corridor route for Bus Connects in the 2022 CDP.</p> <p>The c.75m separation distance is well within the specified 1000m walk band for proposals with tall buildings.</p> |
| Proposal must successfully integrate into/enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks. In relation to character and public realm the proposal may enclose a street or crossroads or public transport interchange to the benefit of the legibility, appearance or character of the area. | <p>Site is a corner site, at an intersection between two roads, in proximity to the Stillorgan Road dual carriageway and UCD flyer bridge. Proposal will serve as visual marker at this location and assist in urban legibility in the area. The character of the area is divergent in terms of architectural designs, scales, and heights. The proposal will complement the visual impact of the 4 storey Cranford Court apartment block</p> |

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| | <p>located c.65m to northwest, and balance the visual impact of the 5 storey Aparto Monntrose complex located c.90m to the southeast.</p> <p>Public realm works are incorporated in the scheme which will contribute to the amenity of the area, define the proposed scheme, and add visual interest to the streetscapes.</p> |
| Protected Views and Prospects: Proposals should not adversely affect the skyline, or detract from key elements within the view whether in foreground, middle ground or background. A proposal may frame an important view. | <p>Site not within a 2022 CDP protected view or prospect.</p> <p>Proposal opens up and reorientates the site, with the proposed building formally address Stillorgan Road. Due to the divergence in architectural designs, heights, and massing of buildings along Stillorgan Road, the proposal will not detract but balance and positively contribute to the streetscape.</p> |
| Infrastructural carrying capacity of area as set out in Core Strategy of CDP, relevant Urban Framework Plan or Local Area Plan. | <p>Not applicable.</p> <p>Residential format is PBSA which is not included in the Core Strategy. There are 2022 CDP policy and objectives relating to the assessment of same.</p> |
| At District/ Neighbourhood/ Street Level | |
| Proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape. | Proposal is of a design, scale and height that responds to its built environment (through stepped heights and tapered massing of floor levels) and natural environment (replacement of trees and hedgerows being removed with new and high quality soft landscaping) with new public realm works which positively contribute to the streetscapes. |
| Proposal should not be monolithic and should avoid long, uninterrupted walls of building in the form of slab blocks. | The building has a streamlined elevation design, with simple architectural features and proportions. The floor to ceiling proportion of the ground floor level is higher than, though consistent with, the upper floor levels, and window and door openings are unobtrusive square forms. The amended design includes for a simplified roof profile and reduced bulk in the upper floor levels avoiding a monolithic appearance. |
| Proposal must show use of high quality, well considered materials. | The building's external finishes comprise a subtle palette of brick, aluminium and steel panels and screens. The materials are well considered and reflect the modern nature of the proposal. |
| Proposal where relevant must enhance urban design context for public spaces and key thoroughfares and marine or river/ stream frontage. | Public realm works, particularly on Stillorgan Road, create new hard and soft landscaped spaces enhancing the amenities of the area and adding visual interest to the streetscapes. |

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| Proposal must make a positive contribution to the improvement of legibility through the site or wider urban area. Where the building meets the street, public realm should be improved. | <p>The site is a corner site, in proximity to the Stillorgan Road dual carriageway and UCD flyer. The proposal involves opening up of the site and newly orientating the building to address Stillorgan Road. The tallest part of the building (5th storey) is positioned along the southwestern boundary thereby improving legibility in the area.</p> <p>At street level along two site boundaries, public realm improvements are included allowing for amenity opportunities and creating visual interest in the streetscapes.</p> |
| Proposal must positively contribute to the mix of uses and/ or building/ dwelling typologies available in the area. | Proposal provides for PBSA, a specialist residential format. Given the likely and ongoing need for student accommodation in proximity to UCD, proposal will contribute to the mix of residential typologies available in the local area. |
| Proposal should provide an appropriate level of enclosure of streets or spaces. | <p>Proposal incorporates public realm improvements which involve the creation of new hard and soft landscaped spaces.</p> <p>The building includes an external courtyard (enclosed by the arms of the building) with a west facing orientation, easily accessible and with hard and soft landscaping offering the students opportunities for amenity.</p> |
| Proposal should be of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces. | Proposal design is responsive with ground floor arrangement (building and site entrances, fenestration, courtyard, public realm improvements) allowing and encouraging human contacts – direct in-person and passively by visual observation. |
| Proposal must make a positive contribution to the character and identity of the neighbourhood. | Proposal is a new modern building, constituting an updated architectural design style from the proximate Cranford Centre, Cranford Court apartments, and Aparto Montrose built forms. Proposal is a high quality scheme with external finishes and public realm improvements that will positively contribute to the character and identity of the area. |
| Proposal must respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring properties. | Proposal respects the form of neighbouring buildings and landscape. Amended design includes for a simplified roof profile with stepped building heights (rising gradually from the 2 storey adjacent structures) and a reduction in bulk of the building through tapering the massing of the upper floor levels that are in proximity to the 2 storey residents and positioning the 5 storey element along the Stillorgan Road boundary. Removed landscaping will be replaced and enhanced. |
| At Site/ Building Scale | |

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| Proposed design should maximise access to natural daylight, ventilation and views and minimise overshadowing. | Proposal includes a central courtyard area which is enclosed by the arms of the building, allowing maximum access to daylight and ventilation. Proposal designed and orientated to minimise overshadowing as demonstrated in the associated Daylight, Sunlight and Shadow Assessment and in the Shadow Images report. |
| Proposal should demonstrate how it complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition). Where a proposal does not meet all the requirements, this must be clearly identified and the rationale for any alternative, compensatory design solutions must be set out. On relatively unconstrained sites requirements should be met. | The Daylight, Sunlight and Shadow Assessment analyses daylight and sunlight available to neighbouring properties and the proposed development, and sunlight available to neighbouring amenity spaces and the proposed development's amenity space. There are minimal instances of non-achievement of the applicable BRE 2011 standards and the reasons given relate to existing conditions and restricted layout options. |
| Proposal should ensure no significant adverse impact on adjoining properties by way of overlooking, overbearing, and/ or overshadowing. | Proposal includes measures to prevent overlooking (limited fenestration, use of opaque glazing), is of an amended design (stepped building height and tapered built forms) avoiding overbearing, and of siting and orientation to minimise overshadowing. |
| Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure. | Not applicable. Proposal has no impact on an ACA and/ or any protected structures. |
| Proposals must demonstrate regard to the relative energy cost of and expected embodied and operational carbon emissions over the lifetime of the development. Proposals must demonstrate maximum energy efficiency to align with climate policy. Building height must have regard to the relative energy cost of and expected embodied carbon emissions over the lifetime of the development. | Proposal includes an Energy Statement which outlines the building's energy rating, and energy cost saving measures included for potable water conservation, sustainable modes of transport, and green roof system. |
| County Specific Criteria | |
| Having regard to the County's outstanding architectural heritage which is located along the coast, where increased height and/ or taller buildings are proposed within the Coastal area from Booterstown to Dalkey the proposal should protect the particular character of the coastline. Any such proposals should relate to the existing coastal towns and villages as opposed to the coastal corridor. | Not applicable. Site is not in a coastal location. |
| Having regard to the high quality mountain foothill landscape that characterises parts of the County any proposals for increased heights and/ or taller building in this area should ensure appropriate scale, height and massing so as to avoid being obtrusive. | Not applicable. Site is not in a mountain foothill location. |

