



An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-303615-19**

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#### **Strategic Housing Development**

257 no. bed spaces and all associated site works.

#### **Location**

124-126 Parnell St (protected structure RPS Ref: 6421), Dublin 1 (formerly known as Kennedy Bakery/Parnell Business Centre) including frontage to Temple Lane North at 4,4A & 4B Temple Lane North (formerly known as premises to rear of 13 Gardiner St)

#### **Planning Authority**

Dublin City Council.

#### **Applicant**

SP Bakery Ltd.

#### **Prescribed Bodies**

Transport Infrastructure Ireland.

National Transport Authority.  
Irish Water.  
An Chomhairle Ealaíon.  
Fáilte Ireland.  
The Heritage Council.  
An Taisce.  
Minister for Culture, Heritage & the  
Gaeltacht.

**Observer(s)**

Mountjoy Square Society.  
Temple House Tenants Committee.  
Bernadette Donnelly.  
Bernie Donnelly and Others.  
Cllr Ellis Ryan.  
Cllr Mannix Flynn.  
Cllr Ray McAdam.  
Cllr Ciaran Cuffe.

**Date of Site Inspection**

30 April 2019.

**Inspector**

Stephen Rhys Thomas

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## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The Inspector's Report relating to pre-application consultation reference number ABP-302919-18 described the site and for the most part I concur with this description as follows:

*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).*

2.2. In addition, I note that the interiors of the older industrial buildings to the rear of the former bakery offices building are in very poor repair. There have been a variety of uses in these buildings including offices, gym and the probation service, however, these uses are now defunct. A place of worship occupies a single floor of the taller four storey building. A second hand furniture business occupies the premises along Temple Lane North and a printers business operates from the southern portion of the site. The interior of the red brick office building along Parnell Street is also in poor condition and unoccupied at present.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development is the construction of student accommodation and a coffee bar unit. 58 apartment units contained in a renovated building, new extension and a number of new buildings and will comprise the following:

Block A (existing building refurbishment)

- 6 studio apartments
- 1 four person apartment

Block B (northern extension)

- 4 four person apartments

Block C

- 11 studio apartments
- 1 seven person apartment
- 9 eight person apartments

Block D

- 9 studio apartments
- 2 four person apartments
- 1 five person apartment
- 1 seven person apartment
- 10 eight person apartments

## Block E

- 3 four person apartments

Unit Type/Size	Quantity	% of 58 units	% of 257 bedspaces
8B/8P Cluster	19	32.76%	59.14%
7B/7P	2	3.45%	5.44%
5B/5P	1	1.72%	1.94%
4B/4P	10	17.24%	15.56%
Studio 2P	24	41.38%	18.67%
Studio 1P	2	3.45%	0.77%
TOTAL	58	100%	100%

- Ancillary support facilities, including a reception area and office.
- A range of indoor and outdoor communal and recreational facilities comprising: internal coffee bar, media zone, games room, lounges, study room, reading space, laundry, gym, multifunction space and screened roof gardens.
- 133 bicycle parking spaces.
- Public footpath provision along the northern perimeter of the site.
- Restoration and conservation works to the existing protected structure of the 'Former Bakery' (RPS Ref: 6421), and the replacement of its non-original mansard roof with a new set back floor at 4th storey (3rd floor) level.
- Demolition of existing buildings on site, 4,075 sqm.

The overall scheme is arranged around a number of blocks, one of which is hinged off the original bakery office building, overall development rises to seven storeys and with a total height of 23.630 metres as measured from the inner courtyard ground level.

## 4.0 Planning History

### 4.1. Subject Site:

#### **Reg. Ref. 5867/07**

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 1st 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, 1st and 2nd floors as previously permitted under 4730/04 PL29N.211588 and the addition of 2 new stories of office accommodation at 3rd and 4th 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.

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

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 1st to 4th 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.

**Reg. Ref. 4381/04**

Permission granted for modifications to existing buildings and partial demolition.

