



An
Bord
Pleanála

Inspector's Report ABP 301945-18.

Development	Internal and external alterations to No 8 Herbert Street and mews building at No. 8 Herbert Lane and, change from Office use to use as Serviced Short Stay Tourist Accommodation and ancillary works facilitating the development.
Location	No 8 Herbert Street and No 8 Herbert Lane, Dublin 2. (Protected Structure)
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4542/17
Applicant	Carnivan Bay Hospitality
Type of Application	Permission.
Decision	Grant Permission.
Third Party Appellants	(1) Kathy McGuinness and Felim Dunne. (2) Clive and Patricia Carroll. (3) South Georgian Core Residents.
Date of Site Inspection	25 th September, 2018.
Inspector	Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 322 square metres and is formed from that of the original plot for No 8 Herbert Place, a mid terrace, four storey over basement Georgian townhouse with a two-storey rear return constructed in the early nineteenth century which appeared on Neville's Plan, 1830. The house is vacant and has formerly been office use and use as a recording studio. The frontage is onto the south east side of Herbert Street and the rear boundary is onto Herbert Lane to the south east side. A two-storey mews structure, also vacant is located at this end of the site set back, (behind a front curtilage in carparking use at the time of inspection) from the frontage onto Herbert Lane. Some original joinery has been removed, altered and interventions to the interior of house have been made to provide for servicing for the former uses.
- 1.2. An overgrown garden is located between the rear of the house and the mews structure with original, substantially intact brick faced boundary walls on either side.
- 1.3. The adjoining property to the north side on Herbert Street is in residential use. It was noted during the inspection that most of the properties to the south side along Herbert Street are in commercial use but may contain a residential element. There are mews type properties on both sides of Herbert Lane and they are in residential use and commercial use/light industrial use.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for internal and external alterations to the house, return and mews building to include
 - (1) Works to the existing four storey townhouse and return. (No 8 Herbert Street)
 - (2) Works to the existing two storey mews building. (No 8 Herbert Lane)
 - (3) Change of use to serviced short-stay tourist accommodation from office use.

A total of nine guest suites is to be provided in No 8 Herbert Street along with a reception area, coffee dock and services area and, two guest suites are to be provided in No 8 Herbert Lane.

- (4) The total stated existing floor area of the existing structures subject of the application for change of use is 493.5 square metres. A small shed is to be removed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Further to issue of a request for additional information regarding details of proposed management arrangements for the short stay tourist accommodation to which a response was received on 8th May, 2018, the planning authority decided to grant permission subject to twelve conditions most of which are of a standard nature.

Condition no 5 contains requirements for compliance submissions on servicing ductwork, fire upgrades, condition studies, surveys and methodologies for the proposed works and a schedule of existing historic glazing details of replacement fenestration.

Condition No 4 contains the requirement that the project be carried out under the direction of an architect with specialist expertise in historic building conservation.

Condition No 5 contains the requirement for a maximum occupancy duration of two months, no subletting of separate sale as self-catering accommodation and a for a grant of permission to be obtained in the event of change from commercial short-term accommodation to residential use in the future.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in his final report indicates satisfaction that the zoning provisions could be relaxed to facilitate the proposed change of use change, from office use, in that short stay tourist accommodation is compatible with the conservation objectives and would represent planning gain and considered the proposed development acceptable.

3.2.2. **Other Technical Reports**

The reports of **Conservation Officer** contain several observations on aspects of the proposed development including concerns about implications for historic fabric arising from the servicing and intensification of services necessary to support the proposed tourist accommodation facilities. She indicates satisfaction with the proposed development in her final report and a schedule of specific requirements and conditions to be attached should permission be granted.

The reports of the **Waste Management and Drainage** divisions indicate no objection subject to standard conditions.

3.2.3. **Third Party Observations**

Third party observations were lodged by several parties in which the issues raised include concerns about consistency of the proposed change use with the zoning objective and the implications for the historic fabric and character of the buildings and the Herbert Street area having regard to the protected structure status and conservation area objectives and to the provisions for the south Georgian core, visual impact and impact on residential amenities.

4.0 **Planning History**

There is no record of a planning history for the site available.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2021 (CDP) according to which:

The site of is within an area subject to the zoning objective Z8: *to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with conservation objective.* Bed and Breakfast accommodation and hostels are permissible uses and guesthouses are open for consideration. The site of No 8 Herbert Lane is within an area subject to

the zoning objective Z1: *to protect, provide and improve residential amenities.*
(Bed and Breakfast accommodation is open for consideration.)

No 8 Herbert Street is included on the record of protected structures. (Item 3736)

Under Policy Objective CHC2 it is the objective of the planning authority to ensure the protection of the special interest of protected structures, the curtilage and the features within it.

The reinstatement or protection of the original planform, retention of historic use where possible, securing long term viable use and avoidance of harmful extensions and modifications is encouraged. (s 11.1.5.3)

The site location also comes within the area of the South Dublin Georgian Core in respect of which Dublin City Council published, "*The Future of the South Georgian Core*" in 2013.

Herbert Street is a designated 'conservation area' (s 11.1.5.4)

Under Policy Objective CHC2 it is the objective of the planning authority to ensure the protection of the special interest and character of conservation areas.

Section 14.5 provides guidance on scope for relaxation of zoning objective provisions for development proposals affecting protected structures especially where the long-term viability of the structure is facilitated, and works are at the highest standard.

Appendix 16 contains some guidance on aparthotel development.

Policy QH25 provide for encouragement of reintroduction of residential use in the historic areas of the city which is consistent with architectural integrity and character.

Guidance and standards for mews dwelling development is set out in section 16.10.16

Recommendations on consideration of planning applications involving short term letting are set out in Circular Letter 10/2017

6.0 The Appeals

6.1. Appeals were received from the following three parties, each of which is outlined in brief below.

(1) Kathy McGuinness and Felim Dunne

(2) Clive and Patricia Carroll.

(3) South Georgian Core Residents.

6.2. Appeal by Kathy McGuinness and Felim Dunne. (First, Third Party.)

6.2.1. An appeal was received from Ms McGuinness and Mr Dunne on their own behalf on 26th June, 2018 and they state that they reside at No 6 Herbert Street. The appeal is extensive in length and the objections are outlined in brief below.