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| Additional specific requirements (applications are advised that requirement for same should be teased out at pre planning's stage). | Preplanning consultation undertaken on proposed development. |
| Specific assessments such as assessment of microclimatic impacts such as down draft. | Range of documentation provided with the application and updated in the appeal. National Student Accommodation Strategy recommends the preparation of a Management Plan for the operation of PBSA facilities. Such a plan is not provided, and I recommend this be addressed by condition. |
| Potential interaction of building, materials and lighting on flight lines in locations in proximity to sensitive bird/ bat areas. | Not applicable. The Ecological Impact Statement and Screening Report for Appropriate Assessment state there are no protected habitat or species at or in proximity to the site. |
| Assessment that the proposal allows for the retention of telecommunications channels, such as microwave links. | Not applicable. Proposal has not implications for telecommunications infrastructure. |
| An assessment that the proposal maintains safe air navigation. | Not applicable. Site is not in an aviation designation or flightpath location included in the 2022 CDP. |
| Relevant environmental assessment requirements, including SEA, EIA (schedule 7 information if required), AA and Ecological Impact Assessment, as appropriate. | Proposal accompanied by Ecological Impact Statement and Screening Report for Appropriate Assessment. I have undertaken screening for EIA and AA and concluded that neither assessment is required for the proposal. |
| Additional criteria for larger redevelopment sites with taller buildings | |
| Proposal should make a positive contribution to place making, incorporating new streets where appropriate, using massing and height to achieve densities but with variety and scale and form to respond to scale of adjoining development. | Not applicable. Site is a small infill site and proposal is for a single tall building. |
| For larger unconstrained redevelopment sites BRE standard for daylight and sunlight/any forthcoming EU standards on daylight sunlight should be met. | Not applicable. Site is a small infill site and proposal is for a single tall building. |

Scale and Massing

- 7.6.6. A substantive consideration in the appeal is the proposal's relationship with the surrounding area, the character of which I consider to be divergent in terms of scale and massing, due to the presence of the 4 and 5 storey Cranford Court apartments,

Woodbine House, and Aparto Montrose complexes. However, I acknowledge that the structures in immediate proximity to the site have relatively modest built forms being predominantly 2 storey detached residences and the neighbourhood centre. The existing buildings within the site maintain a front building line along Woodbine Road, while Cranford Centre is set back from the building line formed by houses to the west along Stillorgan Road and the gable of 1 Woodbine Road. While there are some gaps, a building line is discernible to the southeast of the site along Stillorgan Road (garage/ coffee shop, Aparto Montrose).

- 7.6.7. I consider the scale and massing of the proposed block in the amended design (a detached building, rectangular building footprint, stepped building height from 2 to 5 storeys, continuance of the front building lines along Woodbine Road to the northeast and Stillorgan Road to the southeast, and siting opposite the gable of the adjacent dwelling to the northeast) to be responsive to and reflective of the nature and conditions of the receiving area. I accept the applicant's position that due regard has been had to the impact of the proposal on the adjacent properties in terms of height, scale, and massing.
- 7.6.8. In the amended design, the 5th floor level (6th storey) has been omitted, and the 3rd and 4th floor levels (4th and 5th storeys) have been reduced in size and massing. The planning authority, in its appeal response, and several observers state that the amended design continues to be unacceptable in terms of height, scale and massing, and to exert an adverse visual impact on the area. I do not agree, and instead find that the omission of the uppermost storey to immediately reduce the scale and visual impact of the block (principal height is reduced by c.3.25m, and the visual dominance of the light-colour rendered top storey is removed), and that the amended floor plans at the 3rd and 4th floor levels (decreases in floor areas/ increased setbacks from the building edges, particularly on the northeast and southeast elevations) noticeably reduce the scale and massing of the block (applicant indicates the amended design constitutes a 12.5% reduction in overall floorspace), and create a simplified roof profile and lighter, more streamlined elevations, all of which lessen the visual impact of the proposal. Further, I consider the massing of the building (stepped building heights and tapered forms), the elevation treatment (fenestration proportions and arrangement) and the choice of

external finishes to be subtle, not overly dominant, and to create visual interest without causing a negative impact on the skyline or streetscapes.

- 7.6.9. From a review of the cross-section drawings/ streetscape elevations of the proposal, it is clearly apparent that the proposed block is greater in scale and massing to the immediately adjacent area. The block is a different residential typology which varies from the existing built forms of 2 storey dwellings and the neighbourhood centre, however, in my opinion, the differences in height, scale and massing are not of such a degree to unduly dominate the receiving area, and are balanced by the presence of the 4 and 5 storey Cranford Court apartments, Woodbine House, and Aparto Montrose complexes which are visible from a variety of vantage points in and around the site. Further, I do not consider the site to be overly or vulnerably prominent in nature, as the site's N-S width of c.60m is balanced by that of the Stillorgan Road of c.105m (inclusive of slip roads, flyover and dual carriageway). Accordingly, I consider the design approach taken for the proposal, including that for increasing scale (stepping up heights from the adjacent properties) whilst balancing massing (the staggering of building forms set back from the block's façade edges) mitigate against the potential associated impacts of visual overbearance.

Visual Amenity

- 7.6.10. In its refusal reason, the planning authority finds the proposal to be visually obtrusive, overbearing, and discordant when viewed along the streetscape and from adjacent properties, which is reiterated in several observations. Both the planning authority and observers maintain the amended design has not addressed the concerns in relation to the adverse impact on the visual amenity of the area.
- 7.6.11. The application includes a Visual Impact Assessment report with photomontages for the proposal as initially lodged. I confirm to the Board that I have had additional regard to the Visual Images report, elevational and cross-sectional drawings of the amended design included in the first party appeal documentation, and have incorporated these into my assessment. Five viewpoints are chosen in the Visual Impact Assessment (with existing and proposed images) representative of views of the site's context along Stillorgan Road, and from adjacent residential streets. At my site inspection, I travelled the area noting these viewpoints and confirm the accuracy

of same. The report indicates the proposal is not particularly visible in the wider area (View 3, Woodbine Avenue), due to the rising topography.

