An Coimisiún Pleanála

Commission Order
ACP-324467-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEBLRD6089/26-S3

Appeal by Kerri Farnsworth and others against the decision made on the 29th day of June, 2026 by Dublin City Council to grant subject to conditions a permission to Westward Property Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Large-Scale Residential Development comprising of 54 number residential apartment units, 365 number purpose-built student accommodation bedspaces, two number commercial units and a cultural/community use all in three number blocks ranging in height from 1-14 storeys (above lower ground floor level) with associated bicycle parking, car parking, public plaza, communal open spaces, internal amenity spaces and all ancillary works. The development shall comprise of: (a) Demolition of all existing buildings on site (total ground floor area approximately 2,905 square metres) and the part demolition works to the Former Mountjoy Brewery structure (removal of non-original fabric of approximately 114 square metres and approximately 49 square metres of original fabric) and the removal of the majority of the existing boundary walls and railings. (b) Construction of 365 number student bedspaces arranged in 53 number clusters of six, seven, and eight-bedroom units and 26 number studio units (including seven number

accessible units) each with associated shared kitchen/living/dining areas in two number interconnected blocks (Block A and B) ranging in height from one to nine storeys (above lower ground floor level); (i) Internal amenity spaces (approximately 849.9 square metres), including reception/common lounge/social area, parcel store, games room, cinema/media room, laundry room, meeting room, music practice room, recording studio, multi-purpose arts room, two private study rooms, study area, and one number accessible bathroom at ground floor level in Block A, a gym at ground floor level in Block B and a students' lounge and accessible bathroom at sixth floor level in Block B. (ii) External amenity areas (approximately 978.8 square metres), including external patio at surface level, a roof terrace at first floor level, and two number roof terraces at sixth floor level. (iii) A total of 436 number bicycle parking spaces to serve the student accommodation units (368 number long-term spaces at lower ground floor and ground floor levels and 68 number visitor spaces at surface and ground floor level, including 12 number cargo bike spaces). (iv) Back of house areas, including administrative room, security room, staff canteen, one number storeroom and bin store for the amenity areas in Block A; and a general bin store in Block B. (v) It is proposed that the development will be used for short-term tourist or visitor accommodation outside of academic term times, in accordance with the definition of student accommodation. (c) Construction of 54 number apartment units in one number block (Block C) ranging in height from six to 14 storeys (above lower ground floor) comprising 18 number one-bedroom units, five number two-bedroom (three-person) units, 18 number two-bedroom (four-person) units and 13 number three-bedroom (five-person units). Each residential unit will have access to private open space in the form of a balcony. (i) Total residential communal open space of approx. 367.9 square metres, including a landscaped courtyard at surface level and roof terrace at sixth floor level. (ii) A total of 130 number bicycle parking spaces to serve the residential units (103 number long-term spaces at lower ground floor level and 27 number visitor spaces at lower ground floor level and surface level). (iii) A total of 11 number car parking spaces (including six number EV spaces) and

two number motorbike parking spaces are proposed to serve the residential units at lower ground floor level accessible via a car lift and one number EV accessible car parking space is proposed at surface level. (iv) A residential bin store is proposed at lower ground floor level. (d) Two number commercial spaces, including an office/we work unit (approximately 284.5 square metres) and café/retail unit (approximately 102 square metres) at ground floor level in Block B, each with an associated bin store. (e) A cultural/community use unit (approximately 845.2 square metres) at lower ground, ground floor (partial double height) and mezzanine levels in Block C. (f) A total of 18 number bicycle parking spaces is proposed to serve the commercial units at surface level (four number bicycle spaces for the café/retail unit; four number bicycle spaces for the office unit and 10 number bicycle spaces for the cultural/community use). (g) Approximately 409.4 square metres of public open space in the form of a public plaza between Block B and C fronting onto Russell Street. (h) An ESB substation, two number switch rooms and comms room at ground floor in Block A. A switch room and generator room at ground floor in Block B. An ESB substation, switch room and riser room at ground floor in Block C. Two number plant rooms and sprinkler plant room at lower ground floor in Block B. Two number plant rooms, a generator room, mech vent exhaust room and comms room at lower ground floor in Block C. (i) Vehicular access/egress to be provided off Russell Street for a new internal street allowing access to the proposed EV accessible car parking space and the car lift. (j) Provision of two number drop-off/loading bay spaces and an area of on-street parallel parking bays on Russell Street. The development will also provide for all associated service connections, public lighting, hard and soft landscaping, planting, road markings, tactile paving, boundary treatments, traffic bollards, nature-based SuDS features, green and blue roofs, roof level PV Panels, plant areas and equipment, heat pumps, condenser units and acoustic louvred screens, and all associated site clearance, excavation and development works above and below ground, all on a site of approximately 0.433 hectares at Westward House, 10, 10A, and 10B Russell Street, Dublin.