- Herbert Street has a residential character with an increasing number of houses being permanently occupied on a residential basis. This is beneficial and important for the South Georgian Core's historic houses. The proposed development is not appropriate or compatible with established and anticipated residential use. Owner occupiers have taken good care to ensure the Georgian houses on the street remain in good condition. The proposed development is not essential to secure the condition of No 8 and the interventions proposed are incompatible with the significance and value of the building. Inadequate consideration was given restoring it to its original use.
- Short stay accommodation is typified by Airbnb lettings of non-home sharing accommodation operated by businesses operating on an unregulated basis with multiple properties. It affects supply and inflates rent and the effect has been very unsettling. Some scenarios; (a) letting of a room in a house, (b) house sharing and (c) entire house and apartment tourist lettings. The third option (c) is lucrative for landlords, the sector being unregulated, and a nightmare for occupants of neighbouring properties.
- It is contended that the proposed change of use is similar to option (c) and that anti-social behaviour would be unregulated with managers being unlikely

to be present or available at night time. The impact on the availability of housing for residents and on residential neighbourhoods is a long-term issue.

- City authorities have belatedly regulated the sector to protect long term residents. A summary, (with reference to an article by Katherine Lagrave in *Conde Naste, Traveller*, 2nd June, 2017) is provided. of measures to regulate the sector in several other cities which have been implemented is provided. The proposed development would not be authorised in any of the cities surveyed in the article.
- Reference is made of Action 18 of the *Strategy for the Rental Sector* issued by the Department of Housing, Planning and Local Government in June 2017 in respect of which a Working Group was set up to draw up proposals for regulation of short term lettings and amendments to legalisation leading up to issue of the Circular Letter 10/2017 on guidance for planning authorities in October 2017 by the Department. The loss of the house to the proposed short term letting use is contrary to the recommendations in the circular and to proper planning and development of the building and the city.
- The proposed use is not defined one of the permissible uses or a use open for consideration provided for under the zoning objectives and the applicant does not intend to comply with the zoning objectives. The applicant's contention as to similarity with hotels, hostels and bed and breakfast accommodation, (although the applicant does not apply for such uses) is not accepted.
- Similarly, the applicant does not apply for an aparthotel, for which comparisons are also made in the application but the term 'aparthotel' is avoided. The determination should be disaggregated for the two zoning objectives, No 8 Herbert Street, the protected structure being subject to zoning objective Z8 and the mews building being subject to the zoning objective Z1 in which the proposed use is neither permissible or, open for consideration.
- The proposed development is totally unacceptable for Herbert Street which is a residential street and it should not qualify for relaxation of the zoning objective and would be seriously injurious to residential amenities.

- The comparison to a “one-star hotel” in the application is unacceptable in the residential area and will set precedent for such lucrative re use of Georgian housing stock in the city.
- The proposed development conflicts with the guidance in, *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by the Department of Arts, Heritage, and the Gaeltacht (The Guidelines) the house being a Georgian dwelling in a Georgian conservation area. It is not in the interest of keeping active use ad minimum intervention.
- The proposed development is not consistent with the character and significance of the twenty protected structures (Georgian Townhouses) on Herbert Street as described in *Architectural Heritage of Dublin South City* (NIAH, 2017) It is not consistent with the publication of Dublin City Council, “*The Future of the South Georgian Core*” in 2013 which contains a broader strategy beyond the objectives for residential use, four typologies of Georgian commercial/residential refurbishments being outlined.
- Extensive discussion on the “Residential Vision” within the publication, which informs the development plan and establishes a principle on land-use in a conservation area. Having regard to the development plan provisions for suitable and viable use for heritage buildings and current appropriately occupied buildings, the subject building is appropriately occupied at present and it should be protected, (as viable use) as reflected in the development plan to support the conservation objective. The proposed use is abundant in the environs, is best suited to main thoroughfares and not on Herbert Street and Herbert Lane. The predominance of living and working is favoured.

Separately in the appeal there are extensive comments on the reports in the application prepared on the applicant’s behalf, the proposed management arrangements, photographic survey, drawings, proposed interventions and the assessment reports of the conservation officer and the planning officer. It is submitted that the conservation officer and planning officer were no given an opportunity to consider appropriate or alternative uses by the applicant. There is no correct basis on which the planning officer can conclude that the proposed

use is consistent with the proper planning and sustainable development of the area.

6.3. **Appeal by Clive and Patricia Carroll. (Second Third Party.)**

6.3.1. An appeal was received from Mr and Ms Carroll on their own behalf on 28th June, 2018 and they state that they reside at No 59 Herbert Lane. It is requested that permission be refused in entirety, but failing that, No 8 Herbert Lane should be excluded from a grant of permission due conflict with the planning objective for the area. The appeal is extensive in length and the objections are outlined in brief below.

- With regard to No 8 Herbert Street, the Airbnb type nature of the proposed development will seriously deprive permanent residents of residential amenities by reason of disturbances. The house once converted, could accommodate eighteen people, increasing to twenty-eight if you consider sofa beds that are provided in Airbnb accommodation. It is like a small hotel where occupancy is maximised and there is also staffing to be considered. A grant of permission for a full time Airbnb operation in the house and mews is contrary to the policy for encouragement of long-term residential use in the Georgian Core.
- The twenty-four hour remote management arrangement is unsatisfactory. Proper twenty-four management is required because of the inevitability of anti-social behaviour. There is no control at check-in as it will not be a fully serviced reception, door codes being supplied online to guests.
- The smoking area, stated to be designated space in the public realm is not identified. The basement to the front is too small and the back garden or area to front of No 8 Herbert Lane are not public domain, use of the roof would be illegal. Groups inevitably would gather in outside space late at night causing disturbance to residents. Imposition of a planning condition with a curfew on access to outdoor smoking space to 10 pm would be unworkable.
- A high-quality apartment development would have been more appropriate. It would accord with the policies for development of the residential use in the South Georgian core and would have benefitted the community.