- 7.6.12. More notable impacts are on views from the adjoining area, including those at adjacent residential properties (Views 2 and 5, Woodbine Road and Cranford Court) and along Stillorgan Road (Views 1 and 4). From these vantage points, while the height, scale and massing of the proposal are visible rising into the fore and/ or mid-ground distances, I do not consider these to overly dominate the views (due to the stepped height and tapered building forms of the amended block, the extent of screening provided by the retained tree cover (along the northwestern boundary in Views 1 and 5), and from new planting), to result in abrupt transitions in scale and massing (due to the gradual increase in scale and massing from that of the adjacent properties), or to cause injury to the streetscapes (due to the streetscapes not being overly vulnerable (particularly viewing the site from Views 1 and 4 along Stillorgan Road) or subject to any architectural designations).
- 7.6.13. The viewpoint most affected by the proposal is that in immediate proximity to the site (View 5). In this view, the height, scale and massing of the proposal are most apparent, filling the foreground, and I find it reasonable to conclude that had other montages been generated from viewpoints on Woodbine Road in the same proximity as View 5, that there would be a similar visual presence exerted. Still, I do not consider the view to be adversely affected or injured by the proposal but simply altered (principal dimensions of block are not unduly excessive, building's floor levels are setback and staggered in form, are of a high quality design with subtle external finishes, and are/ will be well screened).
- 7.6.14. In my opinion, the degree of impact on the visual amenity of the area is likely to be moderate negative (during the construction phase) through to moderate neutral/ positive given the extent of change (though not adverse) of the appearance of the site once developed. I consider that the applicant has accurately indicated the visual impact of the proposed development, and I find that the amended design will not have a significant negative effect on the site and receiving area, or cause injury to same, from any viewpoint.
- 7.6.15. I consider the approach to building height, scale and massing for the proposed development incorporating a detached block with varying heights, building forms and

components stepped and staggered, increasing from the site boundaries, to be an appropriate solution for the infill site which will assist the assimilation of the scheme into its surrounding area on all boundaries including the new public interface on Stillorgan Road. While I acknowledge that the proposal is for a new residential typology at the site, thereby introducing a different built form into the streetscape at this location, such a typology (4 to 5 storey larger residential block) is not without precedent in the area, and I consider the proposal, on balance, to be a medium scaled scheme, with principal dimensions that are not unduly excessive.

Summary

- 7.6.16. In summary, I find that the amended proposal addresses the substantive issues raised in the planning authority's refusal reason in respect of there being an overly abrupt transition in building forms, being out of character with the area, and being visually obtrusive, overbearing and discordant. As outlined in subsection 7.4.14 above, I am satisfied that the design, scale and height of the proposal complies with the applicable design and layout criterion (which references height and massing) in 2022 CDP Section 12.3.7.11, Student Accommodation. Further, I am satisfied the proposal complies with 2022 CDP Section 4.4.1.8, Policy Objective PHP42: Building Design and Height, and Objective BHS3: Building Height in Residual Suburban Areas, by encouraging high quality design and complying with the Building Height Strategy (as I have demonstrated in Table 4 above).

7.7. Residential Amenity

- 7.7.1. The proposed development's negative impact on the residential amenity of adjacent properties is cited in the refusal reason and raised in several observations. The issues raised include overlooking, overshadowing, overbearance, disruption (noise, pollution, construction works), and traffic related inconvenience (which I consider in Section 7.8 below). Additionally, I identify the residential amenity of future residents in the PBSA facility as a relevant planning consideration. I propose to address each issue in turn.

Overlooking

- 7.7.2. Overlooking, causing a loss of amenity, is that which occurs of the private amenity space and/ or of windows to the rear of residential properties. As outlined previously, the site is in a transitional zone which, importantly, is at the edge of and

not within a residential area. The Cranford Court apartments to the north are c.65m from the proposed block, a separation distance which is in excess of potential overlooking impact, there are no residential properties to the south/ southwest of the site that would be affected, and the Cranford Centre, adjacent to the northwest, is a commercial operation. In respect of overlooking, properties potentially affected by the proposal include the adjacent dwelling, 5 Woodbine Road and, to a lesser extent, those further northeast along Woodbine Road.

7.7.3. Potential for overlooking of 5 Woodbine Road arises from fenestration in the northeastern elevation of the proposed building. The front part of the proposed building (addressing Woodbine Road) is aligned with the gable of that dwelling and is 2 storeys in height (increases in building height correspond with increases in separation distances from the dwelling). The rear-return of the building is set back from the shared boundary and is also 2 storeys in height. I have reviewed the plans and corresponding elevations of the amended design and note that several windows in the northeastern elevation are indicated as fitted with opaque glazing. These include each of the four windows at first floor level, and one of two windows at both the second and third floor levels. These are the windows in the elevation that are in positions which would have a potential outlook towards the rear garden area of the dwelling. I am satisfied that the inclusion of opaque glazing will prevent potential for overlooking of the adjacent property. Similarly, I am satisfied that the potential for overlooking arising from the remaining windows in the elevation (which do not have opaque glazing) does not exist or is minimal (i.e. no greater than exists from the first floor windows of 7 Woodbine Road or from upper levels in the Cranford Court apartments) due to the positioning and outlook of those windows, the nature of the area served by the windows (i.e. corridors, bedrooms), their alignment with the side gable of the dwelling, and their being of a separation distance which is in excess of potential overlooking impact (c.24.8m from the second and third floor levels which are 4 storeys in height, and 39.6m from the fourth floor level which is 5 storeys in height).

7.7.4. In the interests of clarity, while the above has focussed on overlooking of the adjacent 5 Woodbine Road, I confirm my conclusions are applicable to other northeastern properties further along Woodbine Road (several observers have addresses given along Woodbine Road). That being, there is no undue overlooking

of the rears of these properties due to the design and siting of the northeastern elevation of the proposed building, the absence of balconies in the facility's design, the inclusion of protective screening measures for windows (positioning, opaque glazing) and roof plant area (1.7m-2.5m high screens), and the increasing separation distances between the proposal and properties further along Woodbine Road.

- 7.7.5. In respect of overlooking claims of the front of the opposing properties (as raised by observers with addresses on the opposite side of Woodbine Road), while windows in the southeastern elevation will have an outlook onto the front garden areas of dwellings along this part of the street, these are the public interfaces for these properties and overlooking will be no greater than presently exists from first floor windows of 2 storey properties on the street or indeed from the public road itself.