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.

Reasons and Considerations

The Commission made its decision, consistent with the relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended, the Climate Action Plan 2024 and the Climate Action Plan 2025. In coming to its decision, the Commission had regard to the following:

(a) the policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031;

(b) the policies and objectives set out in the Dublin City Development Plan 2022-2028, including the location of the site on lands forming part of Opportunity Site 3 within SDRA 10 (Northeast Inner City) and zoned Z10 – Inner Suburban and Inner City Sustainable Mixed Uses, where the objective is to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses;

(c) Delivering Homes Building Communities 2025 - 2030, issued by the Department of Housing, Local Government and Heritage in November 2025;

(d) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024);

(e) the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025;

(f) the Planning Design Standards for Apartments National Planning Statement, November 2026;

(g) the Climate Action Plan 2024 and the Climate Action Plan 2025;

(h) the Urban Development and Building Heights, Guidelines for Planning Authorities, 2020;

(i) the National Student Accommodation Strategy, 2017;

(j) Development Management, Guidelines for Planning Authorities, 2007;

(k) the Design Manual for Urban Roads and Streets, 2013, updated 2019;

(l) the availability in the area of a wide range of social and transport infrastructure;

(m) the pattern of existing and permitted development in the area;

(n) the Planning Report and supporting technical reports of Dublin City Council;

(o) the submissions and observations received;

(p) the grounds of appeal, observations and further responses on appeal; and

(q) the report and recommendation of the planning inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment Screening Exercise

The Commission 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 suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Commission 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 South Dublin Bay Special Area of Conservation (Site Code 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), North Dublin Bay Special Area of Conservation (Site Code 000206) or North Bull Island Special Protection Area (Site Code 004006) or the North West Irish Sea Special Protection Area (Site Code 004236) in view of the conservation objectives of these sites, and is therefore excluded from further consideration. Appropriate Assessment is not required.

Environmental Impact Assessment

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment. Having regard to:

(a) the nature and scale of the proposed development, which is significantly below the threshold in respect of Class 10(b)(i) and 10(b)(iv) of Part 2 of

Schedule 5 of the Planning and Development Regulations 2001, as amended;

(b) the location of the proposed development on lands zoned Z10 in the Dublin City Development Plan 2022 -2028 with the associated land use objective to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC);

(c) the urban nature of the existing site and the pattern of development in the surrounding area;

(d) the availability of mains water and wastewater services to serve the proposed development;

(e) the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001 (as amended);

(f) 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);

(g) the criteria set out in Schedule 7 and Schedule 7A of the Planning and Development Regulations 2001, as amended;

(h) the results of other relevant assessments of the effects on the environment submitted by the applicant including the Engineering Report and site-specific Flood Risk Assessment; and

(i) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the environmental Impact Assessment Screening Report, Outline Construction Environmental Management Plan, the Resource and Waste Management Plan, Operational Waste Management Plan, Ecological Impact Assessment, Archaeological Impact Assessment, Landscaping Report and the Engineering Services Report,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Water Status Impact Assessment Screening

The Commission completed a Water Status Impact Assessment screening exercise with regard to the objectives of Article 4 of the Water Framework Directive, taking into account the nature and extent of the proposed development, the urban location of the site which is outside an area at risk of flooding, the absence of any surface water feature within the appeal site, the standard pollution controls and project design features, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Commission adopted the report of the Planning Inspector, and concluded that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