- The proposed use of the house does not accord with best conservation practice as indicated in the Guidelines for prolonging the life of the structure by keeping it in active, in its original (residential) use.
- The proposed use would sterilise the residential use of adjoining properties as it would disincentivise purchase of the properties for residential use. The proposed use would result in anti-social behaviour in the area. There will be a considerable amount of waste for disposal given the population of 18 to 28 people. Several collections would be needed during a week.
- With regard to the proposed use at No 8 Herbert Lane, permission should be refused. The Z1 zoning objective benefits a community, its available amenities and services and facilities. It is clear that the proposed development is not a use that is 'permissible' or 'open for consideration' and that it is contrary to the stated aim for the zoning objective; *"to protect, provide and improve residential amenities"*
- The application statement that the predominant uses are commercial and office premises is incorrect because it is wholly residential in character with increasing residential occupation in recent years with some remaining office type use. This residential character would be damaged by the proposed development. The "T" shaped lane comprises mostly of mews dwellings, including some which concealed from view doors and gates such as No 7 Herbert Lane and a multiple occupancy annex to the rear of No 21 Herbert Street. Permission for change from office to residential use has been granted for No 41 and No. 47.
- The proposed development, which would be lucrative for landlords, would set undesirable precedent. Use of online platforms by landlords for short term letting facilitate higher returns on rental property for investors at the expense of supply for permanent residency which is displaced and is contrary to the objectives for the south Dublin Core. It is a high pressure rent area with strong demand for permanent accommodation.

6.4. **Appeal by Marion and Adrian Masterson. (Third, Third Party)**

6.4.1. An appeal was received from Mr and Ms Masterson on their own behalf on 28th June, 2018 and they state that they reside at No 57 Herbert Lane. According to the appeal:

- Short stay tourist accommodation is not a permissible use, or a use open for consideration within areas subject to the zoning objectives Z8 or Z1. Permission was refused for similar applicant by the applicant in Rathmines within a residential conservation area because the use is not permissible or open for consideration in areas zoned Z2. The proposed development would set bad precedent for similar development in the Georgian Core.
- The proposed development is not consistent with the Guidelines, the character and significance of the twenty protected structures on Herbert Street as described in the BIAH and the City Council vision for protected structures located in the south Georgian core as set out in, '*The Future of the South Georgian Core*', 2013.
- It is inadvisable to convert long term accommodation in to short term accommodation, especially in the Georgian Core, given the housing shortages. The return of more Georgian houses to residential use is to be welcomed and encouraged.

6.5. **South Georgian Core Residents Association. (Fourth Third Party)**

6.5.1. An appeal was received from Phillip O'Callaghan on behalf of the Association on 28th June, 2018 which it is stated, was established in 2017. Attached is a separate Appeal document prepared on its behalf by ERMS Consultants. The appeal in which it is requested that permission be refused, is detailed and the contents are outlined in brief below

- Up to twenty-two people can be accommodated simultaneously but the numbers can be supplemented by the sofa bed facilities to be provided, with potential for forty to fifty people to be accommodated including people in sleeping bags. It will not be managed and serviced on site as required in

Appendix 16 of the development plan and Bord Failte Regulations for one-star status.

- The proposed development is overdevelopment in intensity of use and significant extensions included in the application. It is not demonstrated that the house can be structurally sustained as it was not intended for such human loading.
- The South Georgian Core has undergone significant change in that it has become increasingly residential in the last decade and this as inspired the vision for the Residents Association and the Council and many joint activities are undertaken in maintaining the area and establishing a residential community.
- The application documentation is inadequate in detail regarding pipe runs etc. for a development with multiple bathrooms and kitchens which is the information that the planning authority was insistent on in respect of planning applications by residents installing one bathroom and kitchen. A conservation officer should have examined the application to ensure appropriate conservation standards.
- The development would seriously injure residential amenities due to all night partying, due to lack of on-site supervision, unlike hotels, B and Bs and hostels. Guests are not concerned because they are not 'invested in the neighbourhood'. Such use discourages long term residential use in an area.
- The use of No 8 Herbert Street is 'non-permissible' or, 'open for consideration' within the 'Z8' zoned, Georgian area for very good reason due to the reactive management /on call system instead of twenty-four on site security presence. The Association would welcome well managed B and Bs and guest houses that are appropriate for residential communities. The off-site remote monitoring and security and lack of on-site presences is totally inadequate.
- The use of No 8 Herbert Lane is non-permissible or open for consideration within the 'Z1' zoned areas and is contrary to the stated aim to protect, provide for and improve residential amenities.

- The primary use is not residential. It is a commercial use not permitted in areas zoned, 'Z1' or, 'Z8'. Tourism is secondary to commercial use and should not be confused with residential use. Attempts in the application to equate the proposal to with formal residential use are incorrect as the use does not conform to the characteristics appropriate for, and conform to residential use such as guesthouses and boutique hotels. An unserviced aparthotel with stay over rooms for short term letting is fundamentally different.
- The application is also premature pending having regard to the publication of DOEHPG "*Strategy for the Rental Sector – Working Group on Short Term Letting*" and, Circular Letter 10/2017.
- There are no exceptional circumstances for the proposed development to allow the planning authority to bypass the zoning provisions. The proposed development is not compatible with the protected structure which will not be restored to a highest "residential standard" or its long-term viability. There are serious shortcomings in the Architectural Heritage Impact Assessment. There is lack of services design detail or assessment of the physical impact on the structure. Due to negative impacts such as noise breakage, damage and overcrowding deferred planning conditions are not acceptable.
- No social impact was assessed such as arrivals and departures recreational activity and traffic such as late-night taxis all of which is not assessed and has serious implication for residential amenity.
- Sustainable housing stock, especially historic housing stock should be retained for use as permanent owner-occupied dwellings and not made available to unscrupulous commercial developers and landlords. Airbnb activities are sterilising housing stock and owner occupied residential communities and the objective for the South Georgian Core.
- The proposed development is poor in quality due to transient, not, socially integrated populations which do not use services and facilities resulting in their underutilisation which is contrary to the proper planning and sustainable development of the area and city as provided for in the development plan.