**Reg. Ref. 5171/03**

Permission refused for mixed use residential / office development.

## **5.0 Section 5 Pre Application Consultation**

5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 4 December 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-302919-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

- 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.
- Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.
- 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.



- An Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the National Monuments Service.
- Submission of an AA screening report.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority

#### 5.4. **Applicant's Statement**

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

## 6.0 **Relevant Planning Policy**

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

The 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.

## 6.2. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (2018).
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018).
- 'Design Manual for Urban Roads and Streets' (2013).
- 'The Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009).

Other relevant national guidelines include:

- 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).

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands (1999).

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

6.3.1. The site is zoned Z1 – Sustainable Residential Neighbourhoods ‘to protect, provide and improve residential amenities’ under the Dublin City Development Plan 2016-2022. A protected structure is located on the site and is referred to as ‘Former Bakery’, with the RPS reference number 6421. Architectural Conservation Areas are located in the vicinity, to the north east and south west. The site is located in a zone of archaeological potential.

6.3.2. 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.”*

6.3.3. 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.”*

6.3.4. 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.”*

6.3.5. Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design. In particular section 16.10.7 Guidelines for Student Accommodation, sets out design criteria and considerations for the design of student accommodation, the relevant standards include:

- 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 (Variation 3).
- The student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms. Given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed. Proposed Developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011).
- Amenity for students, can include terraces, courtyards and roof gardens, where appropriate, at a combined level of at least 5-7 sq.m per bedspace.
- Student accommodation to generally be provided by grouping study bedrooms in ‘house’ units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.

- Single/double occupancy studio units that provide en-suite bathroom facilities and kitchenettes/cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m and a maximum gross floor area of 35 sq.m.
- Within campus locations consideration will be given to the provision of townhouse, 'own-door' student accommodation with a maximum of 12 bed spaces per townhouse.
- Shared kitchen/living/dining rooms shall be provided, based on a minimum 4 sq.m per bed space in the 'house' and 'town house' unit, in addition to any circulation space.
- Minimum bedrooms sizes for 'house' and 'town house' units will be:
  - a. Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m)
  - b. Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m)
  - c. Single disabled study bedroom, with en-suite disabled shower, toilet and basin: 15 sq.m)
- Bathrooms: Either en-suite with study bedrooms/studio units or to serve a maximum of 3 bed spaces.
- Communal facilities and services which serve the needs of students shall be provided for, which include laundry facilities, caretaker/ security and refuse facilities (either on site or nearby within a campus setting).

6.3.6. Development plan section 16.7 building height. All areas are considered to be low rise unless the provisions of a LAP / SDZ / SDRA 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.

## 7.0 Third Party Submissions

7.1. A number of local residents from Temple House, Father Scully House and Nordell House, either made individual submissions or were signatories to joint submissions, summarised as follows:

- Concern that the apartment blocks along the northern end of the site will impact on residential amenity by way of overshadowing and overlooking. The fourth floor of block E to be omitted and a traditional red brick finish to be applied in place of fibre-cement panels.
- That the ESB substation and bin stores will result in unacceptable level of noise and odour, the bin stores/ESB substation to be relocated.
- The student management plan should be more detailed in order to respond to local concerns.
- A construction management plan should be prepared, to ensure safe construction traffic management and control of dust and noise.
- There are not enough social and affordable homes in the area and the provision of student accommodation will not change this situation.
- Public realm improvements along Temple Lane should be included, such as a full width footpath.
- Local people should be employed in the construction and operational phase of the development and the finished building should not be let to Airbnb.

7.2. A number elected representatives, including Councillors Ray McAdam, Mannix Flynn, Ciaran Cuffe, Eilis Ryan re-iterate the concerns raised by local residents, other issues raised include the following:

- Other industrial buildings on the site should be considered as falling under protected structure status, in addition to the Edwardian office building on Parnell Street. The entire scheme should be re-designed around retaining these buildings. The selection of low grade external finishes is not appropriate at this location.
- The proposal is not DMURS compliant and results in overdevelopment of the site and floors should be removed from blocks fronting Temple Lane.