Overshadowing

- 7.7.6. In the application documents, the applicant submitted a Daylight, Sunlight and Shadow Assessment of the proposed development as initially lodged. In its assessment, the planning authority determined it would cause undue overshadowing impacts on the adjacent property to the northeast, 5 Woodbine Road, and included this in its refusal reason. In the first party appeal, the applicant has submitted an updated Shadow Images report for the amended design. Several observations generally refer to overshadowing of adjacent properties due to the proposal, while the owners of 5 Woodbine Road have submitted a more detailed observation including their own Sunlight and Shadow Study of the proposal's impact on their property (this Study, dated 17th August 2021, was originally submitted to the planning authority as part of a third party submission on the application).
- 7.7.7. I have reviewed the Daylight, Sunlight and Shadow Assessment as lodged (as much of the analysis and conclusions remain applicable), the Shadow Images report as updated for the amended design, and the observer's Sunlight and Shadow Study. The Assessment analyses daylight and sunlight available to 16 neighbouring properties and the proposed development, sunlight available to 14 neighbouring amenity spaces and the proposed development's amenity space (public realm areas and the internal courtyard area) and presents images of shadows cast (on certain hours and days) by the proposed development within the wider surrounding urban block (Cranford Centre, Cranford Court apartments, and dwellings on Woodbine

Road). The updated Shadow Images report includes shadows cast for the current existing conditions, the proposed development, and the amended design. The observer's Study focuses on the impact of the proposal on the rear garden of the property and, as mentioned above, this Study appears to be the same as was submitted to the planning authority for the proposed development as initially lodged.

- 7.7.8. Using criteria from the industry standard guidelines BRE 2011, the applicant's Assessment presents detailed technical analysis of the daylight and sunlight availability to neighbouring properties (16 properties assessed, 1 or 2 windows of each property assessed for daylight, all achieve BRE standard; 1 room in each property assessed for sunlight, with 1 room not meeting the applicable BRE standard, reason given due to existing north facing conditions, which I find to be acceptable), and to the proposed development (52 rooms assessed for daylight, with 1 room not meeting the applicable BRE standard, appears to be due to the internal layout and position of window which I find acceptable; windows in the southeast and southwest elevations assessed for sunlight with potentially two windows not achieving BRE standards due to their being positioned under the covered passageway, however I observe these windows serve staff rooms at ground floor level, which I find to be acceptable).
- 7.7.9. The Assessment also includes analysis of the level of sunlight availability, or sun hours on ground, for the amenity spaces of 14 surrounding properties (internal open space of Cranford Court apartments and rear gardens of Woodbine Road dwellings). The BRE 2011 guidance recommends that at least 50% of an amenity area, including private rear gardens, should receive a minimum of two sun hours on ground on March 21st. Of the 14 properties analysed, all amenity areas are found to retain two or more hours of direct sunlight over 50% of their amenity areas on the day, thereby indicating no undue overshadowing caused by the proposal.
- 7.7.10. With specific regard to the adjacent 5 Woodbine Road, the potential for overshadowing arises from the scale and massing of the proposed building, the building's alignment with the dwelling, and its proximity to the shared boundary. I note that the proposed block maintains the front building line along Woodbine Road, the front of the block is aligned with the gable of the dwelling, the rear return of the block extends into the site parallel to the shared boundary though at an increased setback, and that the amended design of the proposed block is 2 storeys in height

and reduced in massing in proximity to the shared boundary. In my opinion, these features minimise the extent of overshadowing of the adjacent property associated with the proposal. The evidence of which is reflected in the findings of the Assessment, and I highlight that is of the initially lodged proposed development which is greater in scale and massing along the shared boundary than the amended design. The Assessment indicates a marginal change in sunlight availability recorded for the amenity area of 5 Woodbine Road (current existing scenario of 88% of garden area receiving two hours of sunlight reducing by 4% to 84% in the proposed scenario (i.e. as initially lodged so indicating a greater impact than the amended design)).

- 7.7.11. Of the shadow cast on the amenity area of 5 Woodbine Road, the observer states there is a dramatic reduction in sunlight to the areas typically and desirably receiving higher levels of sunlight (I identify these as being proximate to the public road and along the shared boundary), and that the proposal will have a detrimental impact on the property. I find the observer's focus on the southwestern boundary of the property to be overly restrictive, as the reference to amenity area in the BRE 2011 guidance is inclusive of the total garden area enjoyed by a property.
- 7.7.12. From a review of the sunlight and shadow analysis in both the applicant's Assessment and Shadow Images report, and the observer's Study, it is apparent that the most significant new shadow cast by the proposal on the adjacent property is in the afternoon/ evening hours of the 21st March, with the amenity area remaining shadow-free during the earlier portion of the day. It is also apparent that at least 50% of the rear garden area receives a minimum of two hours of sun on ground on March 21st, achieving the BRE 2011 standard and thereby indicating no undue overshadowing caused by the proposal. While I note the concerns of the observer and acknowledge there will be a decrease in the availability of sunlight due to a transitory shadow along the southwestern portion of the garden, the main rear garden area remains well within acceptable standards for sunlight for amenity areas.
- 7.7.13. In conclusion, I do not concur with the planning authority that the proposed development would cause undue overshadowing impacts on the adjacent property, 5 Woodbine Road. I consider the extent of overshadowing and loss of daylight arising from the proposal (both as initially lodged and as amended in design in the appeal grounds) to be minimal, as the adjacent 5 Woodbine Road and other surrounding

properties (both residences and amenity areas) have been shown to maintain acceptable standards in terms of daylight and sunlight availability, and any impact is considered to be well within acceptable parameters having regard to the urban location and existing conditions.

Overbearance

- 7.7.14. Overbearance caused by the proposal and an associated loss of visual amenity are cited in the planning authority's refusal reason and observations respectively. In subsection 7.6.10 Visual Amenity above (supplemented by my assessment undertaken in subsections 7.4.14 in respect of design and 7.5.6 in respect of layout and proximity to site boundaries), I have considered in detail the visual impact of the proposal and have concluded that the amended design of the proposal is an appropriate design solution for the site, does not cause injury to the streetscapes along Stillorgan Road and Woodbine Road, and does not have a significant negative effect on the amenity of the local surrounding area.
- 7.7.15. In terms of overbearance as a component of residential amenity, I consider that the existing structures within the site presently exert a subtle visual effect on the northeastern and southeastern properties on Woodbine Road. This arises from their modest height, scale and massing, and the extent of boundary screening. The proposal comprises their demolition, new landscaping (including semi-mature trees) along the boundaries, and public realm improvements, which I consider represents an improvement in terms of visual effect and visual amenity. For 5 Woodbine Road, in particular, the proposed development will unavoidably result in a change in outlook from that which currently exists due to the inconspicuous scale of development proximate to the shared boundary. However, I do not consider the extent of change to be excessive (trees to be retained, new screening planted along shared boundary, stepped building heights, and tapered building forms) or adverse (proposal is well designed with high quality features, finishes, and boundary treatments). In summary, I do not consider the extent of the change in outlooks from the adjacent dwellings to be adverse or significant, nor that the proposal exerts an overbearing visual impact which would be injurious to the residential amenity of the adjacent properties.