6.6. Applicant Response

6.6.1. A submission was received from the applicant's agent on 7th August, 2018. The submission is very detailed and includes a description of the proposed development including the proposed works to the existing house and mews building. An outline summary of the points made in response to the appeal issues follows.

- With regard to the 'Z8' and 'Z1' zoning objectives, it is acknowledged that the proposed use is not specified in the zoning matrix and not recognised but the claims of the appellants are refuted. It is claimed that the use is "akin to a number of business/guest accommodation uses" and therefore acceptable. It should be supported because of the restoration and conservation proposals which protect the special interests, character and setting of the buildings.
- The appellants ignored the guidance on relaxation of application of the zoning objective for protected structures in Section 14.5 of the development plan. (It allows for zoning restrictions and development standard not to be stringently applied provided that the protected structure is restored to the highest standard and the special interest character and setting of the building is protected with the use and development being consistent with the conservation policies.) Reference is made to the planning officer's observations on the existing office use, the fitting of the proposed use in the existing planform and a conclusion that relaxation of the provisions to allow for the proposed use is acceptable and in accordance with the development plan.
- With regard to the location in the South Georgian Core the contention that the development is not in accordance with or compatible with the vision in the *Future of the South Georgian Core*, (Dublin City Council, 2013) is refuted, it being claimed that the opposite is the case. It is claimed, with reference to extracts from the publication, that the typology is within the mix stated to be appropriate, and that additional and complimentary land uses are encouraged. Careful short stay tourist accommodation and minimal intervention is therefore appropriate for the protected structure.
- The claims in the appeal that the development is aparthotel development similar to an Airbnb operation are rejected and it is recommended that some of the remarks in the appeals be dismissed. The development is not Airbnb

accommodation and the contentions in the appeals to this effect are entirely speculative. The claims as to the number of people to be accommodated are ridiculous. The proposed development in a building in current office use cannot be compared to Airbnb use. Instead it will direct unauthorised development into the regulated and monitored accommodation which the applicant seeks to provide. The applicant was not requested to clarify if the development was an aparthotel because the planning authority accepts that the development is short stay tourist accommodation. The arguments in the appeals as to the nature of the proposed use and as to associated negative impacts are totally rejected it being contended that the appellants fail to understand and comprehend the nature of the proposed short stay accommodation. It is also stated that the applicant never claimed that the proposal would encourage more residential use.

- Irish Landmark Trust is a non-profit organisation providing short stay accommodation for tourists, in many forms, in thirty-two historic buildings of interest. Examples include Merrion Mews, at the rear of No 63 Merrion Square above the stables, now used by the mounted unit of An Garda Siochana and 25 Eustace Street, which is undergoing restorative works at present. The system, which does not include on site management but does include careful and thorough guest selection, works well and is effective without detrimental effect on residential amenity. The applicant intends to provide for a similar process as outlined in the Operations Overview” provided in the further information submission.
- With regard to the, ‘Failte Ireland’ Hotel classification scheme, it is submitted that in the absence of specific guidance for short stay tourist accommodation it is reasonable to assume genuine overlap and interchangeability with the use of the terms hotels guesthouses apart hotels and bed and breakfasts. The aim is to deliver high quality tourist accommodation to exclusive clientele in an attractive Georgian setting. (a bespoke style of accommodation.)
- It is not agreed that the proposed development is premature with reference to the DOEHLG’s “*Strategy for the Rental Sector – Working Group on Short Term Lettings*” and Circular Letter 10/2017 because the planning authority is required to consider the proposed development on its own merits. There is no

option for refusal on the basis that future guidelines do or do not indicate reasoning for acceptance or rejection.

- With regard to impact on residential amenities, it is acknowledged that there would be a flow of guests coming to and from the properties along with management staff but the contention in the appeals about noise and disturbance are profoundly unsubstantiated and should be ignored and discounted.

There is a full arrangement to be put in place with a well-established security and facilities management company (Crime Control) for twenty-four-hour remote cover and control, cctv cover, keyholding and a contact number for the public will be displayed on the exterior. Smoking will not be permitted and, a designated external area will be provided within the grounds for guest use only.

- There is an Airbnb facility at No 1 Herbert street and it does not impact adversely on the area.
- The claim that the proposed use is not apart hotel is reiterated and it is contended that the guidance on overnight guest accommodation referred to in the appeals is unreasonable and inappropriate.
- The contention that the building is inadequately recorded for the application is rejected. The comments of the Conservation Officer are supportive of the quality of the application drawings and the nature of the interventions which allow for the original planform to be enhanced.
- Contentions as to loss of historic fabric involved in the proposal in the appeals are erroneous. No extensions to the buildings are proposed. Minor internal and external alterations are required to enhance the function, viability and appearance of the building. The proposed repair, maintenance and intervention works are consistent with good conservation practice. Services provision for the kitchenette and bathroom facilities are appropriately designed and full details of the proposed servicing are provided in Appendix D attached to the appeal. A boutique hotel would need similar facilities requiring services and plant facilities.

- Contentions as to likelihood of damage by unsupervised persons should be disregarded.
- The applicant is fully aware of the Fire Safety requirements and this has informed the proposed development.
- It is not agreed that it is imperative that the building be restored to use as an individual residence. It is equally potentially compatible as apartments, and short stay tourist accommodation use, and the proposed works are completely reversible.
- The remarks in the appeals as to loss of housing stock are irrelevant, the existing buildings being in office use although the current housing stock crisis is appreciated.
- The claims in the appeals as to 'overwhelming residential' use of existing houses on Herbert Street and Herbert Lane in residential use are grossly overestimated and misleading. A land use survey is included in the submission for Herbert Street houses and Herbert Lane mews structures indicating professional services, commercial uses, and some vacant premises.
- With regard to precedent, it is stated that there is no precedent to warrant refusal of permission because the prior applications referred to in the appeals are not comparable for the purposes of setting precedent. The refusal of permission under P. A. Reg. Ref. 4212/17 at No 48 Rathmines Road Lower would, contrary to the current proposal have involved loss of residential use.
- There is relevant precedent in the relaxation of the 'Z2' zoning objective to allow for the grant of permission, following appeal, upholding the planning authority decision, under P. A. Reg. Ref. 4036/16 for conversion of an institutional building to a forty bedroom guesthouse at No 22 Harcourt Terrace which is adjacent to Z8 zoned properties, is compatible with sustaining the viability of the building and compatible with the location as indicated in the planning officer report, inspector report and reasoning for the decision to grant permission.