- Fire and emergency access has not been satisfactorily detailed.
- If the development is granted permission only local traffic should access Temple Lane and bed-spaces should not be used for short term tourist letting.
- There is an over-supply of student accommodation the area, including recently completed schemes on Summerhill and Gardner Street. If permitted, the saturation of students in the area would lead to modern ghettoization.
- There are a number of business operators that are tenants on the site and could result in legal issues.

7.3. The Mountjoy Square Society, based in the vicinity, again re-iterate some of the issues outlined above, but in addition the following points are emphasised:

- The applicant has misrepresented the architectural heritage of the site.
- There are a number of interesting and valuable early twentieth century buildings on the site and these should be retained and re-purposed.
- The development is over-scaled and fails to take account of the site's context and topography. The proposed mansard roof replacement on the office building is crude and requires re-design.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 1 April 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the Central Area Committee Meeting held on the 12 March 2019, and is outlined as follows:

- The elected members raised issues about the status of Protected Structures on the site and the need for a mixed-use development at this location.
- The impact of the development on local residents and current residential amenity will be significant and the absence of a management plan will lead to

anti-social behaviour, the likely consequences of student over-concentration in the area.

- Consent of land disposal should be withdrawn, but public realm improvements in the area should be carried out by the developer.
- A construction traffic plan should be put in place and concern was expressed in relation to emergency vehicle access.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Zoning/Site Development Standards – the site is located on lands zoned Z1 ‘to protect, provide and improve residential amenities’, student accommodation is considered an acceptable use. Plot Ratio – though the site exceeds Development Plan indicative plot ratio of 2.0, increased plot ratios are acceptable in areas in need of renewal and where streetscape profiles will be maintained.

Conservation – the buildings on site are described in the context of protected structure status of the former bakery on Parnell Street. The report notes the location of St George’s Church tower, a protected structure to the west of the site and looks for further assessment. Policy CHC2 and section 11.1.5.3 of the Development Plan are quoted in relation to protected structures. The planning authority note and highlight the contents of the conservation report submitted with the application.

Student Accommodation - section 16.10.7 of the Development Plan is quoted in relation to student accommodation. The documentation submitted by the applicant states that the current student population for the area accounts for 6% and concludes that the proposed development would result in a marginal increase in the total student population for the area. The planning authority consider that student accommodation is acceptable at this location and do not anticipate an overconcentration. A management plan has been submitted and the proposed development is considered preferable to unregulated piecemeal developments.

Design – indoor and outdoor amenity space is considered acceptable. The lower ground level sunlight and daylight findings are noted and given that the nature and timing of occupation i.e. students during term time, this is acceptable.



Height – having regard to the surrounding context, the proposed heights are considered generally acceptable, subject to appropriate scale and massing visual impact and overshadowing of neighbouring residents.

Scale and Massing – the scale and massing is in keeping with adjacent development, the main impacts will be to Father Scully House and the central block of apartments fronting on to Gardiner Street. The visual impact of the development is acceptable, however impact on residential property elicits concerns.

Impact on adjoining residents – the findings of the shadow analysis have been noted. Impacts to Father Scully House to the north and Belmont Hall to the east were considered as a cause for concern. In particular, the overshadowing impact to Father Scully House to the north is not acceptable and could be alleviated by the removal of a single floor along Temple Lane. Overlooking was not considered an issue in the context of a public street.

Public Realm – the provision of an active frontage and new footpath to Temple Lane is welcomed. The location of bin storage in Block E could be problematic for local resident, but an appropriate condition concerning odours and noise is recommended.

Impact on Protected Structures – the planning authority consider that protection from the listed bakery building fronting Parnell Street does not extend to other buildings on the site. Appropriate materials from demolished buildings on the site could be reused.

