



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312221-21

#### Development

Alterations to previously permitted development ABP-303615-19 resulting in a total of 276 no. student bedspaces and associated site works.

#### Location

124-126 Parnell Street, Dublin 1.

#### Planning Authority

Dublin City County Council

#### Planning Authority Reg. Ref.

n/a

#### Applicant(s)

CASL Carrigrohane Road (Cork) LP.

#### Type of Application

Section 146B

#### 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.

**Observers**

1. Bernie Donnelly and Others.
2. John Doolin.
3. Joseph D Kelly.

**Inspector**

Stephen Rhys Thomas

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## 1.0 Introduction

1.1. An Bord Pleanála received an application for amendments to a previously permitted development ABP SHD Ref.303803-19 on the 15<sup>th</sup> December 2021 from John Spain Associates on behalf of CASL Carrigrohane Road (Cork) LP in relation to 124-126 Parnell Street, Dublin 1. The request for amendments is made under section 146B of the Planning and Development Act 2000 (as amended).

1.2. Pursuant to section 146B(2)(b) notice was subsequently served on the requester to require the following:

*Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.*

1.3. The requester has complied with these requirements.

## 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 Development**

3.1. A request under section 146B. of the Planning and Development Act 2000, as amended, received 15<sup>th</sup> December 2021 seeking an alteration to the permitted development under reference ABP-303615-19; concerning a Strategic Housing Development for the construction of 257 student bed spaces and all associated site works.

#### **3.2. Description of proposed alterations:**

An increase in student bedspaces from 257 to a total of 276 student bedspaces by:

- the replacement of a 7-bedroom cluster at ground floor of Block C with an 8-bedroom cluster
- the replacement of a 7-bedroom cluster at first floor of Block D with an 8-bedroom cluster
- the replacement of a 5-bedroom cluster at third floor of Block D with an 8-bedroom cluster
- addition of single studios at Block C at floors 3, 4, 5 and 6 and reconfigured layout at these levels
- addition of single studios at Block D at floors 4, 5 and 6 and reconfigured layout at these levels
- the omission of twin studios and inclusion of double and accessible studios at Blocks C & D
- a repositioned vehicular underpass at Block D,

- omitted balcony at third floor Block D to accommodate revised cluster kitchen,
- reduced footprint of ground floor at Block E,
- minor changes to the footprint of Blocks B, C, D and E,
- elevational changes at Block C & D corresponding with proposed bedspaces and rooftop gables relocated to align with new layouts,
- 3m plant enclosure at roof level of Block E and PV panels relocated.

The proposed alterations result in a reduced total floor area by 158 sqm to c. 8,107 sqm and an increase in student bedspaces by 19 to 276 bedspaces.

## 4.0 Submissions

### 4.1. Planning Authority Reports

- 4.1.1. The planning authority note the amendments proposed in the context of the permitted development. In particular, a 3m plant enclosure is proposed at roof level of block E. The preferred option would be to reduce the provision of any visible plant at roof level. It is noted that the plant enclosure would result in additional height to block E, but would be below the overall roof height of the development including that of Block D and would integrate into the scale and massing of the overall permitted development. The finish of the proposed plant enclosure would be dark grey powder coated aluminium doors and ventilated louvres, which is considered to be acceptable. In all other respects the planning authority have no objection to the changes proposed.

### 4.1.2. Council Reports

Transportation Division Report – no objections to repositioned vehicular entrance, though it is noted that bicycle spaces have not been increased to take account of increased bed spaces.

Drainage Report – no changes to original report recommended.

Parks and Landscape – no comments.

Parks, Biodiversity and Landscape Services – comments received.

Housing – engagement has now started in relation to Part V obligations.

#### 4.2. **Prescribed Bodies**

##### 4.2.1. Transport Infrastructure Ireland

- 4.2.2. Recommends a condition concerning the section 49 contribution scheme in relation to the nearby Luas Line.

#### 4.3. **Observations**

- 4.3.1. Three valid observations were received during the relevant period and can be summarised as follows:

- There is already enough student accommodation in the area.
- The construction phase of development (noise and dust) will impact health issues.
- The scale of development will impact upon the privacy and daylight currently enjoyed by neighbouring residences.