- There is relevant precedent in the grant of permission under P. A. Reg. Ref. 2518/18 for change of use from office use to integrated tourist and recreational development including guest accommodation in the upper floors, (over a restaurant) at No 74 Dame Street.
- There is no obligation on the applicant, as contended in one of the appeals to provide for an alternative proposal in the application.

6.6.2. In concluding remarks, it is asserted that the proposed development is an appropriate high quality proposal for the protected structure, from the perspective of best conservation practice, that the relaxation of the land use requirements of the zoning objectives provided for in section 14.5 of the development plan to facilitate acceptance of the proposed use is appropriate and justified.

6.7. **Planning Authority Response.**

6.7.1. There is no submission on file from the planning authority.

6.8. **Further Responses**

6.8.1. A further submission in response **to the Third-Party appeals** was received **from Ms Mc Guinness and Mr Dunne, (First Third Party)** on 23rd July, 2018 in which it is stated that they fully support the appeals of the other three third parties. Attached are copies of the Conservation Officer and Planning Officer Reports and reiterate their contention that high quality long term residential uses are the appropriate land use.

6.8.2. A further submission in response to **the First Party Response to the Appeals to the Third-Party Appeals was received from Ms Mc Guinness and Mr Dunne, (First Third Party)** on 27th August, 2018. According to the submission:

- Contentions made in the applicant's submission as to the acceptability of the proposed development and, as it to being harmless hospitality are totally rejected. The objections regarding conflict with the zoning objectives, occupancy capacity and intensity of development, impact on the residential amenities of existing properties, lack of on site management and potential

anti-social behaviour, impact on supply of housing stock for permanent occupancy raised in the appeal are reiterated.

- The issues raised in the appeal relating to the adequacy of the documents in the application, the extent and nature of interventions to the buildings involved and lack of assessment of the impact of these works, for example the proposed trimming of timber floor joists, conservation of the building, particularly with continuation of residential use to protect viability of the structure, good conservation practice, conservation policy objective and with regard to the historic South Georgian Core and the Council's vision for it are reiterated.
- In addition, it is stated that the development at Northumberland Road, (a conversion from nine bedsits) described in the applicant's submission as precedent s not comparable precedent for the proposed development. There is no Georgian building, protected structure, removal of historic fabric or location in the South Georgian core. There is no information on Building Regulation compliance, including Part B Fire a certificate probably being required.
- With regard to the concerns about lack of management of the proposed development, reference is made to a grant of permission following appeal which includes a condition with a requirement for a twenty-four-hour management/reception facility on the ground floor which is not proposed in the current application. This clarifies minimum management for an aparthotel. It is submitted that the lack of similar proposals for the current application demonstrates inconsistency with the zoning objectives.
- It is submitted that the application is not consistent with the recommendations in *The Guidelines* and that the report of the conservation officer requires close scrutiny, it being stated that it was not available prior to the determination of the decision on the application. Reference is made to the comments on loss of historic fabric, intensification of use of services, and to several shortcomings and it is claimed that it was premature for the conservation officer to allow for the shortcomings to be addressed by condition. Reference is also made to the Fire Officer requirements' shortcomings.

- The planning officer report lacks assessment of the additional information submission with regard to the management of the proposed development and consistency with Circular 10/2017, Appendix 16 of the CDP, the zoning objectives, particularly with regard to the allowance for flexibility provided for in section 14.5

With regard to precedent it is stated that the application of flexibility was reasonable for the change of use for No 22 Harcourt Terrace. (P. A. Ref. Ref. 3036/16 refers.) and at Dame Street, (P. A. Reg. Ref. 2518/16 refers) and establish no precedent for the proposed development. On the other hand, precedent can be taken from the applications under P. A. Reg. Ref.30171/18 involving Georgian buildings on the record of protected structures in office use on Leeson Street Lower and Leeson Place.) A detailed account and comment on the observations and recommendations in the conservation officer report in which the issues relating to the proposal are similar to the comments made on the current proposal are included in the submission which it is contended, affirms the appellant party's case.

It is submitted, with reference to the assessment in the planning officer's report and the planning officer's report on the application under P. A. Reg. Ref. 3016/18 that the Circular 10/2017, the development plan policies support the appellant party's case.

It is requested that permission be refused.

6.8.3. A further submission in response to **the First Party Response to the Appeals** was received **from Clive and Patricia Carroll, (Second, Third Party)** Mr and Ms Carroll reiterate the views set out in the appeal and reject an assertion in the applicant's submission that their claims are outrageous. They state that:

- There is increasing residential occupation of historic properties in the city core and the need to provide for and protect this change,
- There is material conflict with the zoning objectives
- The comparisons with the operation of a boutique hotel made on behalf of the application are rejected.

- The claim that the proposed development is an Airbnb operation and the claim that it is a remotely managed operation is reiterated
- Herbert Lane is predominantly residential. There is no objection to home sharing. Mr and Ms Carroll would very much welcome use the mews building on Herbert Lane as apartments for long term occupation.

6.8.4. A further submission in response to **the First Party Response to the appeals** was received from **Marion and Adrian Masterson, (Third, Third Party)** on 24th August, 2018.

They draw attention to

- lack of input by a conservation officer on the current application. They submit that there should be consistency in requests for reports from conservation officers as a policy.
- Reference is made to prior applications for short term stay accommodation under P. A. Reg. Ref. 3016/18 and 3071/16 and there is concurrence with the comments of the conservation officer on the application under P. A. Reg. Ref. 3016/18 in respect of which a request for additional information was issued by the planning authority.
- It is also stated that the reasons for refusal of permission by the planning authority on proposed short-term accommodation under 3071/16 and the proposal under P. A. Reg. Ref. 4123/17 (referred to in the original appeal) are fully supported. It is stated that the same reasons are applicable to the current proposal.
- The objections raised on the appeal on ground of contravention of statutory policy on architectural heritage, conflict with the City Council's vision for the South Georgian Core and the protected structures within it on supply of housing for permanent occupation and undesirable precedent are also reiterated.

