



An
Bord
Pleanála

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

Inspector's Report ABP-309657-21

Strategic Housing Development	Demolition of the existing Park Shopping Centre and nos. 42-45 Prussia Street, construction of 175 no. residential units (3 no. houses, 29 no. apartments and 584 no. student bedspaces) and associated site works.
Location	Park Shopping Centre and 42-45 Prussia Street, Dublin 7.
Planning Authority	Dublin City Council
Applicant	The Park Shopping Centre Limited
Prescribed Bodies	Irish Water Development Applications Unit Transport Infrastructure Ireland (TII)

Observers

- Cllr Eimer Mc Cormack
- Frances O'Connor
- Henry Travers and Alexandra Pickerill
- Ken and Katie Flood
- Ljubisa Valikic and Clare O'Donoghue Velikic
- James Malone
- Cllr Janice Boylan & Mary Lou McDonald
- Cllr Joe Costello
- John Kinsella and John Mitchell
- Kay Lynch
- Senator Marie Sherlock
- Neasa Hourigan TD, Cllr. Janet Horner, Cllr. Darcy Lonergan
- Newden DAC, Management Company of Rathdown Square
- Pierce Greaney
- Cllr. Ray McAdam
- Tom Crowley
- Sr. Zoe Killeen (Respect)

Date of Site Inspection

04/05/2021

Inspector

Conor McGrath

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Appendix 1: Documentation accompanying the planning application:

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The application site comprises an area of approx. 1.2ha, located at the northern end of Prussia Street (R805), which runs from the North Circular Road to the north and Manor Street / Stoneybatter to the south, leading to the quays. The site is almost entirely occupied by the Park Shopping Centre, which was constructed in the 1980's and comprises a single-storey and part two-storey retail development, generally set-back from the street behind an extensive surface car park. The centre is occupied by a Tesco supermarket and a number of smaller retail and commercial outlets, as well as health and fitness uses at upper floors. The site also includes no.'s 43 – 45 Prussia Street, which comprise two-storey terraced commercial buildings. No. 46, at the northern end of the terrace is excluded from the application. Ground levels fall north to south across the site.
- 2.2. The site is bounded to the west by the Grangegorman campus of TUD. The site extends into part of the original institutional lands and includes a section of the original boundary wall, which is a protected structure. That section of former institutional lands within the application site are currently under grass. A temporary pedestrian connection from the campus through the site to the shopping centre and Prussia Street has been provided, along the southern boundary of the site.
- 2.3. Opposite the site to the west, is a protected structure Jameson House, which is of historical and cultural significance. To the north, Rathdown Square comprises a development of duplex and two-storey, back-to-back dwellings. The boundary is currently formed by a high wall, with some mature trees on its northern side. To the south, the site is bounded by a commercial yard and by the rear of a terrace of two-storey houses, St. Joseph's Place. The southeastern corner of the site is bounded by St. Joseph's Court, a more recent terrace of 6 no. two-storey houses.

3.0 Proposed Strategic Housing Development

3.1. The development proposes the demolition of the existing Park Shopping Centre and no.'s. 42-45 Prussia Street and construction of a new mixed-use development comprising a new District Centre with student accommodation and Build-to-Rent apartments over, in two blocks north and south of a proposed new east-west pedestrian and cycle street connecting Prussia Street with the Grangegorman campus. The buildings will range in height from 3-5 storeys on Prussia Street to 6-storeys (South building) and 8-storeys (North Building) rising toward the eastern end of the site. Ground floor units are double height, with some mezzanine level accommodation.

3.2. The District Centre comprises:

- Part-licensed supermarket, 11 no. retail / non-retail service units and 2 no. licensed café/restaurant units at ground floor, with frontage to Prussia Street and to the new pedestrian street.
- The new pedestrian street will involve new openings in the existing Grangegorman boundary wall (protected structure) and will be provided with new art display features along the street.
- Two vehicular entrances from Prussia Street. The southern entrance provides access to the Tesco service yard and a general waste management area, and the northern entrance provides access to under-croft / surface parking for 111 no. cars, light van deliveries and bicycle parking.
- All associated ancillary facilities and services, landscaping and boundary treatments including acoustic attenuation measures, signage, plant and substations.