### 5.0 **Planning History**

- 5.1. Strategic Housing Development Reference **ABP-303615-19** – Planning permission granted by An Bord Pleanála on the 17<sup>th</sup> May 2019 for 257 student bedspaces and all associated site works. In detail the development comprised:

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 includes 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.

## 5.2. **PA 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.

## 5.3. **PA Reg. Ref. 4730/04 and ABP 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.

## **6.0 Policy Context**

### **6.1. National Policy**

#### **6.1.1. Housing for All - a New Housing Plan for Ireland (September 2021)**

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

#### **6.1.2. 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.

### 6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

Pillar 4: Improve the Rental Sector. The key objective is to address obstacles to greater private rented sector deliver and improving the supply of units at affordable rents. Key actions include encouraging the “build to rent” sector.

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

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

- The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG) and Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012.

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 Assessment

### 7.1. Introduction

7.1.1. The requester in their submission has elaborated on the proposed alterations and how they differ from the parent permission in terms of bed cluster format and configuration, variety and location of single studios, minor footprint changes, elevational changes and repositioned vehicle access point. Reference is made to the optimisation of space, the maintenance of a high quality student living environment and an increase in variety and choice of accommodation.

7.1.2. In summary, the alterations relate to:

- 8- bedroom cluster instead of a 7-bedroom cluster at ground floor of Block C
- 8-bedroom cluster instead of a 7-bedroom cluster at first floor of Block D
- 8-bedroom cluster instead of a 5-bedroom cluster at third floor of Block D
- New single studios at Block C at floors 3, 4, 5 and 6 and associated reconfigured layout
- Addition of single studios at Block D at floors 4, 5 and 6 and associated reconfigured layout
- Omission of twin studios and replace with double and accessible studios at Blocks C & D
- A repositioned vehicular underpass at Block D,
- Omitted balcony at third floor Block D to accommodate revised cluster kitchen,
- Minor changes to the footprint of Blocks B, C, D and E,
- Elevational changes at Block C & D to correspond with new bedspaces and rooftop gables relocated to align with new layouts,
- 3m plant enclosure at roof level of Block E and PV panels relocated.

7.1.3. The proposed alterations result in a reduced total floor area by 158 sqm to c. 8,107 sqm and an increase in student bedspaces by 19 to 276 bedspaces. These changes, cumulatively, could have amounted to a material change to the development as



originally proposed. The Board may have considered the relevant planning issues differently to a material extent, had the development as now proposed formed part of the original planning application.

7.1.4. In that context, my assessment focuses on the proposed changes to the development in the context of the permitted development, and the statutory development plan, national policy, regional policy and the relevant section 28 guidelines where relevant. In addition, the assessment considers, and addresses issues raised by the observations on file, and the submissions made by the planning authority and statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Residential Accommodation
- Visual Impact
- Residential Amenity
- Traffic and Transport
- Material Alteration or Not Material Alteration?
- EIA Screening
- Screening for Appropriate Assessment

## **7.2. Residential Accommodation**

7.2.1. The proposed changes will alter the layout, arrangement and size of bed clusters in the proposed development. The floorspace areas will still comply with the minimum standards set out in the section 16.10.7 of the Dublin City Development Plan.

7.2.2. The changes to the proposed student accommodation clusters involves blocks C and D. In detail, the bed clusters have been reconfigured as follows: 7 bed clusters, in Block C on ground floor and Block D on 1st floor, have been replaced with 8 bed clusters. This results in two new cluster bedrooms. A 5 bedroom cluster, in Block D on the 3rd floor, is to be replaced with an 8 bedroom cluster. This will create 3 new cluster bedrooms. An additional studio is added in Block C, adjacent to the stair core, on floors 3 to 6. This has resulted in the layout of neighbouring 8 bed clusters to be rationalised to match other 8 bed layouts in the scheme. This creates 4 new rooms, in lieu of twin rooms. An additional studio added in Block D, again, adjacent to the

stair core, on floors 4 to 6. As before the layout of the neighbouring 8 bed cluster is rationalised to match other 8 bed layouts. This creates 3 new rooms. I note that the description of development provided by the requester in their planning report and the changes in number of bed spaces provided in the 'Design Change Summary' of the document entitled 'Proposed Alterations to Permitted Student Accommodation Development Scheme' prepared by Urban Innovations differ.