6.9. A further submission in response to **the First Party Response to the Appeals and in Response to the Third-Party Appeals** was received from Phillip O'Callaghan on behalf of **South Dublin Core Residents Association, (Fourth Third Party)** on

3rd September, 2018. Attached is a separate document prepared on its behalf by ERMS Consultants and a separate document prepared by SM Architects, (RIAI Grade 3 Conservation Accreditation).

The submission is very detailed and in it the objections made in the appeal are reiterated and elaborated on in extensive detail with several of the points supporting the appellant's argument being repeated at various stages throughout the documents. The contents are outlined below with, avoidance of repetition where possible.

- The interventions and nature and intensity of use proposed by the applicant would not be consistent with the restoration and modification works carried out at the Land Mark Trust properties.
- The remote management arrangement is not acceptable. Only one apartment at No 1 Herbert Place is available for short term letting the remainder being in long term residential use.
- Herbert Street and Lane are attractive historical residential streets in which the residential use is underestimated by the applicant. There is a minimum of fifty residents according to the electoral register and there is high potential for a city centre residential community.
- The Appellant fully agrees with the planning officer assessment regarding residential use, on the similar proposal under P. A. Reg. Ref. 3071/18 involving extensive interventions for servicing for bathrooms and kitchens and contends that permission should be refused for the current proposal having regard to the similarity between the two applications.
- The response to the appeal on behalf of the applicant is unacceptable, particularly regarding questioning of the legitimacy of the appeals and the integrity of the Residents Association. Any contentions as to doubt about bona fides of any of the appellant parties is without foundation and the parties are entitled to exercise their participatory rights.
- The appellant fully understands the rationale for and the nature of the proposed development, which constitutes a commercial use of excessive intensity and its inconsistency with the land use zonings which should not be

disregarded. The land use arguments of the applicant, there being no land use category in the development to define the proposed development are not accepted. The fundamental question is one of land use. It is crystal clear that “serviced short stay tourist accommodation”, recognised as “commercial short-term accommodation” are not a land use category for either the ‘Z1’ or ‘Z8’ zoning objectives irrespective of attempts to justify the use.

- The proposed use is overdevelopment and over-use lacking in on site supervision that planning enforcement would be ineffective in controlling. There are the significant negative impacts on residential amenities, heritage, intensity of use, nuisance, and noise. There is a critical failure in land use definition in the applicant’s statements although it is recognised that the land use proposed is not listed in the zoning matrix. It is a land use that is not comparable to the other categories referred to in the applicant’s submissions. The appellant is insistent that the proposed use is not in compliance, does not conform to and is not similar to any ‘permissible use’ or, use ‘open for consideration’ in the ‘Z1’ or ‘Z8’ zones.
- The applicant makes statements to cast doubt on the heritage value of the protected structures and the conservation area. The claims as to shortcomings in the Architectural Assessments in the application submissions are reiterated. It is not accepted that there is a degree of planning and conservation gain, given the services works and fire services works require. The reestablishment of permanent residential populations.
- The appellant did not ignore the policy in Section 14.5 of the development plan. A detailed argument for rejection of the application of the relaxation of the zoning objectives was provided to show that the proposed development did not have exceptional circumstances and is not a certain special limited case in the appeal. Reference is made in this regard to the refusal of permission for similar development proposals for change from office to short stay tourist accommodation under P. A. Reg. Ref. 3071/18.
- Remarks of the conservation officer on the proposed interventions, impact on the heritage of the area and intensity of use, giving rise to concerns about

precedent are reproduced in the appeal along with the reasons for the refusal of permission.

- The claim as to incompatibility with the “*The Future of the South Georgian Core*” published in 2013 by the City Council is reiterated, the case made in the response to the appeal by the applicant in this regard being rejected.
- Comparisons with a boutique hotel which is a specialised hotel for a select market., in the response to the appeal by the applicant are rejected as being irrelevant to proposals for “serviced short stay tourist accommodation, commercial short-term accommodation/short term lettings.
- It is submitted that it is reasonable for permission to be refused on grounds of prematurity pending the Department’s Working Group’s ‘*Strategy for the Rental Sector – Short Term letting*’ report and statutory guidelines as set out in Circular 10 /2017.
- The appellant considers the effects of the proposed off-site management and security arrangements on the building fabric and the amenities of the area, details of which are elaborated on in the response to the appeals should be rejected.
- The appellant reiterates the view that the development will sterilise the long term original housing use potential on the site and will set undesirable precedent.

In the separate document of SM Architecture, it is stated that:

- The pipework required for the proposed development would be so extensive that the compartmentation would impact on the floors of the building involving insulation and plywood work and inevitable damage. It is submitted that the volume of people coming and going, and Airbnb use which is intensification of use relative to office or residential use would damage and degenerate the building fabric, especially if it is unsupervised.
- It is not accepted that the proposed change of an occupied building has merit comparable to use of a derelict building. It is not in the interest of

conservation, there is no heritage gain and the zoning objective is to re-establish permanent owner occupied residential use.

7.0 Assessment

7.1. There are four third party appellant parties. The appeals are extensive in length and detail, but the issues and concerns raised in objection overlap in all or some of the appeals and supplementary submissions and can be considered below under the following sub-categories:

- Premature Development having regard to National policy and Guidance on short term letting and Housing supply.
- Nature of proposed use:
- Consistency with Zoning and associated policies and objectives (intensity)
Impact on the protected structure and architectural heritage.
Impact on Residential Amenities.

7.2. **Premature Development having regard to National policy and Guidance on short term letting and Housing supply.**

7.2.1. There is no dispute between any of the parties as to the implications that have arisen in cities, not least Dublin due to short term letting of self-contained apartments and houses that otherwise would have been available for permanent occupation. In the case of the subject properties, a Georgian townhouse and mews which initially would have been designed for and would have primarily been in residential use for one household (inclusive of servants) and possibly, full or part residential use in the mews structure.