Conclusions on Proper Planning and Sustainable Development

Having regard to:

(a) the provisions of Dublin City Development Plan 2022-2028, and in particular Chapter 13, which identifies Strategic Development Regeneration Area (SDRA) lands and for each SDRA opportunity site, sets out guiding principles for appropriate form and scale of development, key routes, permeability, open space etc. whilst acknowledging that some flexibility will be applied where the applicant can demonstrate that the overall intent of the guiding principles has been considered in the development proposal,

(b) to objective SDRA 01 which seeks to support the ongoing redevelopment and regeneration of SDRA lands, in accordance with the guiding principles and associated map, and having regard to the location of the subject site at the northwest portion of opportunity site number 3, within SDRA 10,

(c) to Section 13.12 (SDRA 10 North East Inner City) which identifies the Guiding Principles to promote quality development at this location, and Figure 13-10 (SDRA Northeast Inner City), which offers guidance for opportunity site 3, on indicative built form, improved public open space, access and permeability, and indicative locations suitable for locally higher buildings,

(d) to Appendix 3 of the development plan (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City), Table 1 of Appendix 3 (Density Ranges), Table 3 of Appendix 3, (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale), Policy QHNS44 (Student Accommodation Concentration), Policy QHN45 (Third-Level Student Accommodation), Policy SC14 (Building Height Strategy), and Policy QHSN10 which seeks to promote residential development at sustainable densities having regard to the need for high standards of urban design and architecture to successfully integrate with the character of the surrounding area,

it is considered that, subject to compliance with the conditions set out below, the proposed development, at this highly accessible location, would provide a high-quality architectural form of design and layout, would provide for a high level of amenity for future occupants of the proposed apartments and purpose built student accommodation (PBSA), would be acceptable in terms of traffic and pedestrian safety, and would not give rise to unacceptable overlooking or negative impacts on the amenities, including residential amenities, of adjacent properties, or of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered the provisions of Policy SC10 (Urban Density) of the development plan, which seeks to ensure appropriate densities and the creation of sustainable communities, in accordance with planning guidelines. The Commission noted that Table 1 of Appendix 3 of the development plan identifies a net density range of 100-250 Units per Hectare (UpH) for SDRA lands, whilst the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, identifies a residential density of 100-300 UpH (net) for city centre sites, which are noted to represent the most central and accessible urban locations nationally, with the greatest intensity of land uses. The Commission, in considering these referenced thresholds, did not share the opinion of the Inspector that the proposed studio units within the PBSA, should not be treated as "shared accommodation" for the purpose of calculating density, but the Commission nevertheless agreed with the Inspector that that the proposed density, calculated by the planning authority at 372 UpH, would significantly exceed the identified thresholds indicated by development plan and the Compact Settlement Guidelines. The Commission did not, however, accept the Inspector's opinion that the proposed density of this scheme would result in a material contravention of Policy SC10 of the development plan, having regard to Appendix 3 of the development plan which, whilst recognising that there will

be a general presumption against schemes with a density in excess of 300 density per hectare (dph), nevertheless makes clear that such schemes will be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented, in which case the performance criteria set out in Table 3 of Appendix 3 will apply. The Commission gave detailed consideration to those performance criteria (including the assessment of same by the Inspector) and agreed with the Inspector that the proposed mix and distribution of uses would be appropriate and would promote a sense of place and character, which would make a positive contribution to the legibility of the streetscape, incorporating active ground floor uses and preserving the historic structure of the former Mountjoy Brewery. The Commission also agreed with the Inspector that the proposed height, scale and massing would be acceptable, given that the proposed six-storey elements along Russell Street would be reflective of the established character on that side of the street, and given that the locally taller structures as proposed, would be sited to the rear of the subject site, on the western side. Having regard to the performance criteria set out in Table 3 of Appendix 3, the Commission noted the Inspector's concerns regarding certain identified elements of the proposed development (further details of which are referred to below), and having given detailed consideration to these aspects of the proposal, the Commission ultimately determined that such issues could be adequately addressed by way of condition, with the result that the proposed development would meet the performance criteria of Table 3 of Appendix 3 of the development plan, and would be suitable for a density in excess of 300 UpH. The Commission agreed with the planning authority that, although the proposed density at 372 UpH would be very high, this could be justified given the infill brownfield nature of the site, which is earmarked within SDRA10 for strategic regeneration with a focus on compact growth, and with the objective to facilitate increased density and height. The Commission also agreed with the planning authority that the site is an ideal location for higher density, having regard to its location within walking distance to the high-capacity public transport node of Drumcondra Road Rail Station and Bus Connect Routes,