8.3. The planning authority conclude that the proposed development is broadly acceptable subject to the removal of one storey from Block D and the attachment of 18 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard conditions in relation to Development Contributions, conservation works, limitations on student and tourist use, landscaping, signage, construction management plan and other technical requirements of the planning authority.

8.4. Interdepartmental Reports

The reports of the Transportation Planning Division and Engineering Department – Drainage Division were submitted, and their recommendations incorporated into the conditions suggested by the planning authority.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 1 February 2019. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.
- **The Minister for Culture, Heritage and the Gaeltacht** – The Department notes 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. A standard condition is recommended based upon the mitigation measures outlined in the report submitted by the applicant.

- **Transport Infrastructure Ireland (TII)** – that a Construction Traffic Management Plan be prepared and submitted for agreement prior to the commencement of development and should take account of Luas operations. A Levy under the section 49 Supplementary Development Contribution Scheme – Luas Cross City should be attached.

## 10.0 Environmental Impact Assessment

- 10.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Screening Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.
- 10.2. The proposed development would be located on brownfield lands adjacent to residential development. The overall site is not designated for the protection of a landscape or of natural or cultural heritage although the former red brick bakery offices along Parnell Street is a Protected Structure listed on the RPS in the Development Plan. In addition, there are two Architectural Conservation Areas in the vicinity. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Stage 1 Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified. Given the scale and design of the proposed development, it is not likely to have a significant effect either on natural or cultural heritage in the area.
- 10.3. The development would result in works on zoned serviced lands. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

## 11.0 **Appropriate Assessment**

- 11.1.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site.
- 11.1.2. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated October 2018, which concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Planning Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Building Height and Quantum of Development
- Residential and Visual Amenity
- Heritage
- Public Realm
- Other Matters

### 12.2. Principle of Development

12.2.1. Z1 Zoning Objective - The City Development Plan land use objective for the overall site area is supportive of residential development. In this case student accommodation and the ancillary services are considered to be primarily residential development by the planning authority and I concur with this assumption. I am satisfied that the proposed student accommodation facility is compatible with the stated objective for lands zoned Z1 – Sustainable Residential Neighbourhoods ‘to protect, provide and improve residential amenities’.

12.2.2. Student Accommodation - In relation to student accommodation the Development Plan has specific objectives to ensure that development proceeds in an orderly manner and is acceptable from a residential amenity perspective. The application includes a Student Demand and Concentration Report in support of student accommodation at this location. The report provides an assessment of the concentration of student accommodation in the surrounding area and is based upon the requirements of Dublin City Development Plan 2016-2022 Variation no. 3 to submit evidence to demonstrate that there is not an overconcentration of student

accommodation in the area, including a map indicating all such facilities within 1km of the development. The report provides a detailed background to the area in terms of local facilities, amenities, transport connections and third level institution locations.

12.2.3. The report states that the baseline total population within a 1km radius of the site is 45,722 persons. Within this study area there are 19 student accommodation facilities either with a current permission or a grant of permission awaiting the appeal period to close. If all were constructed and operational, this would yield a total of 2,752 student bed spaces or 6% of the total population. The proposed development would result in a student population as a percentage of total population of 6.6%.

12.2.4. The report goes on to consider student concentration in UK cities with similar planning policies as follows: student population percentages of 29% (Bristol), 63% (Leeds), and 41% (Salford) and the report states that such concentrations have been considered acceptable within a 250m catchment area. In relation to the Dublin situation, the report highlights market data published in May 2018 by Cushman & Wakefield regarding purpose-built student accommodation (PBSA) schemes that notes a substantial undersupply in PBSA in Dublin.

12.2.5. The central and well connected location of the site and its proximity to nearby third level educational institutions, marks out this location as suitable for purpose-built student accommodation. The report prepared by the applicant to determine if the proposed development will result in an over-supply of student accommodation in the area is thorough and well considered. Even taking into account yet to be constructed student accommodation, the proposed facility would result in a marginal increase in student bed spaces when compared to the general population of the area. I am satisfied that the development will not result in an over concentration of student accommodation in this area. I note the comments of Dublin City Council in support of student residences at this location and their conclusion that the proposed development would not result in an over-concentration of student accommodation in the area.