7.2.2. The relevance and applicability of any Government policy and guidance on short term letting to the proposed development is questionable, in that the buildings, which are vacant, were formerly in office/commercial use. There is no displacement of existing permanent housing stock involved and no new structures for short term or permanent residential occupancy are proposed in the application. Refusal of permission on grounds of premature development having regard to the availability of

national strategic guidance, issued under Section 28 of the Planning and Development Act, 2000 as amended, (The Acts) or other policy for short term letting would be *ultra vires* a planning authority's powers.

7.3. Nature of proposed use:

- 7.3.1. The proposed development entails change of use from office use throughout the two buildings to nine guest suites for use as short-stay tourist accommodation. Two studio units, one on each floor are to be provided in the mews building with direct access from No 8 Herbert Lane. Seven suites, a coffee dock and reception area are to be provided over the four floors and basement levels within No 8 Herbert Street which is included on the record of protected structures. The application does not include a specification as to the maximum numbers of guests to be accommodated in each suite. The studios appear to be suitable for one to two adults whereas the larger units are suitable for one to four persons, based on review of the bed spaces shown on the plans on the lodged plans. It is therefore fully agreed with the appellant parties that the multiple occupancy is greater in intensity of use relative to use as a single dwelling. It is not arguable one way or the other that the intensity of use is greater than the office/commercial use whereas the nature of these uses are significantly different.
- 7.3.2. However, the assertions in the appeals as to a constancy of profound, overcrowding, anti-social behaviour, noise and nuisance that is detrimental to residential amenities of residential properties in the area and as to direct conflict with the potential for encouragement and enhancement of residential amenity in the south Georgian core areas is not accepted. Such occurrences of adverse impact are regarded as unlikely and, to be the exception rather than the rule.
- 7.3.3. The argument in the submissions of the applicant as to provision of high quality guest accommodation targeted at specialist market for potential guests whereby the accommodation as an integral element to a visitor experience of Georgian Dublin is relatively persuasive. To this end, the comparisons to the short term letting accommodation of historic properties under the control of the Irish Landmark Trust is reasonable. However, it should be borne in mind that there is no scope within the planning code to provide for absolute restriction as to guest selection and as to the availability of the guest suites to the target market described in the applicant's

submissions. This can only be achieved through the specification for a quality accommodation and the marketing and by a satisfactory management arrangement and contract for the operation of the development.

- 7.3.4. While a twenty-four hour on site management presence may be ideal, it is not agreed that such provision is essential or warranted for a development of the nature, scale and intensity proposed. The arrangements described in the Operations Overview submitted at application stage is considered reasonable. If permission is granted, it is recommended that a condition be included whereby the applicant is required to have management arrangements, in place in accordance with a specification agreed between the planning authority and the applicant in writing.
- 7.3.5. It is of note that the proposed development at No 8 Herbert Street, which provides for a tourism infrastructure resource in the form of serviced, short stay, tourist accommodation suitable for short stay purposes, is not amenable to possible future use as seven independent permanent places of residence. For example, more significant adaptation and alteration would be required to provide for sufficient private open space provision and storage consistent with the standards within the recommendations in statutory guidance and the CDP. To this end, it is agreed with the appellants, that the proposed short-term tourist accommodation development is the more intense and potentially profitable development. Nevertheless, if the proposed development is satisfactory from a planning perspective, the potential profit is not a material planning issue for consideration.
- 7.3.6. It is considered that the proposed development is correctly described as, “serviced short stay tourist accommodation” within the notices and the applicant’s submissions. The proposed development does not come directly within the meaning of any of descriptions of uses “open for consideration”, or “permissible” for either the ‘Z1’ or, ‘Z8’ zoning objectives. However, it has some comparability to other guest accommodation formats, such as bed and breakfast accommodation. Bearing this in mind and, the restriction of the proposed development to a change of use of the existing buildings, (to which some adaptive works would be required) and, lack of proposals for new build in particular, it is considered reasonable for the discretionary relaxation of the zoning requirements provided for in section 14.5 of the development plan for development involving protected structures to be applied, if it is established that the effect is beneficial to the conservation of the protected structure. The

contentions within the appeals that the proposed development is “aparthotel” development is regarded as immaterial and irrelevant to the planning review.

- 7.3.7. It is not agreed, that the proposed development, is comparable, for the purposes of establishment of relevant precedent, to any of the developments proposals, in prior applications for which permission was granted, put forward on behalf of the applicant, or, refused as put forward in support of the applicant’s case and the appellants’ cases. However, the change of use to guesthouse development permitted at the former institutional buildings on Harcourt Terrace included on the record of protected structures is perhaps the closest in comparison regarding the application of the relaxation of the zoning objectives provide for in section 14.5 of the development. plan. The nature of use of proposed development is different in that the former is described as ‘a guesthouse’ with on-site services and facilities including a restaurant and bar. It is acknowledged that there is no a statutory guidance and code of standards for short stay serviced tourist accommodation and that there is reliance on the applicant’s commitment to implementation of the proposed off-site management and servicing arrangements, the specifications for which are within the Operations Overview, in this regard.

7.4. Impact on Protected Structure and Architectural Heritage.

- 7.4.1. The proposed change of use, having regard to the zoning provisions and the provisions of section 14.5 of the development plan is subject to conservation gain for the protected structure. It has been concluded in the foregoing consideration regarding the nature of use that the proposed use is acceptable. The delivery and achievement of satisfactory conservation maintenance, repair and adaptive works, and high standards in both contemporary standard accommodation and facilities and management arrangements is consistent with the protection, viability and sustainability of the structure. The substantive retention of the original planform in providing for the proposed development at No 8 Herbert Street is in keeping with the protection of special interest and historic features and is of particular note in this regard. The conservation officer in her report has specified several requirements regarding the works to the building. These requirements are considered balanced, reasonable, in the interests of best conservation practice and, are of relevance regarding Parts B and F (TGD). For clarity, should permission be granted, a

condition is included in which the requirements of the conservation officer as specified in her report are itemised.