3.3. Student residential accommodation over the ground level District Centre providing 143 no. apartments (including 28 no. studios), with a total of 584 bedspaces (556 bedrooms);

- The North Building reception area is accessed from the new street, with student amenities (conciierge, café, lounge areas) at ground, mezzanine and first floor

levels. External amenity areas comprise first-floor podium space and 2 no. fourth floor roof terraces.

- The South Building has ground floor reception and staff rooms, fitness centre at ground and mezzanine levels and first-floor podium amenity area.

3.4. The Build-to-Rent component comprises 3 no. first floor duplex / townhouses and 29 no. apartments in the southern block with access from Prussia Street, (31 no. 2-bed and 1 no. 3-bed unit), laundry room, lounge/games room, bicycle store, waste store and podium garden with conservatory allotments.

Site area	1.2ha
Total Gross floor area	25,749-sq.m.
Retail / commercial floor area	3875-sq.m. (14.8%)
Supermarket and retail / food & beverage units	
Residential Floor area	21,936-sq.m.
Residential units	175 units (143 student & 32 BTR)
Plot Ratio	2.14

Student Accommodation		Amenity	
Total Units	143 no.	Internal amenity	1,425-sq.m.
Total Bedrooms	556 no.	External amenity	2,121-sq.m.
Total Bedspaces	584 no.	Total amenity	3,546-sq.m.
Total Area (m2)	18,688 no.	Rate	6.1-sq.m. / bedspace

BTR		Amenity	
Apartments	29 no.	Internal amenity	196-sq.m.
Townhouses	3 no.	External amenity	509-sq.m.
Total Units	32 no.		
Total Bedspaces	130 no.	Total amenity	705-sq.m.
Total Area	3,248-sq.m.	Rate	22-sq.m. / unit

4.0 Planning History

4.1. Park Shopping Centre

PA ref. 2038/17: Permission granted for

- Demolition of the Park Shopping Centre and no.'s 42-45 Prussia Street,
- New District Shopping Centre with two vehicular entrances from Prussia Street for deliveries and access to undercroft / surface car parking for 117 cars.
- Student Accommodation over District Centre (485 bedspaces) in two buildings bounding a new street between Prussia Street and Grangegorman.
- The buildings range in height from 3 to 6-storeys.

PA ref. 3441/13: Permission granted for modifications to the Park Shopping Centre, including demolition of the existing boundary wall (a protected structure) to the east and works to facilitate a new pedestrian access linking Prussia Street to the west, to the new DIT GDA campus to the east.

Other permissions granted included PA ref. 2005/11 extension to rear of Unit no. 2 and PA ref. 4417/06 change of use of the existing first floor offices to Medical Centre.

4.2. Lands to the south:

ABP ref. ABP-307236-20: Permission refused for a strategic housing development at 29b, 30 and 31 Prussia Street, to the south of St. Josephs Place.

The development comprised a mixed-use development in four blocks ranging in height from five storeys fronting Prussia Street to eight storeys adjoining TU Dublin Grangegorman Campus, providing 296 no. student bedspaces and ground floor retail unit fronting Prussia Street. Permission was refused for the following reasons:

- The design, bulk and extent of Blocks B, C and D, would be out of character with the context of the site, would represent a visually prominent form of development relative to its immediate environment and, in particular, the wider cityscape, would constitute over-development of the site, and would be contrary to Section

11.1.5.3 of the Dublin City Development Plan relating to adverse impacts on the setting of a protected structure (29 Prussia Street), the provisions of the Development Plan and the Urban Development and Building Heights Guidelines 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.

- The Board was not satisfied on the basis of the Sunlight/Daylight and Overshadowing analysis, including the failure to appropriately assess the cumulative impact of the permitted adjoining development, that the proposed development would not be detrimental to the residential amenity of development to the south, and in particular, Saint Joseph's Place and Saint 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.