12.2.6. I am satisfied that the proposed student accommodation will make a positive contribution to the general regeneration of this city centre site. The development will meet the increasing demand for student accommodation at a location that is accessible to several third level institutions in and around the city centre. As per the

above analysis, it will not result in an overconcentration of student accommodation at this location. The proposed use as visitor / tourist accommodation outside term time is in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is therefore acceptable in principle. The proposed development is considered to be acceptable in principle on this basis.

### **12.3. Building Height and Quantum of Development**

12.3.1. The development plan provides quantitative standards on building height, plot ratio and site coverage as controls to prevent overdevelopment. The proposed development has a stated plot ratio of 2.76, outside the indicative plot ratio standard of 0.5 – 2.0 for Z1 lands as per development plan section 16.5. The stated site coverage of 44.7% is slightly below the indicative standard of 45-60% for Z1 lands as per development plan section 16.6. The site is not located in an area designated as suitable for high or mid rise buildings as per development plan figure 39. Development plan section 16.7 indicates that the general height limits for inner city locations are up to 28m for commercial development and up to 24m for residential development. The stated total height of 23.6m as measured from the interior of the site is below this limit. The development is therefore broadly within the required parameters and in accordance with development plan standards.

### **12.4. Residential and Visual Amenity**

12.4.1. The proposed development will change the urban environment at this location, from commercial buildings of variable quality to the integration of an historical building frontage to Parnell Street with high density modern accommodation blocks and a new street frontage and public realm improvements to Temple Lane North. The two primary considerations are how the development will impact upon the residential amenities currently enjoyed by local residents and how the overall development integrates with surrounding development from a visual amenity perspective.

12.4.2. Residential Amenity Students/Tourists - The proposed student accommodation is generally in accordance with the following guidance provided in development plan section 16.10.7 as follows:

- Student accommodation should be grouped as 'house' units between 3-8 bedspaces, from 55 sq.m. - 160 sq.m.

- Single / double occupancy studio units with bathroom and cooking facilities, GFA of 25 sq.m. - 35 sq.m.
- Shared kitchen facilities shall be provided at a minimum of 4 sq.m. / bedspace.
- Minimum bedrooms shall be; single study bedroom 8 sq.m. with bathroom 12 sq.m., twin study bedroom 15 sq.m. with bathroom 18 sq.m., single disabled study bedroom with bathroom 15 sq.m.
- Bathrooms shall serve a maximum of 3 bed spaces.
- Communal facilities shall include laundry, caretaker / security and refuse facilities.

12.4.3. The development is in accordance with these requirements as per the submitted schedule of accommodation. The 'Design Statement' submitted with the application states that it has been designed to meet a range of student requirements and I am satisfied that the arrangement of student accommodation units and associated amenity spaces are appropriately located and sized. I note that studio apartments are provided with limited kitchen facilities, but this is acceptable given the level and expected duration of occupation of these units.

12.4.4. Residential Amenity Local Residents – Potential impacts to residential amenities may primarily arise at Temple House and Father Scully House along Temple Lane North and to a lesser extent Belmont Hall along Gardiner Street and Parnell Street.