Disturbance and Disruption

- 7.7.16. Several observations raise disturbance and disruption associated with the proposal as negatively affecting the residential amenity of their properties and the area. These include impacts arising from noise, antisocial behaviour, and site development works (demolition and construction activities).
- 7.7.17. In relation to noise impacts, while I note the observers' opposition to noise disturbance (with a particular focus on the potential use of the green roofs for amenity purposes), I highlight that the proposal is a PBSA facility that will be managed and operated under the control of on-site personnel, that the proposal is a residential use in itself, and that student residents will be subject to the requirements of the management company and other applicable noise prevention legislation. I note that the planning authority, including the Environmental Health Officer, did not express concerns over noise impacts. I recommend that safeguards be put in place which will ameliorate and prevent any undue noise disturbance. These include, in the event of a grant of permission, conditions requiring a Management Plan for the facility to be agreed with the planning authority, noise levels during certain time periods emanating from the proposed facility, and restriction of access to and use of the green roof areas. Accordingly, I do not consider that the operational noise impacts arising from the proposal will have a significant negative effect on or cause injury to the residential amenity of the adjacent properties.
- 7.7.18. In respect of observers' concerns regarding antisocial behaviour, as outlined above I highlight that the proposal is a PBSA facility that will be managed, operated under the control of on-site personnel, and with recommended conditions to address same. I consider the public realm works to be positive interventions in the streetscapes, and do not find the inclusion of paved areas with seating and planting to be safety concerns as the design will encourage passive surveillance. Any criminal activity is a matter for An Garda Síochána.
- 7.7.19. In respect of the site development works, observers refer to negative impacts arising from noise and dust pollution, hours of operation, traffic inconvenience, an excessively long construction period of 18 months-2 years, and shortcomings in the documentation provided by the applicant. I have reviewed the relevant reports, including the outline Construction and Demolition Waste Management Plan and the

outline Construction Management Plan (CMP). Several of the concerns raised by observers are typical of impacts that arise during site developments adjacent to residential properties. I consider that the provisions outlined in the CMP, in particular, including site set up, local stakeholder management, access and traffic management, noise, dust and vibration management, and working hours will address and ameliorate the impacts. While I acknowledge there will be disturbance during the construction phase of the proposal, I consider these impacts to be temporary, localised, managed, and not significant in effect. Of the potential for traffic disruption, I note that the Transportation Section report did not raise any specific concerns, accordingly, I consider the increased traffic movements can be absorbed into the local road network.

- 7.7.20. In the event of a grant of permission, I concur with the position in the Environmental Health Officer report, and I recommend conditions be attached requiring final agreement with the planning authority for a demolition waste management plan and a construction environmental management plan (which should be inclusive of a construction traffic management plan that allows for clarity on final access arrangements, as raised by an observer) thereby safeguarding the residential amenity of the adjacent properties.

Future Residents of the PBSA Facility

- 7.7.21. As outlined previously, the PBSA facility (as I recommend be amended by condition) comprises 103 bedspaces, thereby providing new residential accommodation for 102 students and for an on-site concierge member of staff. The study bedspaces are single occupancy with ensuite bathrooms and desk areas, arranged in groups sharing a communal kitchen, dining and living room.
- 7.7.22. I direct the Board to Section 7.5 Student Accommodation (specifically subsections 7.4.15-7.4.21) of this report in which I have assessed the proposal's achievement of qualitative and quantitative requirements in detail. In summary, I have reviewed the plans and particulars of the amended design of the proposal and confirm that, subject to condition, the future residents of the PBSA facility will enjoy acceptable standards of residential amenity in a facility that complies with applicable national and local policy for same.

7.7.23. I highlight to the Board, that Part V of the Planning and Development Act 2000, as amended, does not apply to student accommodation. No condition in respect of same need be attached in the event of a grant of permission.

2022 CDP Policy on Residential Amenity

7.7.24. The 2022 CDP includes a robust policy context which links aspects of the proposed development (student accommodation use class, proposed tall building, an infill location, adjacent to residential properties) to protecting residential amenity. The policy context covers use class and zoning objective (Chapter 13 Land Use Zonings), infill development (Section 4.1.3.3, Objective PHP20), student accommodation (Section 4.3.2.5, Objective PHP29 and the applicable criterion in Section 12.3.7.11), and taller buildings (Appendix 5: Building Height Strategy, Objective BHS3). I highlight to the Board there is a degree of crossover between these issues, which I have considered in this Section 7.7 and the other various sections of this assessment.

7.7.25. Key policy considerations for residential amenity in this section include 2022 CDP Section 4.3.1.3 and Objective PHP20: Protection of Existing Residential Amenity, and the criterion of residential amenities in Section 12.3.7.11, Student Accommodation. Due to their common nature, they can be addressed together with my response as follows:

- Residential Amenities: The proposal is an infill development of greater density and building height than adjacent residential areas but not excessive (acceptable principal dimensions, including 2-5 storeys in height which complies with the BHS) or overly dominant (detached block, stepped building heights and tapered built forms), and of a design (privacy protection features, no balconies, use of several opaque glazed windows) and layout (building footprint alignment, sufficient separation distances) that protect the amenities of adjacent residential properties. This assessment has taken full cognisance of the impact of the proposal on residential amenity, and, as relevant and necessary, recommends amendments to the design and inclusion of conditions to ameliorate and prevent adverse impacts on the residential amenities of adjacent properties.

Summary

7.7.26. In summary, I have considered the concerns of the planning authority and observers, in respect of residential amenity. I have assessed in detail issues of overlooking, overshadowing, overbearance, disturbance and disruption. I consider that the amended design submitted in the appeal has had due regard to and respect for the residential amenity of adjacent properties, has incorporated a number of measures to protect and prevent undue impacts, and subject to attachment of appropriate conditions, will not injure the residential amenity of adjacent properties and the wider area. Further, I find that subject to condition, the future students will be provided with residential accommodation of an acceptable standard and enjoy a high level of residential amenity. Finally, therefore, I am satisfied that the proposal complies with the Objective 'A' residential zoning for the site and is consistent with the broad range of applicable 2022 CDP policy.

7.8. Traffic, Access and Parking

- 7.8.1. The proposal includes new pedestrian, cyclist, and vehicular arrangements to access the site and to serve the proposed building. From Stillorgan Road, these include the main pedestrian entrance into the facility and a covered passageway for pedestrians and cyclists providing access to the rear of the site where a covered cycle parking area (89 long-term (resident) parking spaces) is located. The vehicular arrangements to and from the site are via two new entrances on Woodbine Road, one entry-only and the other exit-only. The area between these entrances accommodates 4 car parking spaces, 1 drop-off delivery space, set down circulation area, and a cycle parking area (26 short-term (visitor) parking spaces).
- 7.8.2. The planning authority's Transportation Section positively notes aspects of the proposal including the Mobility Management Plan, the limited on-site car parking provision (and that 1 space will be supported by an electrical vehicle charging point, indicates all 4 spaces should be), the set down arrangement within the site and off the public road, and the quantum and location of long-term and short-term cycle parking. Outstanding items for which further information was sought included details on access (pedestrian priority design of entrances and footpath, turning areas for refuse/ emergency vehicles, public lighting plan), cycle parking standards (type of cycle stands, electrical charging points for bicycles) and off-site car parking demand

(a revised Car Parking Management Plan with further measures to ascertain and manage potential parking by residents in neighbouring areas).