The height, bulk and scale of the Blocks B, C and D, given their proximity to and the 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.

PA ref. 4035/16: Permission granted in 2017 for a student accommodation development with 203 no. bedspaces in a series of 1, 2, 3 and 4 storey buildings. The proposed development comprises of a total of 4,778-sq.m gross floorspace on a site at and to the rear of 84-87, Prussia Street. An appeal under ABP ref. PL29N.247939 was withdrawn.

5.0 Section 5 Pre-Application Consultation (ABP-307195-20)

- 5.1. A Pre-application consultation meeting was held with An Bord Pleanála on 8th October 2020. The subsequent Opinion of the Board under section 6(7) of the Act,

stated that the documents submitted with the request to enter into consultations constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, certain specific information should be submitted with any application for permission. In response to this opinion under section 6(7), the applicants have submitted a statement of response and the information identified in the Board opinion and the response thereto are summarised below:

Information required	Response
<p>1. <i>Drawings and specifications of works on and in the public realm, specifically upgrades to footpaths and pedestrian crossings. In addition, drawings should show the alignment and requirements for any future public transport improvements along Prussia Street (BusConnects).</i></p>	<p>There has been engagement with the City Council.</p> <p>The proposed development does not impact on the future public transport improvements along Prussia Street (BusConnects) which are illustrated in submitted drawings.</p>
<p>2. Cross sections that detail public realm, landscaping and building interfaces at locations including, along Prussia Street and near Jameson House, the new pedestrian realm and the interface with Grangegorman Campus. Regard should be had to the design provisions of DMURS and include any necessary legal consents.</p>	<p>This is addressed in the Architectural Design Statement and accompanying architectural drawings. The landscaping plans illustrate the design, materials and finishes along the proposed new street. A DMURS Compliance Statement is submitted.</p>
<p>3. Details of pedestrian and cycle facilities through the development, which may inform the location of the pedestrian crossing on Prussia St.</p>	<p>The Transport Assessment illustrates the future cycle network surrounding and through the development site.</p> <p>The NTA has proposed a north/south cycle lane along Prussia St and a shared cycle route along the 'New Street' linking with the Grangegorman Campus.</p>

	Signalised pedestrian crossings have been agreed with the City Council as part of the Bus Connects consultation.
A landscaping plan which clearly sets out proposals for hard and soft landscaping including, street furniture, and indicates which areas are to be accessible to the public.	A Landscape Design Report and Landscape Masterplan are submitted. The Architectural Design Statement identifies publicly accessible areas.
Daylight/Sunlight analysis.	A Daylight and Sunlight Assessment Report is submitted.
A rationale for the proposed car parking provision, to include details of car parking management, car share schemes and a mobility management plan.	This addressed in the Traffic and Transport Assessment. A standalone Outline Travel Plan has been prepared for both the retail and residential elements.
A detailed schedule of accommodation that indicates consistency with relevant standards including the provision of dedicated amenities and facilities specifically for co-living residents.	The development includes Build-To-Rent Apartments in lieu of Co-Living accommodation previously considered. The Architectural Design Statement demonstrates compliance with relevant guideline standards.
A site layout plan indicating areas to be taken in charge.	No area of the development or site will be taken in charge.
A report that addresses the proposed building materials and finishes. A building lifecycle report for apartment buildings is also required.	This is addressed in the Architectural Design Statement and the separate Building Lifecycle Report.
A Construction and Demolition Waste Management Plan.	An Outline Construction and Demolition Waste Management Plan is submitted.
An Operations Plan to address vehicular movements associated with servicing, deliveries, maintenance, refuse collection and student resident drop off.	An Operations Plan is submitted.
A Student Accommodation Management Plan to include any use of the facility as tourist accommodation outside of term.	An Estate Management Plan is submitted.
Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Regulations.	A Screening Statement for Environmental Impact Assessment is submitted which includes the requirements of article

Furthermore, the prospective applicant was informed that the following authorities should be notified in the event of the making of an application:

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

Copies of letters to the relevant authorities have been submitted in this regard.