12.4.5. Belmont Hall is a residential apartment scheme that shares a frontage along Parnell Street and Gardiner Street. The proposed development will locate multi storey blocks B, C and D to the rear elevations of Belmont Hall. The positioning of these blocks has been selected to ensure the residential amenities currently enjoyed by residents of Belmont Hall are not diminished. In terms of daylight and sunlight impact and according to the Design Statement prepared by the Architect a small proportion of windows will not meet criteria set out in BRE guidelines. The applicant has prepared a 'Daylight and Sunlight Analysis Report and Shadow Study'. The results for Belmont Hall are broadly satisfactory and show that in terms of Vertical Sky Component (VSC), of the 20 windows that did not meet requirements 9 are underneath an existing balcony. In terms of Annual Probable Sunlight Hours (APSH), of the 7



windows that did not meet the guideline requirements, only 3 of these windows fall outside the requirements in the winter months. I am satisfied that the impacts to Belmont Hall are sustainable in terms of access to daylight and sunlight, given the city centre location and the form of development proposed. In relation to loss of privacy, I note that Block C is a little over 21 metres from the rear (northern) elevation of Belmont Hall along Parnell Street and I anticipate no overlooking opportunities here. In addition, the eastern elevations of Blocks C and D are blank and present no opportunities for overlooking. Roof gardens are proposed and could present opportunities for overlooking, however, the erection of suitable screens as specified in drawings will eliminate this possibility.

- 12.4.6. Father Scully House, is an apartment scheme of between seven and five storeys and located to the north of the site and across Temple Lane North, a narrow urban laneway. The most sensitive portion of Father Scully House to the proposed development is a five storey element along Temple Lane North. A number of local residents, elected representatives and the planning authority have concerns here. The 'Daylight and Sunlight Analysis Report and Shadow Study' assess the full elevation of Father Scully House at this location in terms of VSC and APSH and also incorporates an analysis of the previously permitted scheme, planning authority reference number 5867/07 refers. In terms of VSC, the report disregards the current undeveloped situation of the site and prefers to base analysis as if the previously permitted scheme were in place and frames results in that context. In addition, the report goes on to state that the urban context and the very large windows on the southern elevation of Father Scully House should be taken into account when assessing VSC. This approach yields a more favourable set of results in terms of BRE guidelines. The APSH results fare marginally better. The planning authority are not convinced by the methodology and results produced by the applicant and prefer the removal of a floor across Block C to mitigate the impact on Father Scully House.
- 12.4.7. The reality is that the affected portion of Father Scully House is located across from existing two storey commercial development located immediately to the back of a narrow laneway. Ground floor apartments are set back from the laneway edge behind a railing and below an overhanging winter garden/terrace above, second, third and fourth floor apartments have large glazed apertures and the fifth floor is set back, the impacts to Father Scully House at present are varied. If the previously

permitted scheme were constructed, as envisaged by the applicant's research, it would have significant impacts on Father Scully House. For the applicant this has been the baseline from which to assess daylight and sunlight impacts. This is a plausible approach, despite Father Scully House being completed in 2014, but I am satisfied that the results derived from the applicant's analysis are sufficiently robust, but I would rely more on the city centre context. In any event, any similarly scaled development proposal on the subject site would certainly have impacts for Father Scully House.

12.4.8. The question for me is not whether the development as proposed would negatively impact the residents of Father Scully House to an unacceptable degree but whether the removal of a floor along the entirety of Block D would significantly improve matters. I have no doubt that the currently enjoyed levels of daylight and sunlight will change noticeably if the site were to be developed. It is the degree of change that should aim to make future amenity tolerable for existing residents. As outlined by the applicant and observed by me, the southern elevation to Father Scully House has a considerable amount of glazing with the potential to allow large amounts of light penetration. Any development in excess of that currently in place on the subject site will diminish current light levels. The arbitrary reduction of Block D by a floor will not in my mind significantly improve the impacts modelled by the applicant. I am of the opinion that any development in a city centre location will in nearly all cases impact to a lesser or greater extent upon access to sunlight and daylight. For me, the positive impacts from the redevelopment of the site, such as public realm improvements and a safer and more accessible city street should balance with the impacts to residential units that arguably and demonstrably already suffer sub-optimal daylight/sunlight conditions. In this context I am satisfied that the purposeful set back of upper floors along the laneway that results in between 10 and 11 metres and the resultant new footpath is sufficient to ensure the residential amenities of Father Scully House are not impacted upon to an unacceptable level. It is for these reasons that I do not think that the removal of a floor across Block D is warranted as it will not significantly mitigate matters for units at lower levels of Father Scully House.

