



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4th day of February 2019 by SP Bakery Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

A permission for a strategic housing development at 124-126 Parnell Street (a protected structure Record of Protected Structures Reference: 6421), Dublin 1 (formerly known as Kennedy Bakery / Parnell Business Centre) and including frontage to Temple Lane North at 4, 4A and 4B Temple Lane North (formerly known as premises to rear of 13 Gardiner Street).

The application site extends to approximately 0.3 hectares and is bounded by Parnell Street to the south, Temple Lane North to the north, Belmont Hall apartments to the east and the site of the former St. George's Church (now a children's playground) to the west.

The proposed development will consist of the restoration and conservation works to the existing protected structure of the 'Former Bakery' (Record of Protected Structures Reference: 6421), and the replacement of its non-original mansard roof with a new set back floor at 4th storey (3rd floor) level; the demolition of the remaining buildings on the site (circa 4,074.62 square metres) and the construction

of a purpose-built student accommodation scheme extending to a gross floor area of circa 8,265 square metres comprising:

- 257 number student bed spaces within 237 number bedrooms, provided by a combination of 26 number studios and 32 number cluster type apartments across five number blocks with five number disabled access rooms;
- Blocks ranging in height from four number storeys at Parnell Street, to seven number storeys in the centre of the site, and part six, part seven and part eight number storeys at the site's northern perimeter (appearing as four, five, and six number storeys to Temple Lane North);
- Block A (a protected structure) (four number storeys) extends to circa 639 square metres and consists of ancillary areas comprising a reception area, offices and storage at basement and ground floor level with accessible student accommodation on upper floors;
- Conservation, restoration and reinstatement works at the protected structure Block A;
- Block A is connected to Block B to the rear via a glazed link replacing the non-original external staircase currently occupying this position, to include a new stair and lift core;
- Block B (five number storeys) extends to circa 624 square metres and includes a coffee bar at ground floor level with student accommodation on upper floors;
- Block C (part six number storeys, part seven number storeys) occupies a central location on the site and extends to circa 2,626 square metres, including internal amenity space in the form of a reading and study area, games room and media area at first and second floor level;
- Block C is connected to Block D (part seven, part eight number storeys; appearing as part five, part six number storeys to Temple Lane North) via a pedestrian footbridge at first floor level;
- Block D extends to circa 3,443 square metres and includes amenity and facilities in the form of a lounge, gym, and laundrette at second floor level;

- Block D is setback by circa three meters from the existing building line at Temple Lane North;
- Block E (six number storeys; appearing as four number storeys to Temple Lane North) extends to the west of Block D comprising circa 933 square metres including refuse storage at ground and first floor level, with plant room, Electricity Supply Board substation and switch room at second floor level;
- Pedestrian and vehicular access is provided via a controlled gate at the existing archway at Block A, with one number accessible parking space for short term use located adjacent to Block B;
- A secondary pedestrian entrance is provided at Temple Lane North at a double height opening to also facilitate fire tender access;
- A total of 133 number secure bicycle parking spaces are provided across the site;
- A new footpath will be provided along the total length of the site's northern perimeter, integrating with an existing footpath providing a link to Gardiner Street to the east;
- Circa 2,101 square metres of external amenity space is provided across the site in the form of two number landscaped courtyards at ground level and two number roof gardens at Block C (sixth floor level) and Block D (seventh floor level); with circa 356 square metres of internal amenity space provided;
- Linear landscaped courtyards are provided within lightwells located adjacent to the northern elevation of Block D;
- All ancillary drainage, associated infrastructure and site development works are included, with solar photovoltaic panels located at roof level at Blocks D and E.

It is proposed that the development will be used for tourist or visitor accommodation outside of academic term times, in accordance with the definition of student accommodation.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Dublin City Development Plan 2016-2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the nature, scale and design of the proposed development;
- (g) the availability in the area of a wide range of social, community and transport infrastructure;
- (h) the pattern of existing and permitted development in the area;

- (i) the submissions and observations received, and
- (j) the report of the Inspector.

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on a brownfield, infill, urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. (a) The proposed student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.
(b) Student house units shall not be amalgamated or combined.

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

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - (a) Details of the public realm improvements on Temple Lane North, including materials to be used in roads and footpaths and point of entry/access details.
 - (b) Details of areas to taken in charge, if any.
 - (c) A public lighting plan.
 - (d) Drop off and collection shall be as stated in the Student Management Plan.

The street and footpath improvements along Temple Lane North shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013.

Reason: In the interests of visual and residential amenity.

5. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external commercial frontages, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

8. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

9. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Full details of proposed brown roofs including construction and maintenance plan shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

10. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

11. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the reclamation and re-use of suitable building materials, such as brick, in any hard landscaping elements, where appropriate and practicable, shall be carried out. Details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. Prior to commencement of development, the developer shall provide for the following:
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric of the red brick bakery office building during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts,

Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

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

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

15. Site development and building works shall be carried out only between 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

16. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

17. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery, and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

18. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

20. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019