6.0 Relevant Planning Policy

6.1. National and Regional Policy:

6.1.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

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 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

Chapter 6 notes that student accommodation pressures are anticipated to increase in the years ahead. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

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

Pillar 4 refers to the Improvement of the Rental Sector. Key objectives include addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Key actions include encouraging the “build to rent” sector and supporting greater provision of student accommodation. The plan recognises the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

6.1.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region:**

RPO 4.3 supports “the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include:- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

Section 9.2 notes that changing household formation trends will require a range of housing typologies including student housing. Section 9.3, Housing and Regeneration, notes that recent trends in the delivery of specialised housing typologies such as student accommodation, build to let developments and shared accommodation is indicative of the change in approach necessary to accommodate changing demand and demographics in the Region.

6.2. **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 and observers, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- Design Manual for Urban Roads and Streets (DMURS)
- Architectural Heritage Protection Guidelines, Dept. of Arts Heritage and the Gaeltacht (2011)
- Retail Planning Guidelines and accompanying Retail Design Manual (2021)

The following documents are also relevant:

- Dept. of Education and Skills - National Student Accommodation Strategy (2017) and Quarterly Progress Reports (Q3 2019)
- Dept. of Education and Science - Guidelines on Residential Developments for 3rd Level Students, and Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.

6.3. Local Policy:

6.3.1. Dublin City Development Plan 2016 - 2022

The site is zoned District Centre Z4 – to provide for and improve mixed-services facilities. District centres provide a higher level of services than neighbourhood centres, have outlets of greater size selling goods or providing services of a higher order, and their catchment area extends to a far greater area.

To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening. Opportunity should be taken to use the levels above ground level for additional commercial/retail/ services or residential use with appropriate social facilities. Higher densities will be permitted particularly where well served by public transport.

Residential, retail and restaurant uses are permissible in principle within this zone.

Policy SC10 seeks to develop and support the hierarchy of the suburban centres in order to support the sustainable consolidation of the city and provide for essential economic and community support for local neighbourhoods and to promote and enhance the distinctive character and sense of place of these areas.

Policy RD17 promotes active uses at street level in Z4 district centres while Policy RD19 promotes retail provision, including the revitalisation of, established District Centres. Retail policy RD20 promotes accessible good quality convenience shopping within the inner-city area.

Chapter 5 sets out policies for quality housing.

QH5 promotes residential development through active land management and a coordinated planned approach to developing appropriately zoned lands including regeneration areas, vacant and under-utilised sites.

QH6 encourages attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures.

QH8 promotes the sustainable development of vacant or under-utilised infill sites and higher density proposals which respect the surrounding area.

QH17 supports the provision of purpose-built, managed high-quality private rented accommodation with a long-term horizon.

Policy QH31 supports the provision of high-quality, professionally managed and purpose-built 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, which respects the residential amenity and character of the surrounding area. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.

Policies CEE12(ii) and CEE19 of Chapter 6 City Economy and Enterprise, promote Dublin as destination for student visitors / International Education Centre and support the provision of professionally managed student accommodation developments.

Parts of the Prussia Street frontage lies within a Conservation Area and Zone of Archaeological Interest. Protected structures identified in the plan include Jameson House to the west of the site and the boundary wall of Grangegorman institutional lands. Policy CHC 2 seeks to ensure the protection of the special interest of protected structures, while Policy CHC seeks to protect the special interest and character of all Dublin's Conservation Areas.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

Section 16.5 describes plot ratio as a tool to help control the bulk and mass of buildings. It can determine the maximum building floor area or volume, but on their own cannot determine built form. Plot ratio standards need to be used in conjunction with other development control measures, including site coverage, building height, public and private open space. Indicative plot ratios are identified including a ratio of 2.0 for Z4 lands. A higher plot ratio may be permitted in identified circumstances.

Section 16.7.2 sets a general building height limit of 28m commercial or 24m residential in the inner-city area.

Section 16.10 deals with Standards for Residential Accommodation. Proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report).

Section 16.10.7 provides guidelines for student accommodation, including internal standards for bedrooms and shared spaces. Development Plan Variation No. 3, requires an applicant to demonstrate that there is not an over-concentration of student accommodation within 1km of a proposal.

