



An  
Bord  
Pleanála

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

## Inspector's Report ABP-307236-20

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### Strategic Housing Development

296 no. student bedspace  
accommodation and associated site  
works.

### Location

29B, 30 and 31 Prussia Street, Dublin  
7.  
([www.prussia.ie](http://www.prussia.ie))

### Planning Authority

Dublin City Council

### Applicant

Prussia Properties Limited

### Prescribed Bodies

1. Development Applications Unit
2. Irish Water
3. Transport Infrastructure Ireland

**Observer(s)**

1. Anne Kelly
2. Clare O'Donoghue Velikic and Ljubisa Velikic
3. Cllr. Ray McAdam
4. Cllr. Joe Costello Chairman Stoneybatter Pride of Place
5. Fiona Mahon
6. Grangegorman Development Agency
7. Henry Travers and Alexandra Pickerill
8. John Buckley and Sharon Phelan
9. Ken and Katie Flood
10. Martin and Sheila Ryan

**Date of Site Inspection**

22<sup>nd</sup> June 2020

**Inspector**

Irené McCormack

## 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

- 2.1.1. The site (stated area 0.285 ha) fronts onto Prussia Street and is bound to the rear by the TUD Grangegorman campus, currently under construction by the Grangegorman Development Agency (GDA) as part of the permitted SDZ scheme.
- 2.1.2. The site is currently occupied by sheds / warehouses and yards. The road frontage is to the west, the TUD campus is to the east and there are further warehouses/ sheds and yards to the south. To the immediate north is a narrow laneway – Saint Joseph’s Place. This laneway is lined for the most part with very small artisan dwellings of 2 floors with no overlooking windows or gardens / yards addressing the site. At the end of the lane a row of more modern terraced houses at St Joseph’s Court are aligned east west with gables facing the present site. No. 29 Prussia Street, a large, three storey Georgian house, adjoins the southern end of the Prussia Street site frontage. This is a protected structure, RPS ref. 6873, rated as Regional importance in the NIAH. The site is partially situated within a conservation area and Zone of Archaeological Interest.
- 2.1.3. The rear boundary wall is random stonework capped by vertical stones laid to top. The concrete end walls of the sheds can be seen built on top of the Protected Structure. The spine of the Grangegorman masterplan terminates in front of the wall at this point.
- 2.1.4. The Park Shopping Centre, which contains several neighbourhood facilities including a post office, a gym and medical centre, is nearby to the north. There is a double yellow line at the road frontage of the site with no on street parking.
- 2.1.5. The east side of Prussia St. has a much-interrupted street frontage with many gaps. The subject site constitutes one of those gaps. The combination of the subject site and the site of the Park Shopping Centre and the site immediately south of No. 29 represents a street frontage of 170m of which 140m has no building / line.
- 2.1.6. The proposed development site is less than 700m from the nearest Luas stop, which is located on the opposite side of the Grangegorman campus. Prussia Street is identified as a spine route in the revised Bus Connects network that is currently subject to public consultation. In addition to this, Prussia Street is currently serviced by numerous bus

routes (37, 39, 39a, 39x, 70) and the North Circular Road, which is c.250m from the site is also served by buses.

### 3.0 Proposed Strategic Housing Development

3.1.1. The development will consist of the following:-

- Demolition of industrial sheds/workshops located on the site;
- Construction of a mixed-use development ranging in height from 5 storeys over basement fronting Prussia Street to 8 storeys towards the rear boundary adjoining TU Dublin Grangegorman Campus;
- The development will consist of 4 no. blocks providing 296 no. student bedspaces and a retail unit at ground floor fronting Prussia St;
- Student amenities at basement and lower ground floor level to include:-
  - Communal Area
  - Gym
  - Study Rooms
  - Lecture Theatre/Cinema
  - Lounge
  - Laundry Room
  - Canteen
- Provision of external amenity space at podium level above ground floor level between each of the blocks;
- Vehicular access from Prussia Street for services and emergency vehicles only;
- Creation of new internal street providing pedestrian and cycle access from Prussia Street to the TU Dublin Grangegorman Campus through an opening in the boundary wall (Protected Structure);
- Provision of bicycle parking in a designated bicycle store and in bicycle racks all located at surface level;
- Landscaping, boundary treatments, retail signage, ESB substation and all associated site works and services

- 3.1.2. The building arrangement reflects four buildings arranged across the site from south to north with an east-west pedestrian/cycle access to the Grangegorman campus passing undercroft. The development will range in height from 5-storeys (16m) fronting Prussia Street and increase to 8-storeys (24.7m) to the rear towards the TU Dublin Grangegorman Campus. The development will be accessed from Prussia Street and will provide an internal street creating a linkage from Prussia Street to the TU Dublin Grangegorman Campus.
- 3.1.3. The basement / ground floor of the development runs the entire length of the northern side of the site and contains communal areas and amenities including gym, study rooms, lecture theatre / cinema, laundry and canteen. There is a retail unit at ground floor level at the Prussia Street frontage, with direct access to the street. The building fronting Prussia Street will be set back from the street to provide a public plaza, which will form part of the internal street linking Prussia Street and the TU Dublin Grangegorman Campus. The setback matches the building line of the protected structure to the south at street level, with a high soffit level. The width of the Prussia St entrance is 4m.
- 3.1.4. The layout reflects an external circulation area, cycle parking area and refuse storage on the southern part of the site and is linked to the TUD campus with a new access at the campus boundary wall. This involves removing a c. 9m section of the boundary wall, a protected structure and creating a new entrance with signage at the campus frontage. Aside from the circulation space on the southern side of the site, there are external communal amenity spaces at podium (upper ground floor) level between the student accommodation blocks. No vehicular car parking is proposed.
- 3.1.5. The student accommodation is provided in 4 no. blocks of 5 – 8 storeys as follows:
- Block A at the Prussia Street frontage. 5 storey over basement with a setback at 5th floor level.
  - Block B 6 storey over lower ground floor level with a set back at 5th floor level.
  - Block C 6 storey over lower ground floor level with a set back at 5th floor level.
  - Block D at the eastern end of the site, facing the TUD campus. 8 storey over lower ground floor level with a set back at 7th floor level.

All of the blocks are laid out parallel to the street frontage and run entire width of the site, with an overhang over the circulation space at the southern side of the site.

3.2. A summary of the **parameters** of the proposed development is listed below:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site (minus road works)	0.285 ha.
No. of Units (bedspaces)	43 units (296 bedspaces)
Plot Ratio	3.0
Site Coverage	72.1%
Retail	204sqm
Communal Amenity Area	1396sqm (internal)  The proposed development provides 7.4m <sup>2</sup> of communal areas per bed space
Car Parking	0
Bicycle Parking	148

3.2.1. Proposed Student Accommodation Units

<b>Unit Type</b>	<b>Number of Units</b>	<b>Number of Bedspaces</b>	<b>Area of Each Unit (m<sup>2</sup>)</b>
<b>Studio</b>	256	256	12-19
<b>Twin</b>	20	40	17-27
<b>Total</b>	276	296	

## 4.0 Planning History

4.1.1. There is no planning history on file in relation to the subject site. The Student Accommodation Concentration Report submitted provides details of the following student accommodation developments permitted in the vicinity.

### **Reg. Ref. 2038/17 Park Shopping Centre Site**

Permission granted to demolish the Park Shopping Centre and nos. 42-45 Prussia Street and to construct a new District Shopping Centre including supermarket, retail / non-retail units, licenced restaurants, medical clinic, car parking, service yards, waste connection areas and ancillary facilities. The permitted development includes student residential accommodation over the district centre buildings (15 no. student houses accommodating 105 no. student residential units and 541 bedspaces) in two buildings divided by a new pedestrian and bicycle street and urban plaza connecting Prussia Street to the Grangegorman SDZ with a new connection through the boundary wall protected structure. The plaza is also designed to provide an appropriate contemporary setting for the Jameson House protected structure located on the opposite side of Prussia Street. The development has a height of 2 - 6 storeys over ground floor commercial at the northern side of the site and 4 – 6 storeys over ground floor commercial at the southern end of the site.

\*The scheme varies in height from two storeys to seven storeys with an overall height of 23.95m.

### **Reg. Ref. 4035/16 Lands to the Rear of 84-87 Prussia Street**

Relating to a c. 0.5 ha infill site on the opposite side of Prussia Street, to the south west of the development site. Permission granted for demolition of existing vacant single storey commercial building and construction of student accommodation comprising 203 no. bedspaces in 32 no. student accommodation units. The permitted development involves a series of 1, 2, 3 and 4 storey buildings including a 4-storey building fronting onto Prussia Street.

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

- 5.1.1. A pre-application consultation meeting took place at the offices of An Bord Pleanála (ABP 305519) on the 7th November 2019 Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the Planning Authority, ABP was of the opinion that the documentation submitted **required further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The applicant was advised that the following issues need to be addressed in the documents submitted

to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

- **Potential Impacts on Residential and Visual Amenities**

Further consideration/justification of the documents as they relate to potential impacts on residential and visual amenities at St. Joseph's Place, No. 29 Prussia Street and other adjacent residential properties to include:

- Detailed sections and elevations
- Photomontages
- Assessment of overshadowing and impacts on natural daylight in adjacent habitable rooms and private amenity areas having regard to BRE guidance.
- The proposed development is to be designed to avoid direct overlooking of adjacent residential properties.
- The above issues are to be considered in the light of potential cumulative impacts along with the adjoining student accommodation and mixed use development permitted at the Park Shopping Centre under Reg. Ref. 2038/17 and the consented layouts within the TUD Grangegorman Campus SDZ planning scheme.