7.2.3. On the one hand the planning report states that there will be an increase in bedspaces by 19 to a total of 276, however, the Architect's summary shows an increase of only 14 bedspaces but the detailed schedule of accommodation appears to show an increase from 255 to 276 an increase of 21 bedspaces. In order to gain clarity about what is exactly requested I refer the Board to the drawings submitted and the details that they show in terms of permitted versus proposed. I am not concerned about this discrepancy in numbers of bed spaces, as the variation is not so great or material. In the interests of clarity, I refer to the description of the proposed changes and the increase from the permitted 257 bed spaces to 276 bed spaces, an addition of 19 spaces and this is what would be allowed if the Board are so minded. I do not consider that such an increase in bedspaces will have any material impact upon the overall student accommodation scheme, because the overall massing and scale of the development as originally proposed does not change to any significant degree.

7.2.4. The requester states that in order to accommodate the increase in bed spaces, the room dimensions have been amended as follows: permitted bedrooms were 4813 by 2860mm (13.8 sqm) proposed bedrooms after changes are 4850 by 2650mm (12.9 sqm). I can see that the bedrooms have changed very slightly (210mm reduction in width and an increase in length of 37mm, to be precise) and that such changes would be barely noticeably in reality. I would not have considered such minute changes in room dimensions differently had they formed part of the original proposal and nor should the Board, in my opinion. The requester has prepared a Daylight Assessment Report that concludes that compliance rates are in the high 90% for both the requirement of 1.5% and 2.0% for living/kitchen/dining areas. It is explained that this is acceptable in a tight urban context and that compensatory design solutions include a range of shared amenity areas. Given the urban context of the site and the type of accommodation on offer, I accept this point.

- 7.2.5. The bedspaces will still meet the requirements of the statutory plan for the area. In addition, the amenities on offer for students will be practically the same in terms of kitchen/dining spaces and open space/communal/recreational areas decrease imperceptibly per bed space due to the small increase in overall bed space numbers. The quality and arrangement of amenities for future occupants remains the same and will now support a marginal increase in users, for which I anticipate no major issues to any material extent.

### **7.3. Visual Impact**

- 7.3.1. In order to accommodate the increase in bed spaces, the requester proposed a number of further amendments, and these have been detailed in the planning report and shown as purple areas on the drawings submitted. The main amendments to the built form include: the removal of a balcony from block D third floor, the width of block B reduced by 874mm, rooftop gables relocated, a 3 metre high plant screen added to block E, and the depth of blocks B, C, D and E either increased or decreased by between -240mm and +160mm.
- 7.3.2. From a visual amenity perspective, the appearance of the buildings will not change to any perceptible or material degree. The changes amount to small fractions of a metre and certainly no additional floors or vastly expanded blocks are proposed. I consider that the changes to the footprint and width of blocks are so minor that they would go unnoticed. I anticipate no adverse visual impact from the majority of the changes requested and I would not have considered the proposal any differently. However, I note that a 3 metre tall screen to a plant enclosure is proposed on the roofscape of block E. This block is located at the northern end of the site and as permitted is four storeys in height. The screen will be set off from the edge of the block by three meters and I do not anticipate that any adverse visual amenity impacts will result. The planning authority also note the emergence of a roof top screened plant enclosure and would prefer it not to be proposed but accept that its scale and design is acceptable. In my view, given the position of the screen offset from the street edge of the block, that it will simply not be seen from the surrounding streets or impact on the setting of the bakery building (a protected structure) much further to the south to any material extent.