6.4. Applicant's Statement of Consistency

In accordance with the requirements of Section 8(1)(a)(iv) of the 2016 Act, a Statement of Consistency with local and national policy has been submitted with the application. Furthermore, a statement indicating why permission should be granted, notwithstanding that the proposed development materially contravenes the development plan other than in relation to the zoning of land, having regard to section 37(2)(b) of the Act of 2000, has been submitted. This material contravention statement refers to contravention of the City Development Plan in respect of proposed building heights and standards for student accommodation.

The statement of consistency considers compliance with the following national, regional and local planning policy and guidance documents:

- Dublin City Development Plan 2016 - 2022
- Project Ireland 2040: National Planning Framework (2018)
- Regional Spatial and Economic Strategy, Eastern and Midland Region (2018)
- Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)
- National Student Accommodation Strategy (2017) & Circular PL 8/2016 APH 2/2016
- Department of Education and Science Guidelines on Residential Development for 3rd Level Students Section 50 Finance Act (1999)
- Retail Planning Guidelines (2012)

- Delivering Homes, Sustaining Communities (2008) and the accompanying Best practice Guidelines – Quality Housing for Sustainable Communities
- Smarter Travel – A New Transport Policy for Ireland (2009 – 2020)
- Transport Strategy for the Greater Dublin Area 2016-2035
- Birds and Habitats Directive – Appropriate Assessment
- Urban Development and Building Heights Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and Urban Design Manual
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (2009)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

Local Policy – Dublin City Development Plan 2016 - 2022

- Student accommodation is permitted in principle within the Z4 land use zone.
- The mix of uses ensures the vitality of the district centre and activity outside retail business hours.
- The proposal complies with the policy for district centres and inner-city retailing.
- The area is well served by public transport and is appropriate for higher density.
- There will be long-term employment generated in the management and maintenance of BTR and student accommodation.
- The proposal improves the public realm on Prussia St, designated as a conservation area, and provides a contemporary setting for Jameson House.
- The development promotes a compact city and sustainable transport patterns and accords with Movement and Transport objectives with a connection to Grangegorman.
- The design is consistent with objectives relating to Urban Form.
- Improving the range of goods and services available to the local community is in accordance with objectives for sustainable communities and neighbourhoods.
- There are no current residential uses on the site and redevelopment of this underutilised site complies with objectives QH5 QH8.

- Densities accord with national guidance and will provide variety in tenure in the area, in accordance with objective QH7.
- The development increases permeability and an appropriate mix of uses in accordance with objective QH10.
- Student accommodation is supported in Policy CEE19 and objective QH31.
- Development plan standards for student accommodation are met or exceeded.
- A Student Accommodation Concentration Report and an estate management plan for both student and BTR accommodation are submitted.
- There is limited residential parking given its central location and availability of public transport. Student accommodation is primarily car free.
- A Travel Plan and Traffic and Transportation Assessment have been prepared, and with the operations plan, address the management of the site.
- Bicycle parking exceeds development plan requirements.
- There is compliance with Part V in respect of the BTR element.
- A plot ratio of 2.14 is justified in line with development plan provisions.
- The maximum building height of 28.8m is in excess of that provided for in the development plan and is subject to a material contravention statement.
- The permitted development on the site provides a precedent for increased height.

National and Regional Policy

- The NPF promotes sustainable development and consolidation of existing urban areas and the provision of student accommodation.
- Provision of mixed-use development on a central, under-used site, well served by public transport, with increased permeability is consistent with the RSES.
- Provision of student and BTR accommodation is consistent with Rebuilding Ireland.
- The development accords with the National Student Accommodation Strategy and will free up units in the private rental sector.
- The development complies with Department of Education Guidelines and Circular PL 8/2016 APH 2/2016, and is intended to be used for student accommodation during term times.