- **Frontage and Interaction with the Public Realm at Prussia Street**

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Further consideration/justification of the documents as they relate to the development frontage to Prussia Street to address the following issues:

- Delivery of a façade that has due regard to the historic context in a Conservation Area and the setting of the adjoining protected structure at No. 29 Prussia Street, with a high quality of design and finish, to include consideration of the building lines and setbacks at this location.
- Provision of a positive contribution to the public realm at street level that addresses issues raised by Dublin City Council Transportation Planning Division in their report on file dated 21<sup>st</sup> October 2019, including consideration of the status of Prussia Street as a potential Bus Connects spine route and the need to provide safe access for deliveries



servicing the commercial unit and maintenance of the student accommodation. In addition, the applicant is to address the issue of overhanging of the public footpath, if occurring, and the need for a Letter of Consent, as identified by Dublin City Council Transportation Planning Division.

- Provision of a footpath with adequate width. Location of proposed substation and servicing bay such that they do not impact on pedestrian movements or the presentation of an active frontage to the street.
- Provision of an active frontage at street level and a legible interface between the proposed commercial unit, the entrance to the student accommodation and the new pedestrian / cycle connection between Prussia Street and the TUD Grangegorman campus.

- **Interface with TUD Grangegorman Campus**

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Further consideration/justification of the documents as they relate to the interface between the eastern side of the proposed development and the TUD Grangegorman campus to address the following:

- Provision of an attractive façade to the campus with a high quality of design and finish.
- Achievement of a seamless connection between Prussia Street, the public realm within the proposed development and the campus with details of any relevant security provisions / gates at either the Prussia Street or TUD Grangegorman campus entrances. Clarification of the exact extent of works to be carried out by the applicant, including any works on lands not within the applicant's ownership.
- Details of the interaction with the adjacent public realm within the campus, to include pedestrian circulation and public open space areas, also details of any consultations with the Grangegorman Development Agency and integration with the permitted Grangegorman SDZ planning scheme. Clarification as to who is to carry out works on the campus side of the boundary wall that are required to facilitate development.

- Assessment of visual impacts on the campus to include existing / permitted structures within the campus in the vicinity of the development.
- Consideration of potential impacts on the development potential of adjacent lands within the TUD Grangegorman campus.
- Further consideration of the extent of the campus boundary wall to be removed in view of its status as a protected structure and the requirement to retain as much historic fabric as possible while also addressing the need to provide an access of adequate scale to accommodate the projected volume of pedestrian and cycle movements between the campus, the proposed development and Prussia Street. The consideration should include assessment of cumulative impacts associated with the removal of historic fabric associated with other permitted new openings in the boundary wall.
- Provision of signage and wayfinding at the campus access.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. Photomontages, cross sections and Visual Impact Assessment to include views from Prussia Street, St. Joseph's Place and the TUD Grangegorman campus.
2. Student accommodation report to address the pattern and distribution of student accommodation in the locality including a map showing all such facilities within a 1km radius of the site.
3. Housing Quality Assessment to address the standards for student accommodation set out in section 16.10 of the Dublin City Development Plan 2016-2022.
4. Student Accommodation Management plan to provide details of the ongoing management of the proposed student accommodation, including any use of the facility as tourist accommodation outside of term times.

5. Operations Plan to address vehicular movements associated with servicing (including servicing of the substation), deliveries, maintenance, refuse collection and student resident drop offs.
6. Architectural Heritage Impact Assessment setting out the historical and architectural significance of the adjoining protected structure at No. 29 Prussia Street, to include contiguous elevations and sections. The assessment should also address the historic Grangegorman site, including boundary wall protected structure, and the historic context of the village of Stoneybatter and associated Conservation Area along this stretch of Prussia Street. The AHIA should assess the impact of the proposed development on this existing architectural heritage.
7. Archaeological Impact Assessment.
8. Rationale for proposed building height to address policy on building height set out in section 16.7 of the Dublin City Development Plan 2016-2022, also the Urban Development and Building Height Guidelines for Planning Authorities.
9. Traffic Impact Assessment, a preliminary Construction Traffic Management Plan and a Mobility Management Plan. Rationale for the quantum and design of proposed cycle parking.
10. AA screening report to consider all designated sites within 15 km of the proposed development

## 5.2. **Applicant's Statement of Response to Pre-Application Opinion**

The covering letter submitted with the application responded to the board's opinion as follows :

### **1. Potential Impacts on Residential and Visual Amenities**

It is set out that the design seeks to create a pedestrian/cycle route into the TU Dublin campus. The site axis is longer west to east than it is south to north. If a linear building format were adopted, considerable shadowing and overbearing effects would result for residential properties to the north. Adopting a perpendicular format allows considerable penetration north by southerly light and eliminates any tendency to monolithic design within the site. The revisions to the scheme ensure it is designed to avoid direct overlooking of adjacent residential properties.

The applicants commissioned a very comprehensive daylight and sunlight analysis based on the BRE criteria and site inspection which concluded the development will not

have a significant effect on the tested parameters taking into account the city centre location and the pattern of adjacent development.

## **2. Frontage and Interface with the Public Realm at Prussia Street**

Following receipt of the Opinion further consideration of the design was conducted relating to potential impacts on Prussia Street, as follows: -

The Douglas Wallace Architects design statement deals comprehensively with the architectural rationale for the design and materials treatment to the Prussia Street interface. With the redevelopment of the Park SC and other potential developments, the east side of Prussia Street will be modernised and increased in scale from what exists. It is envisaged that Prussia Street will accommodate a Bus Connects corridor, with a 'bus gate', diverting car traffic away from this section of Prussia Street. The scheme layout has been redesigned to facilitate servicing within the site confines without disruption to bus circulation.

It is confirmed and reiterated that the proposed buildings do not overhang the public realm on Prussia Street.

## **3. Interface with TU Dublin Grangegorman Campus**

Following receipt of the Opinion further consideration of the design was conducted relating to potential impacts on the TU Dublin campus interface. The applicants met with representatives of the GDA and agreed arrangements for a seamless connection between Prussia Street and the GDA campus, using a common landscape design scheme and agreement relating to works, to be carried out by GDA, within the Grangegorman campus.

The extent of the campus boundary wall to be removed has been reduced and an agreed design has been reached with GDA for the pedestrian and cycle threshold. Appropriate wayfinding indicators and signage will be provided as part of the design.

5.2.1. The following specific information was submitted with the application:-

1. Photomontages, cross sections and Visual Impact Assessment to include views from Prussia Street, St. Joseph's Place and the TUD Grangegorman campus
2. Student accommodation report
3. Housing Quality Assessment to address the standards for student accommodation set out in section 16.10 of the Dublin City Development Plan 2016-2022.

4. Student Accommodation Management plan
5. Operations Plan
6. Architectural Heritage Impact Assessment
7. Archaeological Impact Assessment
8. Rationale for the proposed building height to address policy on building height set out in section 16.7 of the Dublin City Development Plan 2016-2022, also the Urban Development and Building Height Guidelines for Planning Authorities
9. Traffic Impact Assessment, a preliminary Construction Traffic Management Plan and a Mobility Management Plan
10. AA screening report

## 6.0 Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines and the County Development Plan.

### Dublin City Development Plan 2016- 2022

- 6.1.1. With regard to the city development plan, the proposal would comply with the vision for a compact city, with a distinct character, a vibrant culture and a diverse, smart, green, innovation-based economy, where residents can live close to their places of work or study, and can easily traverse the city, thereby reducing urban sprawl and unsustainable travel patterns and the relevant zoning Z1, with an objective 'To protect and improve residential amenities' It is noted that a higher plot ratio may be permitted in certain circumstances such as the development site to maintain and improve the streetscape and in an area well served by public transport. The proposed development ranges in height from 5(16m) to 8(24.7m) storeys and is consistent with the provisions of the Development Plan.

The proposal would comply with policy of the City Council (CEE19): "To promote Dublin as an International Education Centre/Student City and Chapter 5 of the DCDP – Quality Housing and Policy objective QH31 in so far as the proposed development will increase the student housing stock in the inner city adjacent to a third level institution, which will be of a high quality and effectively managed. The development is in compliance with Section 16.10.7 of the DCDP which provides specific guidelines for student

accommodation. The proposed student accommodation units exceed the minimum standards set out in the DCDP and provides 7.4m<sup>2</sup> of communal areas per bed space. A Student Management Plan for the site is submitted that would have a staff presence on the site on a 24-hour basis. No car parking is proposed, a mobility management plan for this site noting the central accessible location and the proximity to the TU Campus. Bike parking would be provided at a rate of 0.5 per bedspace

#### National Policy

The proposed development will assist in meeting the demand for student accommodation projected under the National Student Accommodation Strategy issued in 2017. The proposed residential accommodation would be consistent with securing more compact and sustainable urban development would also further objectives of the National Planning Framework.