- 7.8.3. Conversely, several observations are highly critical of transportation related aspects of the proposal. These include the disruption and nuisance arising from increased pedestrian, cyclist, and vehicular traffic in the area particularly along Woodbine Road, the associated increase in traffic hazard and risk to public safety for all road users, the shortfall in provision of on-site car parking spaces, and the resultant overspill and illegal car parking described as inevitably occurring on surrounding residential streets. I propose to address these issues in turn.

Traffic Generation and Public Safety

- 7.8.4. In respect of increased traffic vehicular generation, the proposal includes for 4 parking spaces and a drop-off delivery space. In terms of vehicular traffic, due to the limited on-site parking spaces provided and the nature of the proposal, I consider that, once operational, the vehicular movements at the site will be limited in quantum, relatively infrequent in occurrence, and brief in duration as the use of the spaces will be controlled by the facility's management. While I note observers' concerns regarding the adverse impact at junctions (particularly the roundabout at the intersection of Stillorgan Road and Woodbine Road) and the local road network (particularly Woodbine Road), I have reviewed the applicant's Mobility Management Plan and the Transportation Section's report. I note that no issues are raised regarding vehicular traffic generation, nor are any undesirable trip patterns, at-capacity junctions, or congested roads identified in the local network. I find the applicant's analysis and recommendations in the Mobility Management Plan (the basis of which is to minimise and discourage dependency on private car travel) to be reasonable and note that the planning authority accepted same. The observers have not provided any evidential traffic assessment to counter the applicant's position or to demonstrate their case. In this regard, I am satisfied that the proposal will not generate unacceptable or excessive levels of vehicular traffic or have an adverse impact on the local road network.
- 7.8.5. Due to the nature of the proposal, the close proximity to the UCD campus, the direct desire line between the site and the campus entrance, I find it reasonable to conclude that the majority of movements generated by the proposed development

will be pedestrian and cyclist trips from the main entrances of the proposed facility on Stillorgan Road, across the dual carriageway flyover and into the UCD campus. Other reasonably anticipated movements to and from the site include pedestrian trips to bus stops on the Stillorgan Road QBC, and pedestrian and cyclist trips to commercial operations in Cranford Court neighbourhood centre and the ground floor level in the Aparto Montrose. Conversely, I consider the likelihood of increased movements (be those pedestrian, cyclist or vehicular) north and eastwards along the adjacent residential streets of Woodbine Road, Woodbine Avenue and Glenamena Park (the addresses of several observers) to be limited due to the absence of a desired end-destination, and that the frequency of trips occurring would not likely be of scale to cause an adverse impact on properties along these streets.

- 7.8.6. In respect of traffic generation and public safety, I note that the Transportation Section did not raise any issue in relation to increased movements (of any transport mode) or make an association with the creation of traffic hazard and the increase in risk to public safety (the request for pedestrian priority in the design of the entrances on Woodbine Road is considered with respect to access arrangements below). On balance, having reviewed the applicant's Mobility Management Plan, the Transportation Section's report, and travelled the area, I believe the site to be located within an established, serviced urban area with safe, visible, and publicly lit footpaths, cycle paths, and road network, and that the movements associated with the operation of the PBSA facility will be primarily pedestrian and cyclist trips, and that these can be absorbed safely into the existing local transportation infrastructure.

Access Arrangements

- 7.8.7. In respect of access arrangements, the Transportation Section sought amendments to the interface between the vehicular entrances and footpath along Woodbine Road to give priority to pedestrians, demonstration of turning areas for refuse and emergency vehicles, and submission of a public lighting plan. In the first party appeal, the applicant submitted an Engineering Memorandum on Responses to DL RCC with a revised site layout plan and vehicle swept path plans. The planning authority's response to the appeal did not include any assessment from the Transportation Section. I have reviewed the amendments and information in the updated reports, am satisfied that these address the substantive items sought as further information, and note the compliance with DMURS requirements (e.g.

footpath design and standards). I consider satisfactory agreement on final access arrangements and details can be addressed by condition.

Parking Provision and Demand

- 7.8.8. In respect of car parking provision, the site is located in Zone 2: Near Public Transport in the 2022 CDP. The car parking standard for student accommodation in Zone 2 is a maximum of 1 space per 15 bedspaces. As outlined previously, I recommend a reduction from 109 to 103 bedspaces in the facility, and I calculate that the proposal has a car parking requirement of 7 spaces. The proposal provides for 4 spaces (including 1 disabled space) and a drop-off delivery space, thus representing a shortfall in parking provision for resident use of 3 spaces. With regard to car parking provision, while I note the concerns raised by observers, I consider that the number of spaces provided to be acceptable as I am satisfied that a flexible approach to standards, as allowed for under 2022 CDP Section 12.4.5.2, Application of Standards, can be applied to the proposal. This is because the proposal is a student accommodation use (for which it is reasonable to conclude that car parking demand would not be excessive), incorporates public realm improvements, is at a convenient and readily accessible location for pedestrians and cyclists, is close to and well served by public transport being adjacent to the Stillorgan Road QBC, and is accessible to services, facilities (including the UCD campus) and amenities. Additionally, the requirement for 7 spaces is the maximum allowable provision. Therefore, in summary regarding parking, I am satisfied that the proposal accords with the 2022 CDP standards (Section 12.4.5.1, Parking Zones), comes within the scope of flexibility allowed for in the 2022 CDP regarding a reduced car parking provision (Section 12.4.5.2, Application of Standards), and the details in respect of electrical charging points can be addressed by condition.
- 7.8.9. In respect of cycle parking provision, 2022 CDP Section 12.4.6 defers to standards in 'Standards for Cycle Parking and associated Cycling Facilities in New Developments'. The cycle parking standards required for student accommodation facilities are 1 long-term (resident) space per 2 bedspaces and 1 short-term (visitor) space per 5 bedspaces (these are same as the previous 2016 CDP in effect at the time the planning authority assessed the application). For the 103 bedspaces in the proposed development, I calculate a total requirement of 72 cycle spaces, comprising 51 long-term (resident) spaces and 21 short-term (visitor) spaces. I

consider that the cycle spaces provided to serve the PBSA facility (type – the bicycle rack being provided is indicated in the appeal as a semi-vertical stand which I find to be satisfactory; quantum – there is a surplus in provision of 43 cycle spaces (38 long-term spaces and 5 short-term spaces) serving the proposal which is acceptable; and location – 89 long-term spaces are covered, secure and accessibly located within the northern corner of the site, and 26 short-term spaces are secure, overlooked, and conveniently located in the public realm area adjacent to Woodbine Road) comply with the 2022 CDP standards. I concur with the Transportation Section and find these to be satisfactory, noting that details in respect of electrical charging points can be addressed by condition.