- The retail element is consistent with the development plan and the Retail Planning Guidelines.
- The development complies with the Guidelines on Sustainable Residential Development in Urban Areas and the 12 criteria in the Urban Design Manual.
- The proposed development accords with the approach of Delivering Homes, Sustaining Communities (2008).
- The location adjacent to Grangegorman campus and public transport, promotes alternative transport modes in accordance with the Smarter Travel Strategy.
- The proposal marginally exceeds the development plan height limit, which is 28m for commercial developments in the inner city.
- The proposal meets the criteria for increased building heights set out in the Urban Development and Building Heights Guidelines.
- The BTR development accords with SPPR7 of the Sustainable Urban Housing - Design Standards for New Apartments (2020).
- BTR residents will avail of amenities within the student accommodation.
- In accordance with SPPR 8, flexibility is provided in respect of storage space, private amenity space and apartment room areas.
- Part V requirements are met.
- The requirement for Stage II Appropriate Assessment has been screened out.
- A statement of Compliance with DMURS is submitted.
- The site is appropriately located within Flood Zone C.
- A Cultural Heritage Report is submitted in respect of impacts on Grangegorman perimeter wall - a Protected Structure.

6.5. **Material Contravention Statement:**

- 6.5.1. In accordance with Section 5(6) a statement indicating why permission should be granted, notwithstanding that the proposed development materially contravenes the development plan other than in relation to the zoning of land, having regard to section 37(2)(b) of the Act of 2000, has been submitted. This material contravention statement refers to contravention of the City Development Plan 2016 – 2022 in respect of the maximum floor area of student accommodation units and the maximum building heights in the city.

6.5.2. The statement notes the following points:

In respect of Student Accommodation:

- Section 16.10.7 of the Development Plan states that student accommodation should 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.
- All proposed student accommodation units have a minimum of 3 no. bed spaces and a maximum of 8 no. bed spaces.
- 5 no. student accommodation units exceed the maximum unit area of 160m².

In respect of Building Height:

- Section 16.7.2 of the Development Plan specifies a maximum building height in the inner city of 28m for commercial buildings.
- The proposed development includes a section of building with parapet of 28.8m in height.

6.5.3. Policy Context

- Since the adoption of Development Plan the planning policy context has changed.
- The Building Height Guidelines take precedence over blanket height limitations in Development Plans.
- The Guidelines promote increased density and height in order to optimise the effectiveness of investment in public transport infrastructure.
- The Guidelines note that taller buildings can assist in reinforcing and contributing to a sense of place and modern placemaking.
- There is a presumption in favour of increased height in our town/city cores and in other urban locations with good public transport accessibility.
- The Sustainable Urban Housing Design Standards for New Apartments Guidelines recognise the BTR sector.

6.5.4. Material Contravention Considerations:

In respect of the criteria set out in S.27(2)(b), the statement notes the following:

37(2)(b)(i) - Strategic or National Importance

- The proposed development is considered as a Strategic Housing Development under the 2016 Act.
- This development on zoned land in an existing urban settlement and adjacent to existing infrastructure and services is consistent with national planning policy.
- The development can therefore be considered to be of strategic importance.

37(2)(b)(iii) - Section 28 Guidelines

Building Height

- The Urban Development and Building Heights Guidelines 2018 call for more compact urban development and the proposed height, marginally in excess of the Development Plan limit, is appropriate.
- There are frequent bus services on Prussia Street, with numerous routes on the North Circular Road and Luas c.600m across the GDA campus.
- Prussia Street is a proposed Bus Connects route, which will increase the public transport facilities in the vicinity of the site.
- National guidance is clear that increased building height at such locations is required to optimise the effectiveness of the investment in infrastructure.
- The provision of an 8-storey building marking the district centre is an appropriate urban design response. This location lends itself well to a taller building.
- The development is appropriate and in accordance with proper planning and sustainable development.

Student Accommodation

- The units that exceed the floor area limit provide superior quality accommodation.

37(2)(b)(iv) - Pattern of Development

- Permission was previously granted on the site with a building height up to 7-storeys, under PA ref. 2038/17, subsequent to the adoption of the development

plan. The statement argues therefore that the proposed development is consistent with the pattern of development and recent permissions granted in the area.