#### Regional Spatial and Economic Strategy – Eastern and Midland Regional Assembly (2019)

The proposed development would be in keeping with policy objective RPO 4.3 of the guidelines to ‘support the consolidation and reintensification of infill/brownfield sites to provide high density’. The proposed development is located on a brownfield site along the western boundary of the TU Dublin Grangegorman campus, which is served by the Luas. The proposal is consistent with the objectives of the EMRA RSES as it provides an infill development on an under used site in a central area that is well served by public transport.

#### Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)

The proposal is consistent with the Rebuilding Ireland policy as it provides much needed purpose-built student accommodation, which may free up some accommodation in the private rented sector currently being occupied by students.

#### National Student Accommodation Strategy (2017)

The subject proposal provides student accommodation on a suitably located site adjacent a third level institution, which is in accordance with the National Student Accommodation Strategy as it will aid a reduction in the deficit of PBSA and in turn free up some rental units for the private rental sector

#### Circular PL 8/2016 APH 2/2016

The proposed development is in accordance with the policy set out in the Circular and is intended to be used for student accommodation during term times. It is set out that a condition reflecting the above circular is welcomed by the applicants.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

The proposed development has been designed in accordance with the 12 criteria outlined in the Urban Design Manual, which accompanies these Guidelines.

Delivering Homes, Sustaining Communities (2008)

The development is consistent with Delivering Homes, Sustaining Communities Guidance policy approach to delivering housing aimed at building sustainable communities in so far as the development provides a high-quality student accommodation development which makes optimal use of the otherwise underutilised brownfield site. The development is located near existing services and provides new connections with the adjacent TU Dublin Grangegorman Campus, improving permeability and community integration in the area.

Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009-2020

The proposed mixed-use development will contribute to a reduction in the use of the private car for commuting as no car parking will be provided on site. The subject site is located adjacent to the TU Dublin Grangegorman campus, which is serviced by the Luas Green Line stop at Grangegorman and numerous bus routes. The proposal also includes a pedestrian link to the Grangegorman Campus which will provide safe access from the development to the Campus. Numerous Dublin Bus routes are available along Prussia Street and the North Circular Road

Transport Strategy for the Greater Dublin Area 2016 – 2035

The proposed development is located in close proximity to existing good quality public transport.

Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

The proposed development would be in keeping with SPPR1 of the 2018 guidelines on building height. The location is central and has strong connectivity and delivers compact development, on a key urban brownfield site and is suitable for increased height. The

development will provide a high quality architectural, urban design and public realm outcome and the block layout and modulation in height creates breaks in the massing of the proposed buildings. A built heritage assessment demonstrates that the development would be compatible with the adjacent built heritage. It would improve the visual condition of the site and Prussia Street. A shadow analysis shows that the development would not have significant impact on the tested parameters. The Bat Survey concluded that there were no bats present on site during the winter months. The application was accompanied by an AA screening report has been provided to indicate that there will be no impact on any European Designated Site. Neither would a scheme of up to 8 storeys affect the micro-climate. SPPR 3 of the 2018 guidelines would apply to the provisions of the development plan.

#### Design Standards for New Apartments (2018)

Analysis of compliance with the standards submitted with the planning application.

#### Birds and Habitats Directive – Appropriate Assessment

An Appropriate Assessment Screening Report has been prepared and is enclosed with the documents. The AA Screening concludes that there is no likelihood of any significant effects on Natura 2000 sites arising from the proposed development, either alone or in combination with other plans or projects. It is therefore considered that Stage 2 Appropriate Assessment is not required

#### Design Manual for Urban Roads and Streets (2013)

DMURS compliance statement prepared by CS Consulting Engineers.

#### The Planning System and Flood Risk Management (2009)

A Flood Risk Assessment concludes that the site historically has no recorded flood events as noted in the OPW's historical flood maps and the likelihood of onsite flooding from the hydrogeological ground conditions are deemed to be minor and within acceptable levels.

#### Architectural Heritage Protection (2011)

The proposed development involves the demolition of sheds built upon the boundary wall, which is a protected structure. Boundary treatment to the protected structure have been discussed and agreed with the GDA. An Archaeological and Architectural Heritage Plan has been prepared by Archaeology Plan and is enclosed with the planning application.



## 7.0 Relevant Planning Policy

### National Policy

#### 7.1.1. National Planning Framework 2018-2040

Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

Objective 8 of the framework sets growth targets for Dublin City and Suburbs, proposing a c.20-25% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context. At Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

#### 7.1.2. The National Student Accommodation Strategy 2017

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 12,432 spaces were available in Dublin in 2017 and projects that 35,806 would be required there in 2019 and 42,375 in 2024. A progress report issued in November 2019 reported that 8,229 PBSA bed spaces were completed

by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 and sought for 2,359.

### **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions 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.
- ‘Design Manual for Urban Roads and Streets’ 2013.
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, 2018.
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011)

*Other relevant guidance:*

- Rebuilding Ireland- National Student Accommodation Strategy (2018)
- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.
- Guidelines on Residential Development for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999).

#### **7.1.3. Dublin City Development Plan 2016-2022**

The site has the standard residential zoning objective ‘Z1 – To protect, provide and improve residential amenities’. The Prussia Street frontage of the site is within a Conservation Area and Zone of Archaeological Interest.

5.3.2. Chapter 5 Quality Housing. Policy QH8:

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

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.*

- 7.1.4. 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

- 7.1.5. Policy CHC 2 is to ensure that the special interest of protected structures is protected. Development will conserve and enhance protected structures and their curtilage. Policy CHC 4 is to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

- 7.1.6. Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design. In particular the policy in infill development set out in section 16.2, guidelines for

student accommodation set out in section 16.10.7; section 16.24 in relation to retail development; section 16.38 car parking and section 16.39 cycle parking. Development plan Variation No. 3, adopted September 19th 2017, amends section 16.10.7 such that the applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area including a map showing all such facilities within 1km of a proposal (previously 0.25 km).

- 7.1.7. 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 site is located in the 'inner city' as per development plan Map K. The plan allows for residential heights of up to 24m and commercial height of up to 28m at inner city / rail hub locations. The following standards also apply:

Plot ratio 0.5 – 2.0

Site coverage 45% - 60%

- 7.1.8. Development plan section 16.10.7 provides guidelines for student accommodation, including the following internal standards:
- Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m)
  - Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m)
  - 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:
    - Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m)
    - Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m)

- 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).

## 8.0 Designated sites

The proposed development is not in or adjacent to any Natura 2000 site. The following sites are identified within 15km of the site:

- South Dublin Bay and River Tolka SPA
- South Dublin Bay SAC
- North Bull Island SPA
- North Dublin Bay SAC
- Rye Water Valley/Carton SAC
- Glenasmole Valley SAC
- Wicklow Mountains SAC
- Wicklow Mountains SPA
- Rockabill to Dalkey Island SAC
- Howth Head SAC
- Baldoyle Bay SPA
- Baldoyle Bay SAC
- Malahide Estuary SAC
- Malahide Estuary SPA

## 9.0 Third Party Submissions

- 9.1.1. A total of 13 no. submissions were received in relation to the proposal of which three no. of these are prescribed bodies, further detailed below in Section 12.0. The remaining submissions are from residents of properties in the vicinity, residents' associations and

local councillors and the issues raised are similar in nature, therefore, I have summarised below:

- The development by reason of design, in particular, height is out of keeping with the surrounding area and will have a significant negative impact upon surrounding development in terms of overlooking, overbearing and overshadowing. The development represents overdevelopment of the site.
- Negative impact of light spillage on neighbouring properties. The Sunlight/Daylight report submitted demonstrates how BRE criteria are not being met.
- No attempt has been made to minimise the impact on the 21 privately owned dwellings abutting the site to the north, St. Joseph's Court and St. Joseph's Place. The layout offers no set back or buffer zone. There is a risk of these dwellings becoming engulfed by the accumulation of adjoining development noting the approved student accommodation to the north of St. Joseph's Court and St. Joseph's Place, TU masterplan and the current proposal.
- There will be an overconcentration of student accommodation in the vicinity. The Student Accommodation Concentration Report does not record all student accommodation development in the surrounding area.
- This type of accommodation does not contribute to the community because it is a transient type accommodation and will not contribute to the zoning objectives for the site. Concerns is expressed regarding the impact of Covid -19.
- Negative impact of noise and air pollution and construction/demolition impacts including traffic.
- Successful lower density development has been carried out in the area.
- The cumulative impact of all permitted development needs to be considered.
- There has been to consultation with the local community.
- Concerns are expressed regarding the management of the development. A condition should be attached to any grant of permission restricting the short-term use of the site for tourist accommodation or as co-living development.

- Potential to impact on the structural stability /foundations of adjoining properties. The management of demolition and construction works require careful consideration and management.
- Negative impact on the adjoining protected structure and consideration of local history.
- It is noted that the **owners of no. 29 Prussia Street** support the development.
- The **Grangegorman Development Agency (GDA)** submission does not offer support to the applicant for their proposed development typology, density nor height. The submission notes that the GDA met with the applicant to coordinate permeability through the development site to the Grangegorman site and technical details of their proposed opening in the boundary wall, a Protected Structure.