and its position alongside the Royal Canal Greenway. The Commission considered the proposed development to be of a scale and height which would broadly meet the development plan guidelines for this portion of opportunity site number 3, and would potentially act as a catalyst for future development in the vicinity of this arterial route.

In reaching this decision, the Commission noted the Inspector's following concerns:

(a) The provision of a public walkway via a gated entrance

The Inspector was concerned that the proposal did not give due regard to permeability through the site, as identified on Figure 13-10 (SDRA Northeast Inner City) and that the proposed development would fail to deliver sustainable and efficient movement, by reason of the lack of useable connections through the site. The Commission agreed with the Inspector's concern regarding the usability of the proposed public walkway/pedestrian/cycle route from Russell Street, though a gated walkway between Blocks A and B of the PBSA, but considered that this issue would be suitably resolved by the Inspector's proposed solution of providing an additional minimum three metre wide public pedestrian route, up to the site's western boundary with the adjoining site, to facilitate potential future access to the adjacent site which Figure 13-10 (SDRA Northeast Inner City) indicates as a future area of improved public space/pocket park.

(b) The under-provision of public open space in an area which has an existing deficit of public open space infrastructure

The Commission agreed with the Inspector that the area of some 47 square metres to the front of Block C, would not equate to usable public open space, and that the overall proposal would give rise to a modest

deficit of public open space. The Commission however agreed with the Inspector that the proposed areas of public and communal open space could be reconfigured, so as to provide for a three metre wide public walkway to the western boundary of the site, which would not only result in the additional community benefit of improved permeability to the potential future pocket park to the west of the appeal site, but would also bring the area of public open space up to the Development Plan standard of 10%.

(c) The limited separation distances within Block A, and between Blocks B and C, which would negatively impact on future residential amenity by way of undue overlooking

Regarding Block A, the Commission noted the overall C-shaped configuration, incorporating a central courtyard area, which would result in a maximum separation distance of some 14 metres between the student bedrooms on the eastern and opposing western elevations of the internal courtyard, which would be below the standard of 16 metres, required by SPPR 1 of the Compact Settlement Guidelines. The Commission did not however share the concerns of the Inspector that in each instance, the reduction in separation distance would result in undue overlooking. The Commission considered the modest variation from the stated distance standard to be relatively minor in nature, and having regard to the intervening area of amenity space in the internal courtyard separating the student bedrooms on the eastern and opposing western elevations of Block A, the Commission did not consider, having regard to the overall provision of amenity to the student occupants during term time, and tourists/visitors during non-term time, that the proposed development would negatively impact on future residential amenity by way of undue overlooking, to such a degree as to warrant a refusal of permission.

The Commission also noted that the separation distance between the northern elevation of Block B and the southern elevation of Block C, would vary from 16.4 m to 15.2 metres, with a design incorporating directly opposing windows serving habitable rooms, with no clear indication of privacy measures to prevent undue overlooking. The Commission noted the minor reduction in the required standard of separation distance, and that this would arise in the context of an area of public realm between Block B and Block C. The Commission also noted that this would impact the bedrooms of one apartment only on each of the first to fifth floors of Block C, on the southern elevation, and that each of those apartments would have the benefit of a dual aspect living/kitchen/dining area. In the circumstances, the Commission determined that this minor reduction in separation distance, would not negatively impact on the future residential amenity of the occupants of those 5 apartments, by way of undue overlooking, to such a degree as to warrant a refusal of permission.

