



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing)  
and Residential  
Tenancies Act 2016 (as  
amended)  
Inspector's Report on  
Recommended Opinion  
ABP-302919-18**

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**Strategic Housing Development**

Retention of existing protected structure, replacement of mansard roof, demolition of remaining buildings on the site and construction of student accommodation (257 no. bedspaces).

**Location**

124-126 Parnell Street, Dublin 1.

**Planning Authority**

Dublin City Council

**Prospective Applicant**

SP Bakery Ltd

**Date of Consultation Meeting**

4<sup>th</sup> December 2018

**Date of Site Inspection**

21<sup>st</sup> November 2018

**Inspector**

Sarah Moran

## 1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The site is a former bakery complex on Parnell Street in Dublin's North Inner City with a stated area of 0.3 ha. The vacant St. Peter's Bakery building, a protected structure, forms the frontage to Parnell Street. This dates to the early 20<sup>th</sup> century with 3 floors over a basement and a mansard roof floor added in the 1990s. There is an archway leading from Parnell Street to the rear of the complex. There are various later additions to the rear of the original bakery, primarily dating to the 20<sup>th</sup> century but possibly containing older elements. Part of the complex is currently occupied by a printing business and a furniture warehouse. A yard to the rear is in use as a car park. The northern end of the site is bound by Temple Lane North, which runs between Hill Street and Gardiner Street. There is a high wall along part of the western site boundary, shared with an area associated with St. George's Church (RMP DU018-020496), a protected structure of which only a tower now remains. The site of the church is now occupied by a family resource centre and playground, this area once included a graveyard. The Temple Hall apartment building at the junction of Parnell Street and Temple Hill forms the remainder of the western site boundary. The east of the site is bound by apartment buildings fronting onto Gardiner Street (Belmont Hall). Levels rise from south to north across the site with the Parnell Street frontage c. 6 m lower than the frontage to Temple Lane North. The site is c. 200m from the Parnell Luas green line stop, c. 600m from the Abbey Street Luas red line stop and c. 600m from Connolly Station, i.e. adjacent to a public transport corridor. The site is within a Zone of Archaeological Potential for Dublin (DU018-200) and

there are ACAs to the north east (Parnell Square) and west (North Great Georges Street).

### 3.0 Proposed Strategic Housing Development

3.1. The development comprises the retention of the bakery building and the demolition of the remaining buildings on the site. The site is to be developed as student accommodation. The development includes:

- Replacement of existing mansard roof to bakery building with a new 4<sup>th</sup> storey floor, to comprise Block A of the development. The remainder of the site is to be developed as 4 blocks B to E ranging in height from 4 to 8 storeys, up to a height of c. 30 m AOD.
- 257 no. Student beds (237 no. Bedrooms) in 58 no. clusters.
- 2,494 sq.m. of amenity space including café, gym, launderette, lounge, TV and games area, reading and study area.
- 2,101 sq.m. external space comprising 2 no. courtyards, 2 no. roof gardens and winter gardens at Blocks C and D.
- 1 no. accessible car parking space adjacent to Block B, 133 no cycle parking spaces. Temporary vehicle set down area at ground floor level.
- Development to connect to the public water supply and sewer.
- Pedestrian and accessible / maintenance vehicular access through the archway from Parnell Street. Refuse collection, emergency access and pedestrian access from Temple Lane North.
- Student Management Plan by CRM.

3.2. Proposed student accommodation mix:

Unit Type	No. of Units
Studio	26
4 bed	10
4+ bed	22
<b>Total</b>	<b>58 clusters</b>

- 3.3. The development is to be used as short term tourist accommodation outside the academic year.

## 4.0 Planning History

### 4.1. Reg. Ref. 5867/07

- 4.1.1. Permission granted for partial amendments to 4730/04 PL29N.211588 including revisions to the permitted Temple Lane North building to provide a 5 storey building fronting Temple Lane North over lower ground floor parking area (accessed from Parnell Business Centre courtyard) and comprising 6 no. office units, ESB substation / switch room, ancillary / circulation areas and storage areas at ground floor; 22 no. 2 bedroom apartments and associated balconies and 2 no. terrace gardens at 1<sup>st</sup> floor level on the south facing elevation of the Temple Lane North Building. Revisions to the Parnell Business Centre to provide a 6 storey building fronting Parnell Business Centre courtyard with refurbished office accommodation at lower ground, ground, 1<sup>st</sup> and 2<sup>nd</sup> floors as previously permitted under 4730/04 PL29N.211588 and the addition of 2 new stories of office accommodation at 3<sup>rd</sup> and 4<sup>th</sup> floors, also a new 6 storey glazed atrium fronting the courtyard. Also changes to elevation treatments and materials of the Temple Lane North Building and the Parnell Business Centre Building. No amendments to the 4 storey building to the rear of 124-126 Parnell Street which was part of the previously permitted scheme 4730/04 PL29N.211588. This permission allowed for a total height of +30m AOD at this location.