## 10.0 Planning Authority Submission

10.1. A submission to the SHD application was received from the Planning Authority on the 21<sup>st</sup> July 2020 and includes a summary of the points raised in the submissions, the opinion of the Elected Members, the planning history, policy context and the Chief Executive Views.

10.1.1. Section 8 (5 (b) of the Residential Tenancies Act sets out that the planning authority's report shall -

(ii) include a statement as to whether the authority recommends to the Board that permission should be granted or refused, together with the reasons for its recommendation, and

(iii) specify in the report—

(I) where the authority recommends that permission be granted, the planning conditions (if any), and the reasons and grounds for them, that it would recommend in the event that the Board decides to grant permission, or

(II) if appropriate in the circumstances, where the authority recommends that permission be refused, the planning conditions, and the reasons and grounds for them, that it would recommend in the event that the Board decides to grant permission

10.1.2. The report submitted by the planning authority includes the following conclusion:

“The planning authority’s main concerns relate to the design of the proposed development and the associated visual and environmental impact of the proposal and as set out in the report above. The current application would result in the creation of a series of monolithic blocks that would fail to result in either a contextual or high-quality design response and would result in an unacceptable impact upon the neighbouring residential properties and the surrounding streetscape. Having regard to the above, it is considered that the proposal would not be in keeping with the provisions of the Dublin City Development Plan and it is therefore considered that it would not be in order to grant permission. Accordingly, it is recommended that planning permission should be refused”

10.1.3. In the absence of a more specific reason for refusal my assessment below will have regard to the conclusion and recommendation offered above in accordance with the requirements of Section 8 (5 (b) of the Residential Tenancies Act.

10.1.4. The submission has been summarised below:

## 10.2. **View of Elected Members**

Members were concerned about the over concentration of student accommodation in the area and how this proposed development would further exaggerate this. There was also concern expressed about possible shadowing of proposed development on St. Joseph’s Place nearby. Questions were also raised about public access to pedestrian walkway and if this walkway would be shared between cyclists and pedestrians.

## 10.3. **Planning Assessment**

### Principle of Development

- The proposal is consistent with the zoning on the site (Z1 “To protect, provide and improve residential amenities) which includes student accommodation as a ‘permissible use’.

### Provision of Student Accommodation at this Location

- It is set out that the Student Accommodation Concentration Report does not take account of all existing and permitted student accommodation to the west of the TU Campus. Notwithstanding, the PA accepts the applicant’s contention that the development would not result in an over-concentration of student accommodation in the area and notes that the campus when will host 20,000 students by 2021.

### Plot Ratio and Site Coverage



- The site coverage for the proposed development is stated as 72.1% and the plot ratio 3.0:1. The reports notes that the site has good levels of connectivity to public transport and it is considered that site represents an underutilised site and therefore higher plot ratio is deemed acceptable in this instance, subject to appropriate design.

#### Design, Building Height and Massing

- It is noted that as part of the planning authority's previous reviews of the scheme concerns were consistently raised regarding the design, scale and monolithic appearance of the development,
- Concerns are expressed relation to the layout and design of the proposed development, which may result in a poor-quality monolithic design. In relation to the proposed site layout, concerns have been raised regarding the relationship of the proposed development with the adjoining protected structure (No. 29 Prussia Street). The Planning Authority would also maintain concerns in relation to the design east-west pedestrian route, which would be over sailed by the proposed development, and therefore result in an unwelcoming and poor-quality street.
- It is set out that while the building height complies with the provisions of Section 16.7.2 of the City Development Plan 2016-2022 a full assessment against the provisions of the building height guidelines notes that:
  - the applicant has not significantly revised the design to address the concerns raised by the PA and the Board as part of the pre-application process. It is considered that uncharacteristic horizontal emphasis is not in keeping with the context of the surrounding site and the development would fail to successfully integrate into or enhance the character of the conservation area that it would be located in or the adjoining protected structure.
  - The application site is a relatively small site and does not have the scope to deliver significant changes to the wider public street network, the connection between Prussia Street and the adjoining campus is supported in principle.
  - The scale of the development is substantially more intensive than the existing situation.

- The pedestrian route through the undercroft is unwelcoming and concerns are expressed in relation to the siting of the substation.

### Daylight, Sunlight and Overshadowing

#### *Shadow analysis*

- In terms of shading on surrounding properties, the report provides an assessment of the private open space areas of Nos 1- 6 St. Joseph's Court, which sets out that only two of the adjoining private amenity areas would not be significantly negatively impacted as a result of the proposed development. It is noted that section 4.2.2 of the submitted Daylight and Sunlight Report states that "*there are no amenity areas (associated with Site B) that would be affected by the proposed development*". In this regard, it would appear that three areas of private open space located between No 11- 15 St. Joseph's Place have not been assessed within the submitted report.

#### *Daylight Analysis:*

- In respect of the impact of the proposed development on the surrounding area, the submitted report provides an assessment of five areas within the immediate vicinity and concludes that the development "will not have a significant effect on the tested perimeters". As part of the ABP Opinion it was noted that further consideration of the potential impacts on residential and visual amenities at St. Joseph's Place, No. 29 Prussia Street and other adjacent residential properties was required. In particular, the applicant was requested to provide information on the potential cumulative impacts along with the adjoining student accommodation and mixed use development permitted at the Park Shopping Centre under Reg. Ref. 2038/17 and the consented layouts within the TU Dublin Grangegorman Campus SDZ planning scheme.
- Section 7.7 of the submitted Daylight and Sunlight Report addresses cumulative impacts however no assessment has been provided in relation to the combined impacts, which is considered to be a significant short coming in the application documentation. Accordingly, the impact on the properties in St Joseph's Place, cannot be fully assessed. It is also noted that the proposed that the result in a significant negative affect the residential property on No. 29 Prussia Street.

### Quality of Student Accommodation

- The proposed student accommodation is considered to meet the minimum standards set out in the City Development Plan with respect to floor area provisions. Section 16.10.7 of the CDP requires 5-7m<sup>2</sup> of amenity space per bed space. The community space provided is 2134m<sup>2</sup> which is 7.2m<sup>2</sup> per student.

#### Impact on Adjoining Area

- The application site is located within the inner-city area and comprises an underdevelopment site. The existing low-rise and open nature of the site is untypical of such a central site and therefore any development, commensurate with its central and well-serviced character is likely to result in a significant change for the surrounding properties. The planning authority would have a significant concern that the development will result in an unacceptable design response. The proposed development, when viewed from both Prussia Street and the Grangegorman Campus, is considered to present a poorly articulated and slab design, which could set an unacceptable precedent for future development.
- Further to this, the development would have a significant negative impact on the residential properties within the immediate vicinity of the application site, both in terms of loss of daylight and sunlight and overbearing visual impact; this is particularly evident from the submitted View 6 and 7, which clearly illustrate the unacceptable relationship proposed with the adjoining residential dwelling.

#### Heritage

- Referring to the report from the Conservation Officer it set out that the proposed development would have a significant adverse indirect impact on the setting of the Protected Structure at No. 29 Prussia Street.

#### Landscaping

- It is noted that the applicant would propose the use of high-quality hard landscaping materials, including durable paving materials.

#### Conclusion

The chief executive's report recommended that permission be refused for the proposed development.

Recommended conditions are included in the event the Board decide to grant planning permission.

### 10.3.1. Internal Reports

Internal reports from various sections of the council were included in the submission. **The Conservation Officer** reported that the visual assessment submitted clearly shows the significant detrimental impact of the proposal on the urban village of Stoneybatter, on the architectural character and legibility of the adjoining Protected Structures as well as on the receiving context of the historic Grangegorman site to the rear. **The City Archaeologist** sets out no objection subject to appropriate conditions. **The Drainage Division** sets out no objection subject to conditions. **The Biodiversity Officer** expresses concerns with respect to indirect impacts on the Natura 2000 sites due to the issues of exceedances at Ringsend Wastewater Treatment Plant in relation to sewage effluent loading. It is noted that no bats were recorded on site and no invasive species. Conditions recommended. **The Transport Planning Division** raised a number of concerns regarding traffic management, cycle parking, mobility management and recommended a number of conditions be attached to any grant of permission to include the undertaking of a Stage 3 Roads Safety Audit. **Environmental Health Officer** recommends conditions to be included.

### 11.0 Prescribed Bodies

**Irish Water**- No Objection subject to conditions

**Department of Culture, Heritage and the Gaeltacht**- No objection subject to the inclusion of conditions relating to archaeological monitoring

**Transport Infrastructure Ireland** - TII set out a detailed condition relating to the development noting that the site falls within the area covered by the Supplementary Development Contribution Scheme (Section 49, Planning & Development Act, 2000 as amended). Luas Cross City (St. Stephen's Green to Broombridge Line). The works should not have an adverse impact of Luas operation and safety.