(d) The limited separation distances to the site's western boundary which would potentially impede the future development of an adjacent site

The Commission noted the small rectangular parcel of land, located to the rear of Block B, that is not within the applicant's ownership but is identified in the applicant's masterplan which recognises that, to allow for the development of the subject site, any future building on this adjacent parcel should be limited to windows on its eastern and western elevations. The Commission did not share the concerns of the Inspector that, in practice, any development on the adjacent site would be limited to windows on its western elevation only. The Commission noted that, in accordance with Figure 13-10 (SDRA Northeast Inner City) of the development plan, the overall approach was to have a future built form on the adjoining parcel, which would address the future improved area of

public open space to the west, and the Commission considered that such future development could incorporate suitable design solutions to address the constraints of that adjacent site, that is, obscured or high-level windows

(e) The undue overshadowing of communal open spaces associated with the student accommodation

The Commission noted in that regard, that although the proposal would largely comply with BRE standards for daylight and sunlight, including the 6th floor level communal open space associated with the student accommodation which would meet the required standard, nevertheless, neither the ground floor level communal open space, nor the first-floor level communal open space for the PBSA, would achieve the BRE standard of at least two hours of sunlight on 21st day of March. The Commission gave detailed consideration to the overall level of amenity available to the future occupants of the student accommodation, including internal amenity spaces of some 849.70 square metres, which would include a communal lounge/social area, communal rooms for meetings, study, music practice, recording/podcast, arts, cinema/media, and a gym at ground floor level, in addition to easy access to the adjacent royal canal greenway, and potential future access to improved public open space to the west of the site. Having regard to the totality of the amenities offered by the proposed development, the Commission did not consider the high level of shadowing to the ground floor area of communal open space between Blocks A and B, or to the first-floor communal open roof terrace space, to be such as would, in the overall circumstances outlined, warrant a refusal of permission.

(f) The bulky and disproportionate form of the first to fifth floor level of Block C, which would detract from the historic base

Although the Inspector had concerns regarding the form and design of the first to fifth floor levels of Block C, the Commission did not share the

Inspector's opinion that the design, incorporating a limited overhang, would detract from the historic base preserved below. The Commission considered the design to be appropriate and that the form of the structure above the historic base, would read as a distinct element over the historic Mountjoy Brewery structure. The Commission noted the incorporation of a partial double height space at lower ground, upper ground and mezzanine levels in the repurposed Mountjoy Brewery Building of Block C, which would ensure the adaptive reuse of an existing structure, while embedding a meaningful cultural function within the scheme, adjacent to the designated public open space. The Commission did not agree that the positioning of the first to fifth floor levels of Block C, would in any way detract from the remaining historic fabric, and instead considered the partial overhang to be an appropriate feature which would contribute to the legibility of a high-quality architectural design response.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars received by the planning authority on the 7th day of May 2026 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. (a) The development hereby permitted shall contain: 54 residential apartment units, 365 student accommodation bedspaces, two commercial units, and a community/cultural area.

(b) Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

3. The applicant shall provide an additional public pedestrian route to the south of Block C, at a minimum of three metres in width, to facilitate permeability from the proposed public plaza/open space fronting Russell Street, to the site's western boundary with the adjoining site, and potential access to the future area of improved public space/pocket park identified by Figure 13-10 (SDRA Northeast Inner City). Details of the final layout and design of this pedestrian route shall be submitted for the written agreement of the planning authority, prior to the commencement of development.

Reason: In the interests of pedestrian permeability, and sustainable and efficient movement.

4. The public plaza fronting Russell Street shall remain publicly accessible, and any gated or semi-public area shall be managed so as to balance public access, residential amenity and site security. The design and operation of all gates, boundaries and external areas shall not prejudice the delivery of future pedestrian/cycle access or permeability connections through or adjoining the site where such connections are envisaged by the relevant SDRA/masterplan principles.

Prior to occupation, details of the opening hours and management arrangements of any privately managed areas/streets intended to be used by members of the public shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development.

5. The community, arts and cultural space, shall be fully accessible to the public. Prior to the making available for occupation of any of the student accommodation or residential units, the developer shall submit, for the written agreement of the planning authority:

   (a) Full details of the proposed users of the community, arts and cultural space, and details of the design, internal layout, finishes, fit out, and wayfinding strategy, which shall be carried out at the developer's own expense.