- 7.4.2. With regard to servicing, it is appreciated that the proposed development involves significant intensification by way of replacement and additional services provision that has previously necessitated some interventions. Significant ducting and new routing is required along with ventilation fire upgrades. Given the extent and complex nature of works involved and the significance of the existing historic building, it is recommended, should permission be granted that the requirements by condition include provision for servicing specifications and runs implemented under the direction by a specialist with expertise in the servicing of historic buildings.
- 7.4.3. With regard to the specific Conservation Area designation, it is considered that the proposed development does not give rise to any concerns as to conflict with the achievement of the policies and objectives providing for the special interest and features both in terms of the extent and nature of works and the proposed use. The comments in the following subsection regarding land- use and residential amenities are also relevant in this regard.

7.5. Impact on Residential Amenities.

- 7.5.1. The vision and aspirations within, "*The Future of the South Georgian Core*" published by Dublin City Council in 2013 as to the encouragement of attracting and sustaining residential use and residential communities supported by local services and facilities in the south Georgian core is commendable. However, contrary to the assertions on the part of the appellants, it is not accepted that there is a predominance of residential use within the properties on Herbert Street and Herbert Lane at present. Based on a visual, walk through inspection a predominance of commercial, professional services and light industry use was observed which suggests that the itemised land use survey submitted on behalf of the applicant is reliable. However, it is possible that some the properties have a residential element in addition to the predominant use and, there is residential use in neighbouring properties on Herbert Street and Herbert Lane.
- 7.5.2. Part of the assembled site (No 8 Herbert Lane) comes within an area subject to the residential ("Z1") zoning objective. Given the lack of regularisation or requirement for registration of multiple short stay tourist accommodation units at present it is

reasonable for there to be an element of concern, about potential for adverse impact on residential amenities. However, it is not agreed that it is arguable that the proposed development is premature on such grounds as lack of formal regulation and registration of short stay tourist accommodation facilities such as that which is proposed.

7.5.3. It is not agreed that there is a case for the argument that the nature of use is such that serious adverse impacts on residential amenities would arise due to use of outdoor space including space designated smoking areas resulting in noise and disturbance by groups of guests and visitors, or littering or other damage.

7.5.4. There is no substantive planning reasoning to justify refusal of permission for the proposed development on grounds of adverse impact on residential amenities. (The nature of the proposed change of use in this regard has been considered in detail under Paras 7.3.1 - 7.3.7)

7.6. Environmental Impact Assessment – Screening.

7.6.1. Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment

7.7.1. Having regard to the scale and nature of the proposed development and to the serviced central business district location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld based on the reasons and subject to the conditions set out below and that appeals should be rejected.

9.0 Reasons and Considerations

Having regard to the location of the site of No 8 Herbert Street within an area subject to the zoning objective, Z8 *to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with conservation objective* and, to the location of the site of No 8 Herbert within an area subject to the zoning objective, Z1: *to protect, provide and improve residential amenities*, within the Dublin City Development Plan, 2016-2022 and, to the provisions Section 14.5 therein which provide guidance on scope for relaxation of zoning objective provisions for development proposals affecting protected structures especially where the long-term viability of the structure is facilitated, and works are at the highest standard, it is considered that, subject to the conditions set out below, the proposed development, would not seriously injure the residential amenities of property in the vicinity on Herbert Street and Herbert Lane, would not seriously injure or adversely affect the historic fabric, integrity and character of No 8 Herbert Place , a protected structure, including features of special interest within the curtilage or, the adjoining protected structures, would not adversely affect the character of the Herbert Street Conservation Area and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the application as amended by the further plans and, lodged with the planning authority 8th May, 2018, except as may otherwise be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason. In the interest of clarity.

- 2 The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage*

Protection: Guidelines for Planning Authorities issued by The Department of the Environment, Heritage and Local Government in 2005 and who, prior to the commencement of the development, shall be submit and agree in writing with the planning authority the following requirements:

- (a) (i) A detailed schedule of surviving historic glazing present is to be submitted for agreement in writing with the planning authority prior to commencement of the development. All existing plate glass shall be retained. Secondary glazing may be used. Use of 'Slimlite' glazing is not permitted in windows in which original glass survives. If 'Slimlite' glazing is used, it must be demonstrated that existing glazing bars can, without adverse impact on profile, accept putty glazed double glazing.
- (ii) A detailed schedule of replacement windows to include an exemplar comprising one pane and frame demonstrating the use of 'Slimlite' glazing with the existing profile is to be submitted for agreement in writing with the planning authority prior to commencement of the development. Glazing bars shall match the original glazing bars.
- (b) The non-original double doors to the rear return shall be removed and replaced with painted timber double doors, to match the original, full annotated details of which shall be submitted on 1:20 drawings to the planning authority for agreement prior to commencement of the development.
- (c) Full details of all ventilation and duct work, fire upgrading work and service runs with continuous routing being used as a means of prevention of leakage and damage to historic fabric in concealed areas. Details shall include associated necessary opening works to facilitate routes. The design and implementation of the servicing shall be carried out under the direction of a competent person with specialist expertise in servicing of historic buildings.
- (d) Methodology for repair and maintenance to the front door, surrounds, columns and fanlight, cleaning and repair of the flagstone floor, floorboard cleaning and repair, (Sanding is not permitted.) cleaning of all decorative plasterwork, repairs and maintenance works to rooflights and roof.

- (e) Methodology for removal of ivy and repair and maintenance of the boundary walls.
- (f) All existing original features, internal and external, shall be protected prior to and throughout the duration of the construction stage.
- (g) All works, shall be implemented and completed under the direction of the architect with specialist expertise in historic building conservation in accordance with best conservation practice. Repairs to fabric shall be carried out by specialist historic fabric conservators and craftsmen.

Reason: In the interest of clarity, and to ensure the protection of the historic fabric, character, integrity and special interest of the existing house at No 8 Herbert Street, a protected structure and the special interests within its curtilage.

3. The serviced short stay tourist accommodation suites and studios are to be used as commercial short-term accommodation with a maximum letting period of two months and shall not be used as residential dwelling units for permanent occupation without a prior grant of permission for change of use.

Reason: In the interest of clarity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

6. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

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

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition 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, "*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.

Reason: In the interests of sustainable waste management.

8. A plan containing details for the management of within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities for each suite and studio 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 which shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

Jane Dennehy
Senior Planning Inspector.
3rd October, 2018.