### 12.0 Assessment

12.1. The planning issues arising from the proposed development can be addressed under the following headings –

- Principle of Development
- Design and layout – Building Height, Impact on Built Heritage and Impact on the Character of the Area
- Impact on Residential Amenity, Overshadowing, Overlooking and Overbearance

- Other Matters
- Chief Executive Report
- Environmental Impact Assessment Screening
- Appropriate Assessment

## 12.2. Principle of Development

12.2.1. The proposed development includes the demolition of industrial sheds/workshops located on the site and the construction of a mixed-use development ranging in height from 5 storeys over basement fronting Prussia Street to 8 storeys towards the rear boundary adjoining TU Dublin Grangegorman Campus. The development will consist of 4 no. blocks providing 296 no. student bedspaces and a retail unit at ground floor fronting Prussia St and ancillary facilities.

### *Zoning and National Policy*

12.2.2. The site is zoned Z1 (Z1 “To protect, provide and improve residential amenities”) Residential uses, the definition of which includes student accommodation, is listed as a ‘permissible use’ on Z1 lands and is considered an appropriate use for the site. The development would be consistent with the policies of the Planning Authority as set out in Section 14.1 *Zoning Principles* of the Development Plan which seek to encourage the development of underutilised and brownfield sites adjacent and close to public transport nodes.

12.2.3. The proposed development would be within an Inner Urban Area of Dublin City and so would contribute to various objectives of the National Planning Framework including Nos. 2a, 8 and 35. The proposed student accommodation is in keeping with the National Student Accommodation Strategy.

### *Student Accommodation*

12.2.4. Observations from the public and elected representatives received have raised concern over the type of accommodation proposed which they consider would add to the already oversaturation of the area from student accommodation and have a negative impact on the community. Variation No 3 of the development plan amended the wording of Section 16.10.7, guidance for student accommodation, to require an applicant to submit evidence demonstrating no over-concentration of student accommodation within an area including a map showing all facilities within 1km of a proposal.

- 12.2.5. The application includes a map indicating that there are 11 student accommodation developments within 1km of the development site, however, these developments are mainly located to the east of the application site, and there are a limited number of student accommodation developments situated to the western side of the Grangegorman Campus. The applicant has set out the campus will host 20,000 students by 2021. It is noted by both the planning authority and in the submissions received that the assessment has not taken into account the 2,000 purpose-built student accommodation (PBSA) spaces consented as part of the Grangegorman planning scheme and the existing student accommodation at Montpellier Hill (Pl. Ref. 3772/16) and Blackhall Place which are to the west of the application site.
- 12.2.6. The Student Concentration Report notes there is not an overconcentration of student accommodation in PBSA in the north-western sector. Student accommodation in D7, represents less than 10% of the total population of the area. Particular reference is placed on the national student accommodation strategy which outlines the need for an additional 16,374 Purpose Built Student Accommodation (PBSA) spaces in Dublin. The addition of approximately 300 bed spaces will represent an addition of <0.01% of the district population.
- 12.2.7. I note that the planning authority do not consider that the proposed development will lead to an overconcentration of student accommodation. Having regard to the national guidance for student bed space requirements, the location of the existing and proposed student accommodation relative to the site, the scale of the development and the proximity to the TU Grangegorman Campus and other higher and third level education facilities in the surrounding area, I do not consider 296 no. student bed spaces would be excessive at this location.

### 12.3. **Design and layout – Building Height , Impact on Built Heritage and Impact on the Character of the Area**

- 12.3.1. The subject site has frontage along Prussia Street, the TUD Grangegorman campus is located to the rear of the site. To the immediate north is a narrow laneway – Saint Joseph's Place a narrow laneway lined for the most part with very small artisan dwellings. At the end of the lane is a row of more modern terraced houses at St Joseph's Court are aligned east west with gables facing the present site. No. 29 Prussia Street, a Protected Structure, adjoins the southern end of the Prussia Street site frontage.

- 12.3.2. The Planning Authority have expressed serious concerns with regards to the height, bulk, scale and mass of the development resulting in the creation of a series of monolithic blocks that would fail to result in either a contextual or high quality design response and would result in an incompatible impact upon neighbouring residential properties and the surrounding streetscape. It is further stated that as part of both the Section 247 pre-application discussions and as part of the pre-application response to An Bord Pleanála, the Planning Authority raised significant concerns in relation to the design of the proposed development.
- 12.3.3. Similarly, the third party submissions express concerns regarding the design and height of the development and the cumulative impact of permitted development citing DCC Reg. Ref. 2038/17 on the Park Shopping Centre Site to the north of the site comprising of a District Shopping Centre and student residential accommodation comprising 5 no. student houses accommodating 105 no. student residential units and 541 bedspaces over 7 storeys.
- 12.3.4. An Architectural Design Statement, Archaeological and Architectural Heritage Assessment Report, Computer Generated Images (CGIs) and Landscape and Visual Appraisal accompanied the application.

*Design and Layout*

- 12.3.5. The proposed development would be laid out in four buildings, which range in height from 5 storey over basement to 8 storeys over partial basement level, rising incrementally from Prussia Street to the rear of the site. Block A, which is located adjacent to Prussia Street would have a height of approx. 16 meters (5 storeys) increasing Blocks B and C would have a height of 6 and 7 storeys respectively over partial basement. The tallest building, which is located adjacent to the adjoining campus would have a height of 8 storeys over partial basement and a height of approx. 24.7 meters. In terms of materials, all elevations that face out from the site are clad in brick to reflect the neighbourhood generally. Brick type in the elevation facing the campus is the same specification as that being used for the West Quad building. Brick on the Prussia Street elevation is redder in response to the general colour of brickwork along the street. I have no issue with the materials and finishes proposed.
- 12.3.6. The east side of Prussia St. has a much-interrupted street frontage with many gaps giving a visual leakage and lack of enclosure or consistency. This site constitutes one of those gaps. The development reflects a modern design intervention and it is argued that

the inclusion of a new building fronting Prussia Street will enhance the overall character of the area and with the redevelopment of the Park Shopping Centre and other potential developments, the east side of Prussia Street will be modernised and increased in scale from what exists. The provision of street frontage is a positive contribution to the streetscape.

- 12.3.7. The design approach of Block A fronting Prussia Street including the recessed building line adjacent to no. 29 Prussia Street with upper levels cantilevered over, in my view, is acceptable having regard to the immediately adjoining pattern of development and the general haphazard building line pattern along the road frontage and the recessed cantilevered entrance creates a welcoming entrance plaza. However, this must be balanced against the impact of the overall development.

#### *Height*

- 12.3.8. Section 16.7.2 of the plan provides guidance regarding permissible building heights in the city. For an inner-city location, the maximum height permitted would be 24m for a residential development. In this regard, whilst I note the maximum height of the proposed development is 24.7m, I consider 0.7m to be de minimis and therefore in accordance with Section 16.7.2 of the plan. The building height proposed is in accordance with the parameters set out in the Government's *Urban Development and Building Heights – Guidelines for Planning Authorities December 2018*.

#### *Impact on Built Heritage*

- 12.3.9. No. 29 Prussia Street, a large, three storey Georgian house, adjoins the southern end of the Prussia Street site frontage. This is a protected structure, RPS ref. 6873, rated as Regional importance in the NIAH. The site is also partially situated within a conservation area and Zone of Archaeological Interest over a portion of the western (Streetscape) side. The eastern site boundary wall forms the boundary wall of the Grangegorman institutional complex. It is also a Protected Structure (Refs. 3333 & 3334).
- 12.3.10. I note the Planning Authority's Conservation Officer considers that the proposed development would have a significant detrimental impact on the urban village of Stoneybatter, on the architectural character and legibility of the adjoining Protected Structure as well as on the receiving context of the historic Grangegorman site.
- 12.3.11. The Archaeological and Architectural Heritage Report accompanying the application sets out a synopsis of the historical and architectural development of the adjoining and neighbouring Protected Structures, the historic Grangegorman site and the historic



context of the village of Stoneybatter. The report states that there will be no impact on no. 29 Prussia Street and that the visual impact of the development has been carefully considered and the proposal will adequately address the streetscape and bridge the gap between Nos 29 and 31a. Noting the levels of vacancy and boarded up buildings in the area, it is set out that the redevelopment of this brownfield will increase the overall heritage value of the streetscape.

12.3.12. Policy CH4 & CH5 and Appendix 24 of the development plan provides guidance for development in conservation areas and protected structures with reference made to features of special interest which should be retained or integrated. Guidance is provided in other sections of the development plan and Section 13.8 of the Architectural Heritage Protection Guidelines for Planning Authorities for works which affect the character and setting of Architectural Conservation Areas and protected structures. With this in mind as set out in section 12.3.7 above, I am satisfied that Block A fronting Prussia Street reflects an appropriate design intervention. I consider the contrast in architectural form and design serve to highlight the adjoining architectural heritage and reflects a significant visual improvement from the commercial/industrial looking sheds on site.

12.3.13. By contrast, and whilst I acknowledge that the rear of no. 29 has been significantly compromised by the development of the rear lands as part of the established industrial uses, in my opinion, the design resolution of Blocks B,C and D, in particular, the scale, bulk and height and the north-south extent of the development extending to the immediate rear of no. 29, would dwarf the protected structure and would compromise the setting of the protected structure and would be contrary to the policies of the Dublin City Development Plan, which aim to enhance and protect the special character of protected structures and the character of the conservation area. I note that the owners of no. 29 have no objection to the development. Notwithstanding, no. 29 is subject to statutory protection by reason of inclusion of the Recorded of Protected Structures.