   (b) Details of the intended hours of operation, along with a programme for opening and managing the space as part of the overall development,

   Any proposed change to the occupiers or operators of the community, arts and cultural space shall be submitted to the planning authority for prior written agreement.

   Reason: To ensure the delivery of sustainable, high-quality community and cultural facilities in the interest of the amenities of the area, in accordance with Objective CU025 of the Dublin City Development Plan 2022-2028.

6. (a) Mitigation and monitoring measures outlined in the plans and particulars, including the outline construction environmental management plan, EIA Screening Report, Operational Management Plan, Ecological Impact Assessment, and Flood Risk Assessment, submitted with the application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

(b) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a comprehensive list of mitigation and monitoring measures from the submitted reports and a corresponding timeline/ schedule for implementation of same.

Reason: in the interest of clarity and to protect the environment and public health.

7. (a) Details of the materials, colours and textures of all the external finishes to the proposed development, including signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall include the replacement of the proposed new render finish to the southern wall of the former Mountjoy Brewery, with a stone finish that is complementary to the retained fabric.

(b) Prior to the occupation of the commercial units, details of any proposed signage, shopfront alterations, and hours of operation, shall be submitted to the planning authority, for written agreement.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. The student accommodation hereby permitted shall be occupied only as student accommodation during the academic term (September/October to May), and for no other purpose. During the academic term, no unit within the student accommodation shall be occupied by persons other than current students of recognised third level institutions. At any other times, such units shall only be let for tourist/visitor accommodation purposes only.

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

9. (a) The student accommodation and residential buildings shall be operated and managed in accordance with the detailed measures indicated in the Operational Management Plan and Community Safety Strategy.

(b) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company will/will not have responsibility, shall be submitted to, and agreed in writing with, the planning authority, before any of the student accommodation or residential units are made available for occupation.

(d) Except for the designated amenity spaces serving the student accommodation and residential units, access to green roof areas shall be for maintenance purposes only.

(e) The PBSA cluster units hereby permitted, shall not be amalgamated or combined.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant, other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area.

11. (a) Prior to the making available for occupation of any of the student accommodation or residential units, the developer shall submit, for the written agreement of the planning authority, revised bicycle parking details demonstrating that a minimum of 5% of the total bicycle parking provision is designed and reserved for cargo bicycles, adapted bicycles, and other non-standard bicycles. These spaces shall be conveniently located, clearly marked, accessible without reliance on stairs, and designed in accordance with the National Transport Authority Cycle Design Manual 2023. The approved spaces shall be constructed and ready to use, prior to the occupation of any student accommodation or residential units and shall thereafter be solely retained for cargo/adapted bicycle use.

(b) A minimum of 50% of on-site car parking spaces including the accessible parking space shall be fully equipped with EV charging capabilities, with the remaining spaces ducted for future EV use. Details of how it is proposed to comply with these requirements (including ducting/servicing drawings/details) shall be submitted to,

and agreed in writing with, the planning authority prior to commencement of development. The EV charging spaces shall be operational prior to occupation of the residential units, and shall be retained thereafter.

Reason: In the interest of sustainable transportation infrastructure, and orderly development.

12. (a) The development shall be acoustically insulated and managed to ensure that noise generated within the development shall be inaudible within any residential unit located adjacent to, or in close proximity to the development.

(b) All equipment, including gym machines, amplified music systems, and mechanical plant shall be installed in a manner which minimises structure-borne and airborne noise transmission,

(c) External music systems, speakers, or public address systems shall not be installed or operated outside the building for promotional, entertainment, or any other purpose.

(d) External areas of the development shall not be used for gym-related activities or any noise-generating uses associated with the indoor facilities.

(e) All plant and mechanical equipment shall be acoustically designed and installed to minimise noise emissions, vibration, and impulsive tones

Reason: To protect the residential/commercial amenities of residents and commercial businesses in adjoining and adjacent premises.

13. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) the location of areas for construction site offices and staff facilities;

(c) details of site security fencing and hoardings;

(d) details of on-site car parking facilities for site workers during the course of construction;

(e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) measures to obviate queuing of construction traffic on the adjoining road network;

(g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and

(l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and environmental protection, and to ensure the continued preservation of archaeological features or objects on the site.

14. The development shall comply with the following requirements:

(a) A conservation expert with proven and appropriate expertise shall be employed to design. manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, the architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the character of historic structure and its surroundings and all permitted works shall be designed to cause minimum interference to the retained fabric of the parts of the historic structure to be retained.

(b) All works to the historic structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Prior to commencement of development, the developer shall submit for the written approval of the planning authority, a detailed method statement covering all works proposed to be carried out, including a full specification of

materials and methods, measures for the recording, cataloguing and numbering of items to be removed for repair off-site to allow for authentic re-instatement, the repair of original fabric by appropriately experienced conservators of historic fabric, and the protection during the refurbishment works, of all existing original features, in the vicinity of the works.

Reason: In order to protect the original fabric, character and integrity of the retained historic structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall at all times be made available for inspection at the site office.

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

16. (a) Prior to the commencement of development, a Landscape Architect shall be appointed by the applicant to oversee the implementation of the landscape scheme, which shall include a public artwork reflecting industrial heritage and natural stone

surfacing within the public open space plaza. The landscape scheme, as amended, shall be completed prior to the occupation of any apartment unit.

(b) Any vegetation which dies or is removed within three years of planting shall be replaced in the first planting season thereafter. A landscape completion report will be required to be submitted on completion of the scheme for release of bond.

(c) The applicant/development's management company shall be responsible for maintenance and management of the public open space. The public open space will not be taken in charge. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the planning authority at all times.

(d) Details of the process to procure a public artwork reflecting industrial heritage shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. The artwork will be completed and installed within 6 months of the completion of the development's public plaza with an associated interpretation sign.

Reason: In the interests of amenity, ecology and sustainable development and protection of biodiversity.

17. Bilingual proposals for the naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

18. Site development and building works shall be carried out between the 0700 and 1900 hours Monday to Friday, between 0800 and 1400 hours on Saturdays, and not at all on Sundays or public holidays, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the protection of residential amenity.

19. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interests of public health and to ensure adequate water/wastewater facilities.

20. Any damage to the adjoining roadways/footpaths, as a result of the proposed development shall be made good at the developer's expense, to the satisfaction of the planning authority.

Reason: In the interests of orderly development and environmental protection.

21. 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.

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

22. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

23. Prior to commencement of development, a public lighting design and strategy for the entire site shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of amenity and public safety, and to prevent light pollution and protect biodiversity.

24. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

25. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

26. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

27. 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 satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 Coimisiún Pleanála for determination.

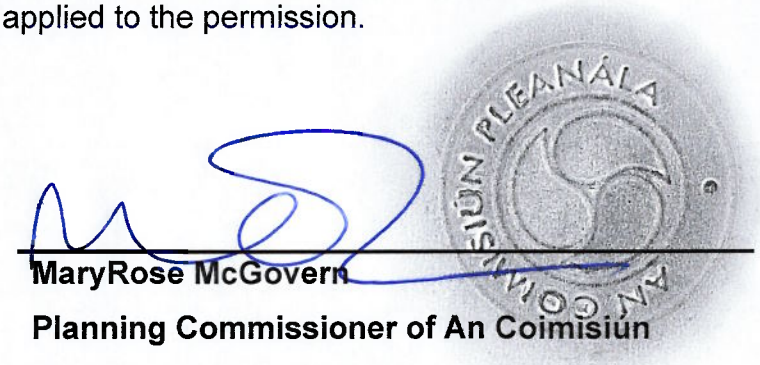
Reason: To ensure satisfactory completion and maintenance of the development until taken in charge.

28. 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 Coimisiún 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.

29. The developer shall pay to the planning authority a financial contribution in respect of LUAS Cross City Scheme 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 Coimisiún 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.



MaryRose McGovern
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 9th **day of** November **2026.**