12.4.9. Temple House a two storey apartment block is located to north of Block E, a proposed four storey building with service infrastructure at ground level. The

applicant has not modelled the impact of the proposed development on these residences in terms of daylight and sunlight impact. The planning authority note this lack of daylight and sunlight analysis but do not state any concerns. Block E is four storeys in height and Temple House is set back from the laneway edge in its own grounds. I note that the applicant has prepared shadow analysis for the area and this includes Temple House. Shadows do strike the front face of Temple House at times, but I am satisfied that the impacts are not so severe in terms of duration and extent so as to negatively impact the residential amenities currently enjoyed.

12.4.10. Residents have highlighted the potential negative impact of construction and operational phase nuisances caused should the development be permitted. The planning authority also note similar issues but are satisfied that appropriate conditions can limit and mitigate any perceived impacts. I note that the applicant has submitted a 'Student Management Plan' and a 'Mobility Management Plan'. These documents address the ongoing management of the facility in terms of student behaviour and responsibilities in addition to the use and availability of local transport links. A draft Construction Management Plan has been prepared but should be finalised and agreed with the planning authority, an appropriate condition can address this issue.

12.4.11. I am satisfied that proposed interventions along Temple Lane North of four to six storey blocks offset from the laneway edge and staggered in height, form and massing is an appropriate design approach along this narrow laneway. The improvements to Temple Lane North in terms of public realm, safety and passive supervision opportunities contribute to rather than negatively impact upon the overall residential amenity of units along Temple Lane North.

12.4.12. Visual Amenity – the applicant has submitted a scaled model, a variety of drawings and photomontage images to illustrate the visual impact of the proposed development, in terms of choice of materials and the impact on the skyline and streetscape. Observers have raised concerns over the selection of materials and favour a uniform red brick approach to the proposal. Whilst brick is a robust and attractive finish material, I am satisfied that the combination of fibre cement and glazed finishes selected by the Architect will enhance the streetscape at Temple Lane North. In my mind, a large expanse of darker brick tones would diminish the

lighter and airy impression that the proposed development achieves along the northern façade treatment of Block D and E.

12.4.13. The proposed development will effectively intensify buildings in a compact urban infill location. The proposed buildings are not unusually tall and comply with the Development Plan advice in relation to height at central city locations. From the material submitted by the applicant, I do not anticipate any adverse visual impact from the proposed development either in the immediate vicinity or from further afield. I am satisfied that the proposed development will consolidate and positively regenerate this city centre location and presents no adverse visual impacts.

## 12.5. Heritage

12.5.1. The proposed development seeks to develop a site that includes a prominent office building along Parnell Street that is entered on the record of protected structures (RPS) of the Dublin City Development Plan. The building is recorded as reference number 6421 and described as ‘former bakery’ and the building is identified on Development Plan Map E with a red asterisk. In addition, I note that the National Inventory of Architectural Heritage (NIAH) for Dublin City identifies the site location, a brief description and additional images of the bakery office building. Both of these sources refer to the prominent red brick building along Parnell Street.

12.5.2. The applicant has submitted a Conservation Report that concentrates primarily on the red brick office building but also provides an analysis of the other buildings on the site. Observers are critical of the proposed development insofar as it fails to extend the protected status to the entire site and thus the demolition of most buildings is not welcomed. The planning authority are more supportive of the proposal, however, the re-use of suitable materials, such as brick, in landscaping, is suggested.

12.5.3. The site is located within a zone of archaeological potential within the city centre. The Department of Culture, Heritage and Gaeltacht note the details of the potential archaeological impacts that could arise and considers that there is sufficient information contained in the Archaeological Assessment Report submitted by the applicant that will allow for an informed planning decision with regard to archaeological matters. A standard condition is recommended based upon the

mitigation measures outlined in the report submitted by the applicant and I concur with this approach.