7.8.10. In respect of potential overflow car parking, I have reviewed details in the initially lodged Car Parking Management Plan, and in the Engineering Response Memorandum and the updated version of the Plan submitted with the appeal. Of relevance to the management of parking, the key part of the Plan is included in the 'Enforcement Process' section. Overall, it is intended that a permit system will be established to control access to the on-site spaces (join permit database, provide vehicle registration details), and a parking company will be employed to manage and enforce parking under the direction of the facility's Mobility Manager. The Plan outlines the actions to be taken under 5 scenarios varying from on-site parking not displaying a valid permit, on-site parking obstructing other users/ spaces, and (as updated in the appeal response) the management company reviewing instances of off-site parking in consultation with local residents, with penalties including warnings, fines (linked to residents' rental contracts), and removals.

7.8.11. I consider that these parking management measures will be effective in minimising potential for overflow car parking into adjacent streets as raised by several observers. Further, I find that the reasons the limited on-site parking space provision is acceptable also address observers' concerns relating to potential overflow parking. These include that high demand for car parking spaces is not likely due to the student accommodation use class, that the majority of trips are likely instead to be made by pedestrians accessing services, facilities, and amenities within the local area, and that vehicular trips which do occur are likely to be drop-offs and of short duration. The applicant submits that inappropriate parking associated with the

proposal can be managed, which was accepted in principle by the planning authority, and with which also I concur.

Summary

7.8.12. In summary, I have considered the responses to the outstanding items required to be addressed by the planning authority and the concerns of the observers in respect of traffic, access, and parking arrangements for the proposal. I consider that the proposal, as revised and supplemented by the applicant in the appeal documentation, has incorporated a number of measures to ameliorate and/ or prevent undue transportation related impacts. I am satisfied that the proposal is acceptable in terms of pedestrian, cyclist and traffic safety and convenience. In the event of a grant of permission, I recommend that conditions be attached requiring final agreement with the planning authority on the Mobility Management Plan, Car Parking Management Plan, taking in charge arrangements for the public realm improvement areas, and for the design, layout, signage, and/ or control for the entrances, car, and cycle parking spaces.

7.9. Water Services and Utilities

7.10. With regard to site services, the proposed development includes new infrastructure and connections into existing public surface water drainage, wastewater drainage, and watermains systems located along Stillorgan Road or Woodbine Road. For surface water, the proposal includes SuDS features (green roof areas, permeable paving, gravel infiltration, tree root systems), with runoff flowing through new on-site piped infrastructure, retention in an on-site attenuation tank, and discharge to the existing public sewer at Stillorgan Road. For wastewater, effluent arising from the proposal will discharge via new on-site piped infrastructure to the existing foul sewer in Woodbine Road. For water supply, the facility will be served through new on-site piped infrastructure connecting to the existing public watermains in Woodbine Road. For waste management, the proposal includes a dedicated refuse area with collection arrangements.

7.10.1. The planning authority's Drainage Section sought further information on calculations, SuDS measures, and surcharge in the event of a blockage in the system. Irish Water did not raise any issue in relation to connection or capacity constraints in its water supply or wastewater systems and indicated no objection to the proposal. The

planning authority's Environmental Health Officer cited no objection to the proposal subject to agreement on construction, demolition, and operational waste management plans. A small number of observers reiterated concerns raised by the planning authority in respect of existing sewage infrastructure being put under additional pressure, and that sufficient waste services are provided.

- 7.10.2. With regard to surface water drainage, in the first party appeal the applicant submitted revised plans and new/ updated reports (Engineering Response Memorandum, Engineering Planning Report, and a Site Specific Flood Risk Assessment (SSFRA)) in response to the items raised. I have reviewed same, noting that the key changes made include increased attenuation tank capacity, and increased permeable paving and gravel build-up both allowing local infiltration on lands within the applicant's control (i.e., not the planning authority controlled lands in the public domain around the perimeter of the site), which I consider to be reasonable.
- 7.10.3. With regard to flood risk, the SSFRA indicates there is no record of flooding at the site, and the site is located in Flood Zone C. The presence of Elm Park Stream is identified at c.200m to the northwest of the site (described elsewhere in the application documentation as a short and highly modified watercourse that enters Dublin Bay at Merrion Strand, with which there is no hydrological connection to the site). Clarification is provided in the updated SSFRA on the extent of surface water surcharge and the associated potential flood risk. In a modelled worst-case scenario of a partial pipe blockage causing a surcharge in a manhole upstream of the attenuation tank, a surcharge of 2.9m³ would flow and disseminate onto the landscaped and permeable public realm area along the site's southeast boundary and onto Woodbine Road.
- 7.10.4. With regard to waste management, the proposal includes a dedicated refuse collection area in the northeast corner of the ground floor level of the building which accesses directly to an external area from which collections will be managed (safe vehicular servicing by refuse collection vehicles has been discussed in the previous Section 7.9). Outline waste management plans have been submitted by the applicant in respect of demolition and construction waste which I have reviewed and consider reasonable. Details regarding operational waste can be addressed by condition.

7.10.5. In conclusion, I am satisfied that the issues raised in respect of water services and utilities by the planning authority's technical sections and concerns expressed by observers have been addressed in the corresponding revised and/ or updated reports submitted with the appeal. In the event of a grant of permission, I consider final agreement of these items can be addressed by condition.

7.11. Appropriate Assessment Screening

7.11.1. Having reviewed the applicant's Screening Report for Appropriate Assessment, which concluded that no significant effects will arise from the project on proximate European sites, and having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the absence of ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

8.1. I recommend that permission be granted for the following reasons and considerations, and subject to the conditions set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, to the Objective 'A' zoning of the site, to the nature and scale of the development, to the existing pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density and new accommodation yield at this infill urban location, would respect the existing character of the area, would not cause serious injury to the residential or visual amenities of property in the vicinity, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 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 received by An Bord Pleanála on the 7th day of October 2021 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>Permission is hereby granted for a student accommodation facility with a total number of 103 bedspaces (comprising 102 single ensuite bedrooms and 1 unit for on-site concierge use) in accordance with plans and particulars received by An Bord Pleanála on the 7th day of October 2021.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area.</p> |
| 3. | <p>The proposed development hereby permitted shall only be occupied as student accommodation in accordance with the definition of student accommodation provided for under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and shall not be used for any other purpose without a prior grant of planning permission for change of use.</p> <p>Reason: To limit the scope of the proposed development to that for which the application was made.</p> |
| 4. | <p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) Ground floor plan: 0.17, 0.18 and 0.19 studio rooms shall be omitted and the available floorspace repurposed as enlarged 0.4 reading room, 0.11 multi-activity room, and 0.15 laundry room, respectively; |