12.3.14. The works will include the demolition of a 30m section of eastern site boundary wall forms the boundary wall of the Grangegorman institutional complex, Protected Structure (Refs. 3333 & 3334). It is proposed to remove a portion of this wall to facilitate the connection between the site and the campus. I note the Conservation Officer considers the extent of wall to be removed excessive at 12m excessive. I have no issue with regards alterations to the protected rear boundary wall to provide access through the site to the Grangegorman TU Campus.

*Archaeology*

12.3.15. The site lies partially inside the Zone of Constraint for the Historic City of Dublin (DU01 8-020), which extends up Prussia Street and encompasses the western third of the site approximately. An Archaeological Impact Assessment accompanied the application which concludes no evidence of archaeological remains on the site but having regard to the location, appropriate monitoring or testing is recommended. A response from both the Department of Culture, Heritage and the Gaeltacht and the Archaeology section of the planning authority concurred with the conclusion in the impact assessment and recommended the inclusion of an archaeological monitoring condition on any grant of permission, which I consider reasonable.

*Impact on the Character of the Area*

12.3.16. A qualitative assessment is required under Section 3.2 of the height guidelines to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved. In particular, the guidelines seek that a proposed development should satisfy criteria at the scale of the relevant city, district/neighbourhood/street and site/building. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context.

12.3.17. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm. Infill policy as set out in Section 16.2.2 of the Development Plan sets out that infill development should respect and compliment the prevailing scale, architectural quality and the degree of uniformity surrounding the site. Section 11.1.5.3 of the development plan relating to adverse impacts on the setting of a protected structure, Policy CHC 2 and Policy CHC 4 to protect the special interest and character of all Dublin's Conservation Areas are also relevant in this instance.

12.3.18. As outlined above I consider the design resolution of Block A fronting Prussia Street appropriate and I am satisfied that the five storey over basement Block A fronting Prussia Street is acceptable in terms of design and building height. In this regard, I note the planning authority agree that increased building height is acceptable in principle at this location.

12.3.19. As I have alluded to in section 13.13.3 above, the architectural design resolution of Blocks B, C and D, in my opinion, by reason of the bulk, scale, massing and orientation when viewed from all approaches, would represent a significant increase in building

height, mass and scale relative to the wider cityscape. The site is located within the inner-city area and comprises an underdevelopment site. I agree with the planning authority that the existing low-rise and open nature of the site is untypical of such a central site and therefore any development, commensurate with its central and well-serviced character is likely to result in a significant change for the surrounding properties.

12.3.20. In the context of the two-storey and three storey nature of the adjoining structures, the proposed block design and tiered building height approach does not soften or reduce the visual impact. In my opinion the proposed blocks B, C and D by reasons of the horizontal design profile extending almost the entire width of the site and incrementally increasing in height would represent a disjointed pattern of development when viewed in the wider context oversailing all surrounding development. I consider the design approach accentuates the perceived mass and scale of the development and greater articulation should be considered in order to achieve an appropriate sense of scale.

12.3.21. In terms of the interface with the Grangegorman Campus, it is important to note that the campus setting and associated development from part of an overall masterplan and does not constitute a small infill site with the associated constraints of adjacent development, allowing for increased building heights within the campus. The development site reflects a different context. I note the submission from the Grangegorman Development Agency (GDA) does not offer support to the applicant for their proposed development typology, density nor height.

12.3.22. Paragraph 16.7.2 of the Development Plan references low rise areas such as the site where there is a pre-existing height, and this provides that a building of the same number of storeys may be permitted '...subject to assessment against the standards set out elsewhere in the plan (emphasis added) and the submission of an urban design statement'. The applicant argues that the Urban Development and Building Heights Guidelines for Planning Authorities (2018) encourages increased building heights and whilst I agree in principle, Section 3.2 of the Guidelines sets out that increased building height in architecturally sensitive areas should successfully integrate into/ enhance the character and public realm of the area, having regard to its cultural context.

12.3.23. Notwithstanding the parameters set out in the Government's *Urban Development and Building Heights – Guidelines for Planning Authorities December 2018*, I have considered the impact of the proposed development in the context of the scale and significance of the impact the wider receiving environment, including the setting of the

Protected Structures at 29 Prussia Street. I note the general area is undergoing a significant resurgence and there are a number of extant planning permission in the vicinity of the site providing for increased building height. Notwithstanding, I am concerned at the impacts arising from the proposed development in terms of indirect impact on no. 29 Prussia Street and the general cityscape.

12.3.24. Section 16.2.2.2 for the City Development Plan 2016, sets out the overall design approach in relation to Infill Development and recognises the importance of new development to respect and enhance its context and is well integrated with its surroundings, thereby ensuring a more coherent cityscape. Section 3.10.1 of the Heritage Protection Guidelines (2011) when discussing proposals to erect a new building in an ACA, states that the greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design and where here is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. Regardless of stylistic approach, the design and placement of taller buildings should make a positive contribution to the public realm, fit harmoniously with, and reflect an appropriate transition in scale with the surrounding context.

12.3.25. The proposed design reflects limited legibility in the context of the site and the adjoining pattern of development, including the interface with the Grangegorman Campus and the wider cityscape context and the rear Blocks B, C and D will impact negatively on the character and setting of the Protected Structure. In my opinion, the extent of horizontal emphasis, the mass of the individual block forms of Block B, C and D and the cumulative impact of the blocks increasing in height serves to highlight the incompatibility and scale of the development and increases the visual impact in a wider context. In this regard, the development does not form a cohesive part of the urban environment in which it is proposed but rather a standalone series of blocks with limited regard to the site context and future integration. The layout of the development has been compromised in order to increase overall density.

12.3.26. I consider the proposed development, by virtue of the design, height, bulk and form of Blocks B, C and D, would be out of character with the context of the site, in particular, the wider cityscape setting, would constitute overdevelopment of the site and would be contrary to Section 11.1.5.3 of the development plan relating to adverse impacts on the setting of a protected and Section 16.2.2.2 and Section 6.7.2 of the City Development Plan 2016 and Section 3.2 of the Building Height Guidelines for Planning Authorities

(2018) to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved at the scale of the relevant to site context. The proposed development would represent poor design and would be an incongruous insertion at this location. The development should be refused for this reason.

12.3.27. I note that observers raised a specific concern regarding the cumulative impact of the development citing the development on the Park Shopping Centre (DCC Reg. Ref. 2038/17). I will address this matter further in the proceeding sections.

#### **12.4. Residential Amenity, Daylight/Sunlight, Overshadowing and Overlooking**

12.4.1. The third parties contend that the development will have a significant negative impact upon surrounding development in terms of overlooking, overbearing and overshadowing. It is set out that no attempt has been made to minimise the impact on the 21 privately owned dwellings abutting the site to the north, St. Joseph's Court and St. Joseph's Place. The layout offers no set back or buffer zone. There is a risk of these dwellings becoming engulfed by the accumulation of adjoining development noting the approved student accommodation to the north of St. Joseph's Court and St. Joseph's Place, TU masterplan and the current proposal. I will address these matters in more detail in the sections below.

##### *Compliance with development plan standards*

12.4.2. Section 16.10.7 of the development plan includes specific guidance for student accommodation. The Statement of Consistency which accompanied the application confirms compliance with the requirements.

##### *Shared Amenities & Landscaping*

12.4.3. Shared amenity space comprising of indoor and outdoor communal and recreational facilities is required at 5-7m<sup>2</sup> per bed space. The proposed development provides 7.4m<sup>2</sup> of communal areas per bed space. Communal kitchen and living areas are provided within each unit. A range of communal amenity areas including lounge, gym, cinema etc are located at basement and lower ground floor level. Outdoor communal amenity areas are provided at 1st floor level in the areas between the 4 no. blocks of student accommodation. The outdoor communal amenity areas are provided as roof gardens.

12.4.4. A Landscape Design Report accompanied the planning application, which outlines the proposed strategy for the proposed pedestrian street as well as communal external terraces, situated at first-floor level. The design intention to create a permeable link for

pedestrians and cyclists to the campus is welcome and will provide pedestrian permeability from Prussia Street through to the Grangegorman Campus.

- 12.4.5. The design concept proposes the use of high-quality hard landscaping materials, including durable paving materials and appropriate soft landscaping.

#### *Student Management*

- 12.4.6. A Student Management Plan accompanied the application and refers to the existence of 24/7 management team, with security and residential managers, which I consider sufficient management of the site.

- 12.4.7. Concerns has also been expressed by the planning authority and the observers in relation to the impact of Covid-19. Whilst I accept the concerns expressed, the development will be required to adhere to relevant public health guidelines and recommendations.

#### *Overlooking*

- 12.4.8. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The windows of the proposed development have been designed to ensure no direct overlooking of adjoining properties; I note the minimum separation distance between opposing windows is approx. 6m. However, having regard to the canted window design, I do not consider that there will be significant detrimental overlooking as a result of the development. A degree of over-looking is considered reasonable in an urban environment.