12.5.4. I have had regard to the material submitted by the applicant, the observations of third parties and the comments received by the planning authority. I have also observed the exterior and interior of the buildings on the site. In relation to the reuse and adaptation of the bakery office building along Parnell Street, I am satisfied that the applicant's proposals are adequate and sensitive in terms of design and extent of intervention. I have no issues in relation to the removal of the mansard roofed attic and its replacement with a flat roof glazed and panelled addition.

12.5.5. The reuse and finding a new purpose for older buildings is a valid approach to the regeneration of urban sites. The buildings in question, the former industrial buildings to the rear, are an interesting assemblage of structures built for a specific purpose. They are an indicator to the former productive past of the overall site. These buildings have been re-purposed over the last 40 years and for the most part those uses now cease to operate. The overall condition of the industrial buildings is quite poor, externally they appear more or less satisfactory but internally, they are much changed and in poor condition. The wider area has become predominantly residential and this site stands out as an unsustainable low intensity use of serviced land in the city centre. Though the industrial buildings to the rear are of interest from a historical and cultural heritage perspective, they are not judged by the Conservation Report submitted by the applicant to be of a high enough quality and condition to merit retention and re-use. I would agree with the applicant that the former industrial buildings to the rear of the site have been much altered over time and do not lend themselves to an economically viable adaptation to match the quantum of development proposed in this application. I am satisfied that the principle building of note, the red brick offices, will be retained and re-purposed and this is to be welcomed from a streetscape and historical contextual viewpoint. The loss of the former industrial buildings whilst regrettable is acceptable in this instance.

## 12.6. **Public Realm**

12.6.1. Observers have raised broad concerns about how the proposed development will alter the current environment in terms of residential and visual amenity. At present Temple Lane North is a very minor link between Hill Street and Gardiner Street,

there is limited footpath provision, there is limited active frontage or opportunities for passive supervision and the laneway is quite poorly lit. In short, Temple Lane North is an uninviting laneway with almost none-existent pedestrian facilities in an area of the city centre that would benefit from uplift and regeneration. The proposed development will provide an active and animated frontage to Temple Lane North, primarily from the uses proposed in Block D and E. Together with student residences and a pedestrian access point, I anticipate a beneficial level of pedestrian activity and consequently greater potential for passive supervision. The public realm will be improved in terms of the provision of a new footpath along the site frontage to Temple Lane North, the specific and technical details of which need to be agreed with the Council. All these factors, lead me to conclude that Temple Lane North will transform from a poor quality urban space to a balanced and active residential zone.

## 12.7. **Other Matters**

12.7.1. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-302919-18. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to bus and tram services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. These conditions are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.

## 13.0 **Recommendation**

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 14.0 Reasons and Considerations

Having regard to:

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

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

## 15.0 Conditions

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

Reason: In the interest of clarity.

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

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

3. (a) The student accommodation complex shall be operated and managed in accordance with the measures indicated in the Student Management Plan submitted with the application.

(b) Student House Units shall not be amalgamated or combined.

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



4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:

(a) Details of the public realm improvements on Temple Lane North, including materials to be used in roads and footpaths and point of entry/access details.

(b) Details of areas to taken in charge, if any.

(c) A public lighting plan.

(d) Drop off and collection shall be as stated in the Student Management Plan.

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

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

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

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

Reason: In the interest of residential amenity.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) Full details of proposed brown roofs including construction and maintenance plan.

Reason: In the interest of public health.

10. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

11. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

(a) The reclamation and re-use of suitable building materials, such as brick, in any hard landscaping elements where appropriate and practicable. Details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.

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

Reason: In the interest of residential and visual amenity.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

13. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric of the red brick bakery office building during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

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

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

15. 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 the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

16. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

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

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

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

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

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

20. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green To Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme

made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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Stephen Rhys Thomas  
Planning Inspector

6 May 2019