

An  
Bord  
Pleanála

**Board Order**  
**ABP-319847-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: LRD6050/24-S3**

**Appeal** by Lyonshall Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork and by Paul Browne of Apartment 5, Stanley Court, Prussia Street, Dublin against the decision made on the 9<sup>th</sup> day of May, 2024 by Dublin City Council to grant subject to conditions a permission to the said Lyonshall Limited County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The proposed development will consist of the demolition of the existing four number warehouse structures to provide for the construction of a 373 bed purpose-built student accommodation development, a ground floor café and all ancillary site development works. The proposed development will be provided in two number apartment blocks ranging in height from three-five storeys over basement and a single terrace of own door studio units, including 43 number apartments ranging in size from four-six bedrooms (250 number bed spaces), 123 number studio apartments all served by bicycle parking in a dedicated bike store, bin store, plant rooms, outdoor amenity spaces and internal student amenity facilities, ESB substation, rooftop mounted plant and PV panels. The primary access to the proposed development will be provided from Prussia Street to the east. The

proposed development also provides for the alterations of a section of the western boundary wall to provide for fencing and a gate to facilitate a maintenance access for Dublin City Council from Drumalee Court, all at Former IDA Centre, Prussia Street, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to:

- (a) the provisions and policies of the Dublin City Development Plan 2022 - 2028,
- (b) the zoning objective 'Z4 – Z4 – 'Key Urban Villages/ Urban Villages', with a stated objective 'To provide for and improve mixed-services facilities',
- (c) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (e) the Urban Development and Building Heights - Guidelines for Planning Authorities – issue by the Department of Housing, Local Government and Heritage in 2018.
- (f) the availability in the area of a wide range of social, community and transport infrastructure necessary to serve this development,

- (g) to the pattern of existing and permitted development in the area, and
- (h) the submission and observations received, and
- (i) the Inspector's Report,

it is considered that, subject to compliance with the conditions set out below, the development as revised by the details submitted on the 4<sup>th</sup> day of June, 2024 would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would ensure the appropriate redevelopment of a brownfield site for student accommodation in an area with demand for such accommodation, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety and convenience. The development as revised would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the development as revised by the details submitted on the 4<sup>th</sup> day of June 2024, on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be

likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment**

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

Having regard to:

- (a) the nature and scale of the proposed development as revised, which is substantially below the thresholds in respect of Paragraphs 10 (b) (i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 as amended,
- (b) the existing use of the site and the pattern of development in the vicinity,
- (c) the availability of public water and foul services to serve the proposed development,
- (d) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended and the content of the applicant's Environmental Impact Assessment Screening Report, and,
- (e) the measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including

measures identified in the Construction Environmental Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development**

Having regard to the provisions of the Dublin City Development Plan 2022-2028, and the zoning for residential purposes, to the location of the site in an established urban area and to the nature, form, scale, and design of the proposed development, it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area.

The proposed development will ensure that the setting and character of this section of Prussia Street is protected into the future, will provide for the comprehensive development of this brownfield site, and will provide for much needed student accommodation in accordance with the provisions of the Dublin City Development Plan 2022-2028. The development provides for adequate bicycle parking, communal open/interior amenity space and provides for a suitable frontage onto Prussia Street including a café with appropriate active frontage.

The Board considered that, subject to compliance with the conditions set out below, the proposed development as revised would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity,

would be acceptable in terms of urban design, height, and quantum of development and in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of student accommodation in an area with demand for such accommodation.

The Board considered that the proposed development, revised by the details submitted on the 4<sup>th</sup> day of June 2024, is compliant with the current Dublin City Development Plan 2022-2028, and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The submitted development has full regard to the protection of existing residential amenity and the revisions proposed in the applicants appeal of conditions will further ensure that residential privacy and amenity is suitably protected. It is considered that the revisions to the development are appropriate and provide for a greater level of protection of residential amenity with specific reference to privacy and reduced potential of overbearing. A consequence of the revisions is a reduction of 13 bedspaces/units and a subsequent increase in the ratio of amenity space to units, which is a clear benefit to future residents of this scheme.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and revised by the details submitted to An Bord Pleanála on the 4<sup>th</sup> day of June 2024, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The alterations proposed by the applicant and received by the Board on the 4<sup>th</sup> day of June 2024, in response to conditions number 9A, 9B of the planning authority's decision, shall be carried out in full. This will reduce the number of proposed bedspaces by 13, therefore providing for 360 bedspaces.
  - (b) The revised window serving the living space adjacent to Stanley Court, proposed in response to condition number 11 (a) of the planning authority decision, shall be revised to be a deflected/ angled window facing south west.
  - (c) The northern gable corridor ope serving unit 03.01 (2A) shall be fitted with opaque glazing to at least 1.8 metres above finished floor level.