### 4.2. Reg. Ref. 4730/04 PL29N.211588

- 4.2.1. Permission granted for a mixed use, residential / media related office development on site (c. 2908 sq.m) including demolition of Nos 4, 4A & 4B Temple Lane North, and abutting two storey commercial unit fronting onto Parnell Business Centre; 3/4/5 storey building fronting onto Temple Lane North containing 6 no. self contained media related office units at ground floor level; 20 apartments at 1<sup>st</sup> to 4<sup>th</sup> floor levels with balconies on north & south elevations, accessed at ground floor level from Temple Lane North, 4 no. roof gardens. Also a 2 storey media related office development fronting onto Parnell Business Centre with residential landscaped roof garden; copper standing seam mansard roof with dormer windows on existing retained 4 storey office/ light industrial development fronting onto Parnell Business

Centre to provide c. 327 sq.m. office area; glazed feature entrance fronting onto Parnell Business Centre. Demolition of existing light industrial unit fronting onto Parnell Business Centre and replacement with 4 storey media related office development (c. 766 sq.m) to be constructed adjacent to and over existing retained office unit fronting onto Parnell Business Centre. Parnell Business Centre to be re-surfaced to provide 13 no. car parking spaces. The protected structure at nos. 124-126 Parnell Street was not within the application site.

#### **4.3. Reg. Ref. 4381/04**

4.3.1. Permission granted for modifications to existing buildings and partial demolition.

#### **4.4. Reg. Ref. 5171/03**

4.4.1. Permission refused for mixed use residential / office development.

### **5.0 National and Local Planning Policy**

#### **5.1. Project Ireland 2040 - National Planning Framework**

5.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **5.2. Section 28 Ministerial Guidelines**

5.2.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Architectural Heritage Protection Guidelines for Planning Authorities’ (2011)
- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ (Consultation Draft August 2018)
- Rebuilding Ireland- National Student Accommodation Strategy (2018)
- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.’ (July 2005)

### 5.3. Dublin City Development Plan 2016-2022

5.3.1. The site has the standard residential zoning objective ‘Z1 – To protect, provide and improve residential amenities’.

5.3.2. Chapter 5 Quality Housing. Policy QH8:

*“To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.”*

5.3.3. Section 5.5.12 on student accommodation states:

*“To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which can make the city’s educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas.”*

Policy QH31:

*“To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport*

*corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards."*

- 5.3.4. Chapter 6 City Economy and Enterprise. Section 6.4 Strategic Approach recognises the need to enhance the role of Dublin as an education city and a destination of choice for international students. Policy CEE12(ii):

*"To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors."*

Policy CEE19:

*"(i) To promote Dublin as an International Education Centre / Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language Colleges) and high quality custom-built and professionally-managed student housing.*

*(ii) To recognise that there is a need for significant extra high-quality, professionally managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities."*

- 5.3.5. Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design. In particular the guidelines for student accommodation set out in section 16.10.7; section 16.24 in relation to retail development; section 16.38 car parking and section 16.39 cycle parking. Development plan Variation No. 3, adopted September 19<sup>th</sup> 2017, amends section 16.10.7 such that the applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area including a map showing all such facilities within 1km of a proposal (previously 0.25 km). Development plan section 16.7 building height. All areas are considered to be low rise unless the provisions of a LAP / SDZ / SDR indicate otherwise. The plan allows for residential heights of up to 24 m and commercial height of up to 28m at inner city / rail hub locations. I note the submission of Dublin City Council, which states that Student accommodation is considered as commercial development for height purposes

## 6.0 Forming of the Opinion

6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed application form; Irish Water Confirmation of Feasibility Letter; Statement of Consistency; Planning Report; EIA Screening Report; Student Demand and Concentration Report; Student Accommodation Management Plan; Architectural Drawings; Architectural Design Statement; Accommodation Quality Assessment and Schedule of Areas; Daylight & Sunlight Analysis and Shadow Study; CGIs and Photomontages; Landscape Drawings and Landscape Design Statement; Structural Report; Water Services and Flood Risk Assessment Report; Mobility Management Strategy; Sustainability Report; Draft Construction & Waste Management Plan; Archaeological Assessment; Conservation Report; AA Screening Report; Planning Accessibility Report.

6.2.2. I have reviewed and considered all of the above mentioned documents and drawings.

### 6.3. Planning Authority Submission

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a copy of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 26<sup>th</sup> November 2018.