#### *Daylight / Sunlight and Overshadowing*

- 12.4.9. A Daylight and Sunlight Analysis accompanied the application which provides an assessment of the impact on the proposed development on the surrounding area. The report provides an assessment of five areas within the immediate vicinity and concludes that the development "will not have a significant effect on the tested perimeters". As part of the ABP Notification of Opinion the applicant was advised that further consideration of the potential impacts on residential and visual amenities at St. Joseph's Place, No. 29 Prussia Street and other adjacent residential properties was required. In particular, the applicant was requested to provide information on the potential cumulative impacts along with the adjoining student accommodation and mixed use development permitted

at the Park Shopping Centre under DCC Reg Ref. 2038/17 and the consented layouts within the TU Dublin Grangegorman Campus SDZ planning scheme.

12.4.10. Section 7.7 of the submitted Daylight and Sunlight Report addresses cumulative impacts however no assessment has been provided in relation to the combined impacts, which the planning authority consider to be a significant short coming in the application documentation, I would agree and consider the impact on the properties in St. Joseph's Place and the adjoining St. Joseph's Court, cannot be fully assessed. It is also noted that results demonstrate a significant negative affect on the residential property No. 29 Prussia Street.

12.4.11. In relation to the proposed development five amenity areas have been assessed, four are determined meet the criteria. The Average Daylight Factor of 316 rooms have been assessed across the whole development; 285 rooms meet the criteria. Therefore 90.2% of all assessed rooms meet the criteria. In the context of the site this is acceptable.

#### *Shadow Analysis*

12.4.12. The overshadowing impact of the proposed development on St. Joseph's Place and the adjoining St. Joseph's Court the north of the application site as well as the communal open spaces and public realm within the proposed development, have been assessed. In terms of shading on surrounding properties the report provides an assessment of the private open space areas of Nos 1- 6 St. Joseph's Court, which sets out that only two of the adjoining private amenity areas would not be significantly negatively impacted as a result of the proposed development.

12.4.13. It is noted that section 4.2.2 of the submitted Daylight and Sunlight Report states that *"there are no amenity areas (associated with Site B) that would be affected by the proposed development"*. In this regard, it would appear that are three areas of private open space located between No 11- 15 St. Joseph's Place have not been assessed within the submitted report.

12.4.14. It is the applicant's contention that if a linear building format were adopted, considerable shadowing and overbearing effects would result for residential properties to the north. Adopting a perpendicular format allows considerable penetration north by southerly light and eliminates any tendency to monolithic design within the site. I disagree, in so far as the individual blocks B,C and D are located abutting the site boundaries at point where the properties to the north currently benefit most from natural light penetration such as side and rear gardens and the public road area front St. Joseph's Court. As such the

proposed location and height of the blocks B,C and D will significantly alter the natural light currently enjoyed by these properties by virtue of orientation and the low lying nature of the existing development on the site, resulting in increased overshadowing and reduction in established residential amenity. Furthermore in the absence of an assessment of the cumulative impacts of the adjoining permitted development DCC Reg. Ref. 2038/17, which extends to seven storeys, I am not satisfied that the development in conjunction with the adjoining permitted development will not detract from the residential amenity of the existing dwellings by reason of overshadowing.

#### *Overbearing*

12.4.15. In my opinion, the overall scale, form and mass of Blocks B,C and D, in particular, the extent of building mass and increased building height forming the side elevations in close proximity to the site boundaries of the adjoining properties would represent an overbearing feature when viewed from St. Joseph's Place and the adjoining St. Joseph's Court and no. 29 Prussia Street reflecting a visually dominant and obtrusive development on the site. The planning authority in their assessment contend that the proposal represents a poorly articulated and slab design, which could set an unacceptable precedent for future development and would have a significant negative impact on the residential properties within the immediate vicinity of the application site, both in terms of loss of daylight and sunlight and overbearing visual impact.

12.4.16. The relative enormity of the tiered Blocks and the significant enclosing effect it would cause is something that can be readily appreciated with regard to the 3D visualisations submitted. The effect, for all intent and purposes, would deprive occupiers of St. Joseph's Place and the adjoining St. Joseph's Court and no. 29 Prussia Street any meaningful outlook laterally and vertically to the south and north respectively. The varied building heights, modulation and articulation of the individual Blocks B, C and D to try and break up the massing of the building is unsuccessful and is compounded by the number of blocks proposed and the width of each block extending almost the entire width of the site. I am not satisfied that the mass and height of the development will not have an overbearing impact in this context and would not have a detrimental impact on the residential amenity of the adjacent development.

#### *Conclusion*

Whilst I accept that the site is located in the City Centre and a degree of overshadowing can be considered, with respect to the current proposal, I am not satisfied that



development would not be detrimental to the established residential amenity of development to the south no. 29 Prussia Street and, in particular, St. Joseph's Place and the adjoining St. Joseph's Court to the north and the access to daylight and sunlight currently afforded to these properties including the public roadway fronting the dwellings the north of the site. It is considered that the height, bulk and scale of the proposed Blocks B,C and D given their proximity to and extent along the north and south site boundaries, would appear visually overbearing as viewed from adjoining developments and would result in overshadowing of the adjoining sites. Permission should be refused for this reason.

## 12.5. Other Matters

### *Car Parking and Cycle Parking*

- 12.5.1. As the site has direct connection to the TU Dublin Grangegorman campus, which is a non-vehicle campus as a result of the recent scheme modification on the West side, no encouragement for car usage is included in the subject scheme and no on-site car parking is proposed. The Development Plan establishes that **car parking** provision maybe reduced or eliminated in areas that are well served by public transport. This site is accessible to public transport including Broadstone Luas stop located 700m from the site on the opposite side of the Grangegorman campus. Prussia Street is identified as a spine route in the revised Bus Connects network that is currently subject to public consultation. In addition to this, Prussia Street is currently serviced by numerous bus routes (37, 39, 39a, 39x, 70) and the North Circular Road, which is c.250m from the site is also served by buses, and there are numerous shops and services within walking distance.
- 12.5.2. The **cycle parking** standard for student accommodation is 1 space per 2 bed-spaces. In the case of the subject development this would equate to 148 spaces. A bike store along with a number of bicycle racks are proposed at ground floor level and will provide 148 no. bicycle parking spaces, which is in accordance with the DCDP standard.
- 12.5.3. I note the Traffic and Transport Division raised a number of concerns regarding traffic management, cycle parking , mobility management and recommended a number of conditions be attached to any grant of permission to include the undertaking of a Stage 3 Roads Safety Audit should the Board be minded to grant planning permission.

### *Flood Risk*

- 12.5.4. A site-specific **Flood Risk Assessment** was carried out. The report concludes that the site is not at risk of pluvial/tidal or fluvial flooding. The report sets out that the site falls within flood zone C and the flood risk to the proposed development site is low. The Engineering Department – Drainage Division of Dublin City Council raised no objection to the development subject to appropriate conditions.
- 12.5.5. The proposed development includes attenuation proposals whereby it is intended that surface water discharge from the subject site will be limited to 2l/s and on-site storage provided for the 1 in 100 year extreme.

#### *Site Services*

- 12.5.6. The development is to connect to the public water supply and foul sewer. I note the correspondence on file from **Irish Water**, which states that connection to the public water supply is feasible.

#### *Ecology*

- 12.5.7. The **Bat Survey** Report details the findings of bat surveys comprising daytime inspection only and over the winter months, which is not an ideal times to complete surveying for bats. The reports notes that the site is a small industrial urban site and therefore its ecological value is low. There were no bats present or evidence of such, and the existing buildings are considered to be of low roosting value. There is no foraging or commuting habitat within the survey area and therefore it was concluded that the site is not considered to have any bat roosting potential. The Biodiversity Officer concurred with the above and noted the implementation of bat boxes on the site will also increase the proposed development's potential for bats and noted the requirement for site specific lighting for nocturnal wildlife.
- 12.5.8. The Biodiversity Officers recommends the applicant conduct a survey for **Invasive Species**, including Japanese Knotweed, Giant Hogweed and Himalayan Balsam.

#### *Use during Academic Holiday Periods*

- 12.5.9. The potential use of the development for shared living accommodation and summer letting has been raised as a concern. In this regard, I note permission is sought for student accommodation only.

### 12.6. Chief Executive's Report

- 12.6.1. As set out in Section 10.0 of this report the planning authority concludes that their "main concerns relate to the design of the proposed development and the associated

visual and environmental impact of the proposal and as set out in the report above. It is set out that the development would result in the creation of a series of monolithic blocks that would fail to result in either a contextual or high-quality design response and would result in an unacceptable impact upon the neighbouring residential properties and the surrounding streetscape. Having regard to the above, it is considered that the proposal would not be in keeping with the provisions of the Dublin City Development Plan and it is therefore considered that it would not be in order to grant permission. Accordingly, it is recommended that planning permission should be refused".