### **7.4. Residential Amenity**

- 7.4.1. A number of observations were made by local residents who raised concerns about the impact of the proposed development on their current residential amenities, principally daylight and privacy. In addition, concerns were raised about the construction phase of the development in terms of noise and dust. Firstly, the observer's concerns stem from the development as originally proposed in terms of the residential amenity impacts that they fear will come to pass. It would seem to me that the concerns have been heightened because of the description of the requested changes and that this would result in a development of perhaps greater height or massing. I can see that the proposed changes do not involve any new floors or changes in building height, other than the addition of a three metre high plant compound screen on block E, I discuss this change later. There are a number of adjustments to blocks B, C, D and E, but these are so minor so as to be immaterial and would not in my opinion exacerbate any residential amenity impacts that would result from the development as originally proposed and permitted by the Board.
- 7.4.2. In addition to drawings, the requester has prepared a Daylight Assessment Report that assesses the average daylight factor in terms of the proposed development but has expressly not prepared an assessment of neighbouring properties. The report states that no assessment was carried out on the impact to daylight or sunlight of the surrounding environment as the density and massing of the amended scheme is consistent with the previously granted scheme (SHD ABP Ref: 303615-19). On this matter I agree, the massing and scale of the proposed development has not altered to any significant degree and so a reassessment of the impact upon surrounding development is not warranted. However, as before, I note that a three metre tall screen is proposed on the rooftop of block E. Block E is located at the northern end of the site, fronting onto the narrow Temple Lane North, on the opposite side is located Temple House. According to the drawings submitted the plant enclosure will be located at least three metres from the front building edge onto Temple Lane North.
- 7.4.3. The rooftop plant enclosure will not comprise the entire rooftop of block E and is relegated to the back edge of the building in order to limit the possibility of overshadowing. Though, this has not been demonstrated by the Daylight Assessment prepared by the requester, I am satisfied that the degree of setback and limited extent of rooftop enclosure would not adversely impact the residential

amenities of neighbouring property any more than the permitted scheme. I would not have assessed the proposed development any differently if the rooftop plant enclosure had been included from the outset and nor should the Board.

- 7.4.4. I appreciate that observers are concerned about the development proposed and these concerns do not change from the initial submissions made on the original proposal. I am however, satisfied that the overall extent, scale and massing of the proposed development will not change to any significant degree that would perceptibly alter the residential amenities of neighbouring property. The permitted scheme differs little with the requested changes.
- 7.4.5. In relation to concerns about the noise and dust associated with the construction of the development, I am satisfied that the construction phase will be adequately managed and controlled by the conditions attached to the original permission, conditions 15, 16 and 17 of permission ABP-303615-19 refer.
- 7.4.6. Finally, in relation to the proliferation of student accommodation in the area. I am satisfied that the very marginal increase in bed spaces would not lead to any issues of concern. The 7% increase in bed spaces will not in itself create any greater issues for the area than that already assessed in the original permission. In this respect I note sections 12.2.2 to 12.2.6 of the original Inspector's Report that concluded the development will not result in an overconcentration of student accommodation at this location.
- 7.4.7. I am satisfied that the proposed changes will not impact upon the residential amenity of neighbouring property to any material extent. I would not have considered these matters any differently if the proposed changes had been included in the original scheme.

## **7.5. Traffic and Transport**

- 7.5.1. Vehicular Underpass - The position of the vehicular underpass in Block D is to be moved 2304mm along Temple St North, towards Gardiner Street and its width reduced from 5379mm to 4501mm. This is a minor reposition of the vehicular entrance to allow the changes to the bed space cluster configurations above in block D. In streetscape terms the new position of the vehicular entrance has a neutral impact, a vehicular entrance will still operate across the footpath. However, the vehicular entrance will now be slightly narrower and this is a net improvement of the

public realm at this location. The planning authority raise no issue in regard to the relocated vehicular entrance, I conclude that there are no traffic implications to the changes proposed. I am satisfied that the new vehicular entrance, slightly repositioned from the original position will not have any adverse impacts in terms of the traffic situation along the narrow laneway and in fact I anticipate that the public realm will be improved by the slightly reduced dimensions of the entrance proposed. I am satisfied that the proposed changes will not impact upon the traffic along the laneway to any material extent.