6.3.2. The planning authority's 'opinion' included the following matters:



- Student accommodation is considered to fall under the general definition of residential use, as permissible under the Z1 objective and the development is therefore acceptable in principle.
- The site is located in an area well served by public transport and is highly accessible for walking and cycling. The principle of car free student developments in the city has been accepted in previous applications.
- The maximum permissible height for commercial developments in areas not designated for additional height is 28m. Student accommodation is considered as commercial development for height purposes. The height of the development complies with this standard.
- The existing buildings in the centre of the site are brick and may have some industrial heritage value. There may be some fragments of earlier structures within the buildings. Applicant to consider reuse of brick and incorporation of other fabric of significance in to the development. Proximity of Mountjoy Square ACA and a conservation area along Gardiner Street. Applicant to consider impacts on the St. George's tower protected structure.
- The level of overshadowing of adjacent residential developments is considered acceptable in this context. Applicant to also consider impacts on the playground to the west of the site.
- Applicant to ensure that amenity space is provided in accordance with development plan requirements. The total amenity space (indoor and outdoor) will need to meet the development plan standard. Management facilities, storage, plant, laundry and bicycle parking should not be counted as amenity space.
- The development should demonstrate integration with the local community through its design and layout. Need to address issues at the interface with Temple Lane North and the possibility of providing more active publicly accessible uses at the frontages of the site.
- It is considered that the applicant has submitted the relevant information and documentation in accordance with the requirements of the development plan and as requested at pre-application meetings.

- Transportation Planning Dept. Applicant to consider upgrades to Temple Lane North including the continuation of the existing footpath along the southern side of the laneway.

#### **6.4. Submission of Irish Water**

- 6.4.1. Irish Water has issued a Confirmation of Feasibility for 257 no. student bedspaces.
- 6.4.2. The proposed development is a standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

#### **6.5. Submission of the Dept. of Culture, Heritage and the Gaeltacht**

- 6.5.1. The Dept. notes the location of the development within the Zone of Archaeological Potential for the Historic City of Dublin (RMP No. DU018-020) and adjacent to a church and graveyard (RMP No. DU020-020496). Both sites are subject to statutory protection in the Record of Monuments and Places. The following points are noted:
  - The Dept. welcomes the submitted Archaeological Assessment Report.
  - The Dept. has examined the details of the potential archaeological impacts that could arise and considers that there is sufficient information contained in the report that will allow for an informed planning decision with regard to archaeological impacts.
  - The Dept. concurs with the recommended archaeological mitigation as recommended in Section 5.2 of the submitted Archaeological Assessment Report. The report should be submitted with the planning application.

#### **6.6. Consultation Meeting**

- 6.6.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 4<sup>th</sup> December 2018. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.6.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:
  1. Quality of student accommodation

2. Impacts on residential amenities
3. Conservation issues. Impacts on St Peter's Bakery protected structure, the site of St. George's Church and graveyard and adjacent Architectural Conservation Areas.
4. Visual impacts and interaction with the public realm
5. Any other matters

6.6.3. In relation to the quality of student accommodation, ABP representatives sought further elaboration / discussion on:

- Planning rationale for site
- Standard of accommodation
- Any upgrades to laneway
- Management of bin storage area, and its impact of noise on residential area

6.6.4. In relation to impacts on residential amenities, ABP representatives sought further elaboration / discussion on:

- Impact on adjacent apartment blocks, shadowing, noise, anti-social behaviour
- Overlooking and noise from roof gardens
- Operation and management of the scheme

6.6.5. In relation to conservation issues, impacts on St Peter's Bakery protected structure, the site of St. George's Church and graveyard and adjacent Architectural Conservation Areas, ABP representatives sought further elaboration / discussion on:

- Protected structure on site and adjacent protected structure
- Archaeological report submitted
- Visual impact
- Procedure should unexpected material be discovered during construction
- Impacts on adjacent Conservation Areas

6.6.6. In relation to visual impacts and interaction with the public realm, in particular Temple Lane North, ABP representatives sought further elaboration / discussion in relation to:

- Accessibility and permeability.
- Open space and landscaping.
- Interaction between public and private areas.
- Provision of communal facilities for occupants of the scheme.
- Impacts on residential amenities at Temple Lane North.

6.6.7. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-302919-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

7.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the

Act constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## **8.0 Recommended Opinion**

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:
1. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on visual and residential

amenities, to include views from the wider area including adjacent Conservation Areas.

2. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.
3. Full details of the use and nature of the proposed vehicular access to Temple Lane North, also any related proposals to provide a footpath or upgrade the public realm.
4. An Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the National Monuments Service which is attached.
5. AA screening report.

8.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. An Chomhairle Ealaíon
5. Fáilte Ireland
6. Irish Water
7. Transport Infrastructure Ireland
8. National Transport Authority

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Sarah Moran

Senior Planning Inspector

20<sup>th</sup> December 2018