- 12.6.2. In accordance with the requirements of Section 8 (5) (b) of the Residential Tenancies Act and in the absence of a more specific reason for refusal my assessment has been carried out with regard to the conclusion and recommendation set out above.
- 12.6.3. Unlike the planning authority and the Conservation Officer my concerns specifically relate to the impact of Blocks B, C and D in terms of the design, layout, building height and massing and impact on residential amenity and overbearing impacts. I am satisfied that Block A fronting Prussia Street is acceptable in the context of provisions of the development plan and national policy relating to building height and proximity to and impact on Protected Structure no. 29 Prussia Street and the conservation area.
- 12.6.4. I have reviewed the contents of the Chief Executive's Report and the appendices attached thereto and I have had regard to the recommendation and conditions there in which the planning authority have included as part of the Chief Executives' report should the Board be minded to grant planning permission.
- 12.6.5. In the regard, should the Board be minded to grant planning permission, I would draw the Boards attention to condition no. 7 on the planning authority's schedule of conditions in relation to the use of the roof terraces. I would also note the requirements of the Conservation Section and City Archaeologist to employ a conservation expert and archaeologist, the requirements of the Parks and Landscape Division, in particular, with regard to bats and invasive species, the conditions from the Transportation Planning Division and the Environmental Health Section, in particular, the need to includes an asbestos survey as part of a Construction Management Plan.

## 12.7. **Environmental Impact Assessment Screening**

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

12.7.1. The current proposal is an urban development project in the built-up area of a city but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold 10 hectares. The proposal is for development on a site of less than 1 hectare which is well below the threshold. The development would be mainly on brownfield land previously subject to development. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would be in residential use, which is the predominant land use in the adjoining area. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The development would occupy a relatively small area of land. The proposed development would use the municipal water and drainage services of Dublin city, upon which its effects would be marginal. In these circumstances it is clear that the proposed development would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered

## 12.8. **Appropriate Assessment**

12.8.1. The site is not located within or directly adjacent to any Natura 2000 sites.

### *Stage 1 AA Screening Report*

12.8.2. The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes. It confirmed that the proposed development would not be located within any European sites.

12.8.3. A screening report for Appropriate Assessment was submitted with the planning application. It confirmed that the proposed development would not be located within any European sites. 9 SAC's and 5SPA's were identified within 15km of the site. The report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes. It confirmed that the proposed development would not be located within any European sites.

12.8.4. The following designated sites are considered to be located within the zone of influence of the proposed development

**Conservation Objectives:** to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

Site Code	Qualifying Interests
South Dublin Bay & River Tolka SPA 004024 3.92kms	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162]

	<p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Artic Tern (<i>Sterna paradisea</i>) [A194]</p> <p>Wetland and Waterebirds [A999]</p>
<p>South Dublin Bay SAC</p> <p>000210</p> <p>5.43kms</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p> <p>The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p>
<p>North Dublin Bay SAC 000206</p> <p>7.0kms</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p>

	<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
<p>North Bull Island SPA</p> <p>004006</p> <p>7.0kms</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p>

	<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Baldoyle Bay SPA</p> <p>004016</p> <p>11.7kms</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Baldoyle Bay SAC</p> <p>000199</p> <p>11.7kms</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
<p>Glenasmole Valley SAC</p> <p>001209</p> <p>12km</p>	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p>



	<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>
<p>Howth Head SAC</p> <p>00202</p> <p>12.8km</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
<p>Wicklow Mountains SAC</p> <p>002122</p> <p>13km</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>Wicklow Mountains SPA</p> <p>004040</p>	<p>Merlin (Falco columbarius) [A098]</p> <p>Peregrine (Falco peregrinus) [A103]</p>

13km	
Rockabill to Dalkey Island SAC 003000 13.2km	Reefs [1170]  Phocoena phocoena (Harbour Porpoise) [1351]
Rye Water Valley SAC 001398 14.4km	Petrifying springs with tufa formation (Cratoneurion) [7220]  Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]  Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
Malahide Estuary SAC 000205 14.5km	Mudflats and sandflats not covered by seawater at low tide [1140]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
Malahide Estuary SPA 004025 14.5km	Great Crested Grebe (Podiceps cristatus) [A005]  Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Shelduck (Tadorna tadorna) [A048]  Pintail (Anas acuta) [A054]  Goldeneye (Bucephala clangula) [A067]  Red-breasted Merganser (Mergus serrator) [A069]

	<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
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12.8.8. The Qualifying Interests/Features of Interest have been outlined in Table 1 of the Stage 1 Screening Assessment.

12.8.9. Table 1 of the Screening Report included the potential threats to Habitat/Species on the Qualifying Interests of the above Natura 2000 Sites. The report goes on to consider whether the proposed development is likely to give rise to such threats. Table 2: *Relationship between proposed development and key threats to Natura 2000 sites* of the AA Screening Report identifies pollution to surface water as the only potential threat arising from construction or operation of the project. The report concludes that there is no likelihood of any significant effects on Natura 2000 sites arising from the proposed development having regard to the fully serviced nature of the site and the separation distance from the Natura 2000 Sites.

12.8.10. It is further stated in terms of the potential cumulative impact, the application site adjoins the Grangegorman SDZ Planning Scheme. An Appropriate Assessment screening of the SDZ concluded there was no requirements for a Stage 2 Appropriate Assessment. Similarly, the Park Shopping Centre (permitted DCC Reg. Ref. 2038/17) was assessed by the planning authority and it was concluded that there was no requirement for a Stage 2 Appropriate Assessment.

*Assessment of likely Significant Effects on Designated Sites*

12.8.11. The site does not contain any habitats listed under Annex I of the Habitats Directive. The closest European sites are the Dublin Bay, including South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), and North Bull Island SPA (Site Code 004006), The proposed Project has limited connectivity to Dublin Bay via municipal sewer for foul water and surface water. I am satisfied that the all other Natura 2000 sites can be screened out from further assessment having regard to the separation distance from the site and the relevant qualifying interests.

12.8.12. Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- potential sediment laden surface water run-off during site preparation and earthworks.
- During the operational phase of the development the main potential impacts relate to surface water run-off and foul water drainage.

12.8.13. In relation to potential sediment laden surface water run-off during site preparation and earthworks, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant. In relation to the operational phase of the development, I note the development includes attenuation proposals whereby it is intended that surface water discharge from the subject site will be limited to 2l/s and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

12.8.14. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP. In this regard the submission by Biodiversity Officer in relation to current and future capacity of the Ringsend WWTP, is noted

*In Combination or Cumulative Effects*

- 12.8.15. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP.
- 12.8.16. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development consisting of 296 student bed spaces on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.
- 12.8.17. Therefore, having regard to the scale and nature of the proposed student accommodation and ancillary mixed use, and its location within the built up area of the city which can be serviced, no Appropriate Assessment issues arise and 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 .

#### *AA Screening Conclusion*

- 12.8.18. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), and North Bull Island SPA (Site Code 004006) or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

### **13.0 Recommendation**

- 13.1.1. On the basis of the above assessment, I recommend that the Board **REFUSE** the proposed development for the reasons and consideration set out below.

## 14.0 Recommended Order

### Reasons and Considerations

14.1.1. In coming to its decision, the Board had regard to the following:

- a) The site's location within the administrative area of Dublin City Council with a zoning objective for residential development;
- b) The policies and objectives in the Dublin City Development Plan 2016-2022;
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing and permitted development in the area;
- e) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- f) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- g) 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;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) Architectural Heritage Protection Guidelines 2011;
- j) Chief Executive's Report;
- k) Submissions and observations received;
- l) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening

### Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the lack of direct connections with regard to

the source-pathway-receptor model, the Report for the purposes of Appropriate Assessment Screening submitted with the application, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, 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 (and submission of a Natura Impact Statement) is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

### **Proper Planning and Sustainable Development**

The Board considered that:

1. The proposed development, by virtue of the design, height, bulk and extent of horizontal building profile of Blocks B, C and D, would be out of character with the context of the site and would represent a visually prominent form of the development relative to its immediate environment and, in particular, the wider cityscape, would constitute overdevelopment of the site and would be contrary to Section 11.1.5.3 of the Dublin City Development Plan 2016-2022 relating to

adverse impacts on the setting of a protected structure (in this instance no. 29 Prussia Street) and Sections 16.2.2.2 and 6.7.2 of the Development Plan and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) in terms of standards of urban design, architectural quality and place making outcomes at the scale of the relevant to site context. The proposed development provides an inadequate design response to this sensitive infill site, would be of insufficient architectural quality, would reflect a visually dominant feature in the wider cityscape and would detract from the character and setting of a Protected Structure and be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied on the basis of the Sunlight/Daylight and Overshadowing analysis submitted including the failure to appropriately assess the cumulative impact of the permitted adjoining development, that the proposed development would not be detrimental to the established residential amenity of development to the south no. 29 Prussia Street and, in particular, St. Joseph's Place and the adjoining St. Joseph's Court to the north and the access to daylight and sunlight currently afforded to these properties including the public roadway fronting the dwellings to the north of the site. It is considered that the height, bulk and scale of the proposed Blocks B,C and D given their proximity to and extent along the north and south site boundaries, would appear visually overbearing reducing any meaningful outlook laterally and vertically to the south and north respectively as viewed from adjoining developments and would result in overshadowing of the adjoining sites. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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Irené McCormack  
Planning Inspector

12<sup>th</sup> August 2020