- 7.5.2. Luas – Transport Infrastructure Ireland (TII) have made a submission that requests the attachment of a condition that requires the payment of a contribution in line with section 49 of the Planning and Development Act. I note that condition 20 of the original permission already requires the payment 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. No further action is required in relation to the submission made by TII.

#### **7.6. Material Alteration or Not Material Alteration?**

- 7.6.1. I note that the requester was served with a notice under section 146B(2)(b) that required engagement with the issue of an increase in the number of student bed spaces and what impact it may have on the surrounding area. Having now considered the proposal in its entirety, I am of the opinion that the changes proposed are not material in terms of the overall student accommodation scheme.
- 7.6.2. As can be seen by the foregoing, I have examined the drawings and information submitted by the requester and the submissions received from observers, statutory consultees and the planning authority, I do not consider the changes to be material amendments in terms of the overall scheme. I am therefore satisfied that the proposed changes would not have been considered differently by the Board to any material extent, and having already sought submissions and having had regard to those submissions, I am satisfied that the Board can make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned under section 146B(2)(a). I am satisfied that a decision can be made in accordance with section

146B(3)(a) and 146B(8), that the making of an alteration (as proposed) would not constitute the making of a material alteration of the terms of the development concerned.

## **7.7. EIA Screening**

- 7.7.1. As I outline above, I consider that the proposed alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply.

## **7.8. Screening for Appropriate Assessment**

- 7.8.1. Under ABP-303615-19 the Board completed an Appropriate Assessment Screening exercise in relation to Natura 2000 sites and accepted and adopted the screening assessment and conclusion carried out in the Inspector's report that by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment was not required.
- 7.8.2. Having considered the Board's determination on Appropriate Assessment on ABP-303615-19 section 11.0 of the Inspector's Report on ABP-303615-19, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-303615-19 which itself was not considered likely to have a significant effect, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Conclusion and Recommendation**

- 8.1. The combined impact of the changes does not significantly alter the overall development to any material extent from that approved under ABP-303615-19 and results in no significant deterioration in the quality of design or impacts to neighbouring development. The alterations do not involve any changes to the permitted surface water treatment, foul drainage or water supply. The proposed amendments will not have a harmful impact on the visual appearance of the development externally or on its internal amenities. The proposed development will

still make a positive contribution to the surrounding streetscape by reason of the proposed alterations and high quality material finishes and design. The proposed alterations will not depart from the requirements for student accommodation as set out in section 16.10.7 of the Dublin City Development Plan.

- 8.2. I recommend that the Board decides that the making of the alteration which is subject of this request does not constitute the making of a material alteration of the terms of the development as granted permission under ABP-303615-19 and that it makes the alteration under section 146B(3)(a) of the Planning and Development Act, as amended.

## 9.0 Recommended Order

**REQUEST** received by An Bord Pleanála on the 15<sup>th</sup> December 2021 from CASL Carrigrohane Road (Cork) LP under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at 124-126 Parnell Street, Dublin 1, which is the subject of a permission under An Bord Pleanála reference number ABP-303615-19.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 17<sup>th</sup> May 2019,

**AND WHEREAS** the Board has received a request to alter the terms of the development which is the subject of the permission,

**AND WHEREAS** the proposed alteration is described as follows:

- Alterations to previously permitted development ABP-303615-19 resulting in a total of 276 no. student bedspaces and associated site works



**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public in relation to the proposed alteration, the Board had regard to the submissions made to it on foot of that invitation and determined, that the proposed alteration would not result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** having considered all of the documents on file, including submissions made by observers, the planning authority and statutory consultees, and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> December 2021.

## **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-303615-19 for this site,
- (ii) the screening for appropriate assessment carried out in the course of that application,
- (iii) the limited nature and scale of the alterations, and
- (iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations,

(vi) the report of the Board's Inspector

it is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

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Stephen Rhys Thomas  
Senior Planning Inspector

3<sup>rd</sup> May 2022