- (d) Any opes shown as high-level windows shall be set at least 1.8 metres above finished floor level.
- (e) The secondary southern gable ope to the dual-aspect K/L/D serving Apt 02.01(2B) shall be fitted with opaque glazing to at least 1.8 metres above finished floor level.
- (f) The glazing to the side ope to the projecting bay serving the dual K/L/D space of Apt 02.01 (2B) on levels 01 to 04 shall be fitted with opaque glazing to at least 1.8 metres above finished floor level.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 3. The proposed development shall be used only as student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute, or tourist/visitor accommodation only during academic holiday periods. The tourist/visitor accommodation shall only be occupied for short-term letting periods of no more than two months and shall not be used as independent and separate self-contained permanent residential units.

**Reason:** To clarify the scope of the permission, in the interests of amenity and the proper planning and sustainable development of the area.



4. (a) The student accommodation complex shall be operated and managed by an on-site management team on a 24-hour, full-time basis. A detailed student management plan shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. Any changes in the operation and management of the complex shall be the subject of a new planning application. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, aparthotel or similar use without a prior grant of permission.

- (b) The terrace student studio units shall not be amalgamated or combined.

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

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and surface water management.

6. The applicant shall provide an updated Basement Impact Assessment with full details on groundwater management for the written agreement of the planning authority.

**Reason:** In the interest of public health.

7. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

**Reason:** In the interest of public health.

8. The trading hours of the café shall be submitted for the written agreement of the planning authority.

**Reason:** In the interests of clarity and residential amenity.

9. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Screening Report and the Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

10. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application as revised, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

11. The development shall comply with the following:

- (a) Prior to commencement of development, the applicant shall liaise with the National Transport Authority (NTA) to ensure that the proposed development and phasing of works comply with the requirements of the Core Bus Corridor (CBC) Blanchardstown to City Centre with regard the lands required to facilitate the Core Bus Corridor on Prussia Street, details of this engagement and any works or phasing on foot of it shall be submitted to, and agreed in writing with, the planning authority.

- (b) The applicant shall submit to the planning authority for written agreement, details of existing and proposed works along Prussia Street to facilitate the amended access. Details of the materials proposed in public areas is required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.
- (c) No part of the development shall overhang the public footpath.
- (d) A minimum of one set-down only car space shall be clearly lined out in the area to the north of Block 1.
- (e) A minimum of 452 number cycle parking spaces shall be provided. Bicycle parking shall be in-situ prior of the occupation of the development. The provision of bicycle parking shall be as follows: 373 number bicycle spaces for students of a mix of double stack stands and semi vertical stands including two universal secure spaces, 75 number bicycle parking spaces for visitors of a mix of double stack and Sheffield stands and four number bicycle parking spaces for commercial unit use of the Sheffield style design.
- (f) The developer/operator shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future students and users of the development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the roll out of the plan.

- (g) Prior to commencement of development, and on appointment of a demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of demolition waste. The Demolition Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport.
- (h) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste. The Construction Traffic Management section of the report shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport.
- (i) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation, and in the interest of traffic safety.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure and structures recorded on the National Inventory of Archaeological Heritage.
- (b) The proposed development shall be carried out in accordance with the following:
- (i) All works within the Conservation Area and to the boundaries with the Protected Structure and structures recorded on the National Inventory of Archaeological Heritage shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
  - (ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
  - (iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
  - (iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

(c) In advance of work commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Officer:

- (i) A sample of the proposed finishes to be used on the building facing on to Prussia Street, as well as mortar joint size and colour shall be submitted for the written approval of the Conservation Officer.
- (ii) Revised landscape drawings showing the provision of screening by way of trees and soft landscaping along the boundary with the grounds of the Church of the Holy Family.

**Reason:** In order to protect the amenity, setting and curtilage of the Protected Structure (Church of the Holy Family, Aughrim Street) and structures recorded on the National Inventory of Archaeological Heritage (Numbers 56, 57, 58-59 Prussia Street and the Parish Office of the Church of the Holy Family, Aughrim Street), and to ensure that the proposed works are carried out in accordance with best conservation practice.

14. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground.

**Reason:** In the interests of visual and residential amenity.

15. The road network serving the proposed development, including the junction with the public road, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

16. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenity.

17. The communal resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities. Details of the management and operation of same shall be submitted to, and agreed in writing with, the planning authority prior to the operation of the facilities.

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

18. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the



development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

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

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

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

20. 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:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of on-site car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,

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- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains

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

**Reason:** In the interests of amenities, public health and safety.

21. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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.

22. 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 of roads, footpaths, watermains, drains, 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 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.

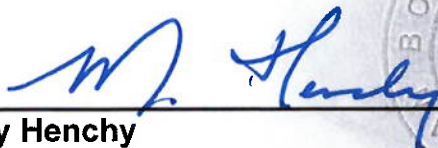
**Reason:** To ensure the satisfactory completion of the development.

23. 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.

24. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City – St. Stephens Green to Broombridge section, 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.



Mary Henchy

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 18<sup>th</sup> day of September 2024.