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| | <p>b) First floor plan: in both Cluster 1 and Cluster 4, a bedroom or a studio room shall be omitted (ensuring a maximum of 8 bedspaces per cluster) and the available floorspace repurposed as enlarged living, dining and kitchen area(s) and/ or increased bedroom(s); and</p> <p>c) Second floor plan: in Cluster 1, a bedroom or the studio room shall be omitted (ensuring a maximum of 8 bedspaces per cluster) and the available floorspace repurposed for use as an enlarged living, dining and kitchen area and/ or increased bedroom(s).</p> <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 interests of residential amenity and to comply with the requirements of the Dún Laoghaire Rathdown County Development Plan 2022-2028.</p> |
| 5. | <p>The proposed development shall be implemented as follows:</p> <p>a) Prior to commencement of development, a Student Accommodation Management Plan shall be submitted to and agreed in writing with the planning authority. The Management Plan shall include, inter alia, measures as indicated in the National Student Accommodation Strategy, 2017;</p> <p>b) Rooms (bedrooms, kitchen/ dining/ living rooms, service and/ or amenity rooms) within the Student Accommodation facility shall not be amalgamated or combined; and</p> <p>c) Green roof areas shall be accessed for maintenance purposes only and shall not be used for any amenity and/ or recreational purpose.</p> <p>Reason: In the interests of residential amenity of future occupants and of property in the vicinity.</p> |
| 6. | <p>The developer shall ensure that all construction methods and mitigation measures set out in the Ecological Impact Statement, Arboricultural Impact</p> |

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| | <p>Assessment, and Landscape Management Plan are implemented in full, save as may be required by conditions set out below.</p> <p>Reason: In the interest of wildlife and environmental protection.</p> |
| 7. | <p>Proposals for the development name and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all signs, shall be provided in accordance with the agreed scheme. The proposed development name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names.</p> |
| 8. | <p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p> |
| 9. | <p>No additional development, to that indicated and hereby permitted within the proposed plant enclosure areas, shall take place above roof 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 residential amenities of property in the vicinity and the visual amenities of the area.</p> |
| 10. | <p>The proposed development shall be implemented as follows:</p> |

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| | <p>a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:</p> <p>i. An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>ii. An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p> |
| 11. | <p>Prior to commencement of development, the following shall be submitted to and agreed in writing with the planning authority:</p> <p>a) A Mobility Management Plan;</p> <p>b) A Car Parking Management Plan;</p> <p>c) Final design, construction, and operation details of the vehicular access arrangements inclusive of entrances (entry-only and exist-only), public footpath, set down area, and turning area; and</p> <p>d) Taking in charge details, as applicable, for the public realm areas.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity, sustainable transportation, and traffic and pedestrian safety.</p> |
| 12. | <p>a) 4 car parking spaces, 1 drop-off delivery space, and 115 cycle parking spaces shall be provided for use by residents and visitors;</p> <p>b) Car and bicycle parking spaces shall be reserved solely to serve the proposed development, and shall not be sold or sublet for any other purpose; and</p> |

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| | <p>c) Details of the layout, marking demarcation, type of cycle parking rack, management of, and security provisions for the parking spaces shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the student accommodation, to prevent inappropriate commuter parking, and to encourage the use of sustainable modes of transport.</p> |
| 13. | <p>a) A minimum of 1 car parking space shall be provided with a functioning electric vehicle charging stations/ point, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date, proposals for which shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>b) Electric charging facilities shall be provided for cycle parking, proposals for which shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles and bicycles.</p> |
| 14. | <p>A comprehensive landscaping and boundary treatment scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall be in line with the Landscape Design Report, Landscape Management Plan, and associated plans lodged with the application to the planning authority and as amended by the further plans and particulars received by An Bord Pleanála on the 7th day of October 2021. The scheme shall include the following:</p> <p>a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/ materials for footpaths, kerbing and road surfaces within the development;</p> <p>b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> |

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| | <p>c) Details of proposed street furniture, including bollards, lighting fixtures and seating; and</p> <p>d) Details of proposed boundary treatments at the perimeter of the site, including wall/ fence heights, materials, and finishes.</p> <p>Landscaping shall be carried out within the first planting season following substantial completion of external construction works. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of residential and visual amenity, and to ensure the satisfactory development and maintenance of the landscaping.</p> |
| 15. | <p>Public lighting shall be provided in accordance with a scheme, which shall include all external lighting along pedestrian and/ or cyclist routes, cycle storage areas, and communal open spaces. The details of the lighting scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.</p> <p>Reason: In the interests of amenity and public safety.</p> |
| 16. | <p>The proposed development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>This plan shall provide inter alia: details and location of site offices, staff facilities, site compounds, on-site parking facilities, intended construction practice for the development including noise and dust management measures, a traffic management plan with details on access arrangements, storage locations (for plant, machinery, materials), timing and routing details for deliveries and disposal trips, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and</p> |

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| | <p>directional signage, and off-site disposal of construction/ demolition waste and/ or by products.</p> <p>Reason: In the interests of amenity and public safety.</p> |
| 17. | <p>Construction and demolition waste shall be managed in accordance with a Construction and Demolition Waste Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This Plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>The plan shall include details of waste to be generated during demolition and site clearance phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p> |
| 18. | <p>Site development and construction works shall be carried out 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.</p> <p>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 amenities of properties in the vicinity.</p> |
| 19. | <p>Drainage arrangements including the attenuation and 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 and surface water management.</p> |
| 20. | <p>Prior to commencement of development, the developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water.</p> |

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| | Reason: In the interest of public health. |
| 21. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 22. | <p>a) An Operational Waste Management Plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p> |
| 21. | <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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> |

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| | Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge. |
| 22. | <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 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> |

Phillippa Joyce
Senior Planning Inspector

22nd February 2023

Appendix A: List of Observers

1. Joan McNamara
2. John and Mary Frances Howard
3. Daniel Brennan
4. Jacqui Tripp
5. Derek Scally
6. Anselm Griffin
7. Stephen Fleming and Aine O'Halloran
8. Derek Greene
9. Garry and Norma Saul
10. Aideen O'Keeffe
11. Paul and June O'Brien
12. Helen and Tom Tynan
13. Michael Murphy
14. Ruth McGreenera
15. Anne-Marie Saul-Rotne
16. Margot Barnes
17. Siobhan McGee and Paul Fegan
18. Stella Sheehan
19. Tim O'Hanrahan
20. John and Nuala Kenny
21. Mary de Courcy
22. Adrian and Edwina Boggust
23. Eavan Thornton
24. Fergus Flanagan and Siobhán Ní Mhathúna
25. Brian and Sue Hughes
26. James Heney
27. Peter Fahy
28. Alice O'Flynn
29. Blanaith and Stephen Brennan
30. John and Helen Brazil
31. Gordon Naughton
32. Gibbons and Associates

33. Piarais Neary

34. Hilary Cran

35. Stephen Gillmor

36. Ruairi O'Matharbhui (for Glenomena Woodbine Residents
Association)