Conclusion

Having regard to the strategic nature of the development, which will deliver national policy objectives on housing and complies with Section 28 Guidelines, the applicants argue that An Bord Pleanála can grant permission for the proposed development.

7.0 Third Party Submissions

7.1. Cllr Eimer Mc Cormack

- Shared living development on the site is not supported and the development should be amended to meet the long-term accommodation needs of the area.
- Exceedance of floor area standards in a number of units will impact on residential amenity.
- The development exceeds the development plan building height standards.
- The development will contribute to an over concentration of one type of accommodation type in the area.
- There will be overbearing impacts and impacts on daylight to residents of Joseph's Place.

7.2. Frances O'Connor

- There are concerns regarding the increased scale of development and impacts on the local community, including noise, disturbance and parking impacts.
- Prussia Street is a not a transportation hub which would justify a breach of the development plan height standards.
- The increase from the permitted height is excessive and will impact on the landscape and historic buildings of the area.
- There is a significant level of student accommodation in the surrounding area.

- A balance is required between local community housing and student accommodation.
- The proposal will dwarf and impact on daylight to houses in St. Joseph's Place.
- Removal of an existing recycling / bottle bank will be a loss for local residents.

- 7.3. (i) Henry Travers and Alexandra Pickerill
- (ii) Ken and Katie Flood
- (iii) Ljubisa Valikic and Clare O'Donoghue Velikic

(Note: Having regard to the overlap in these separate submissions, they are summarised together below)

- The proposal comprises over-development of the site, contrary to development plan guidelines in terms of scale, density, proportion and height.
- The development does not accord with the Z4 zoning objective which requires that account be taken of the scale and character of the surrounding area.
- There will be undue impacts on exiting streetscape.
- The scale and mass is excessive relative and will overwhelm adjacent housing.
- Referenced developments in Grangegorman are not comparable given their setting.
- The plot ratio exceeds the development plan standard.
- There will be overlooking of the rear gardens of St. Joseph's Place and front gardens of St. Joseph's Court.
- Cumulative impacts on environmental, residential and visual amenities should be considered.
- There will be negative impacts on daylight and sunlight to St. Josephs Court.
- The daylight sunlight assessment does not consider velux windows / roof light in adjoining properties, or a second-floor dormer window in no.6 St. Joseph's Court.
- There are a large number of new and proposed student accommodation schemes in the surrounding area.
- The new BTR element increases the overall density rather than replacing student accommodation, which is also increased.
- There has been a lack of consultation with adjoining residents.

- Landscaping to Prussia St. is lacking.
- Student accommodation, including podium open space, will have noise impacts on adjoining residents.
- St. Joseph's Court was not assessed as a noise sensitive location.
- The location of plant, ventilation / noise, delivery areas and bin and refuse areas will destroy the amenity space of adjacent residential properties.
- Plant and ventilation equipment at two levels are directed at adjoining houses and may have adverse impacts on air quality, noise and visual amenity. This will add to impacts from plant in TUD campus to the east.
- No set-back or buffer from the site boundary is provided and the proposed acoustic boundary is an inadequate response to the issues.
- No detail of the acoustic wall is provided and the noise assessment suggests the need for additional measures to mitigate impacts on St. Josephs Court.
- The basis for the assessment of noise from the supermarket is not clear or whether noise of unloading, reversing sirens and tire noise was considered.
- The supermarket will open 24-hrs. The noise assessment does not consider night-time deliveries which would exceed the relevant noise criteria.
- Operational HGV movements will impact on adjacent residential amenity.
- The number of HGV movements and operation of a traffic light system on the access road suggest a risk of congestion.
- External lighting will impact on adjoining residential amenity and is not illustrated in the images. No detail of the podium amenity space lighting is provided.
- An external light pollution study is required given 24-hour requirement.

7.4. James Malone

- The development is out of character with surrounding development and will alter the skyline and dwarf neighbouring houses.
- The height of the development should be reduced.
- There will be overlooking and loss of privacy to residents in Rathdown Square.
- There will be a loss of direct sunlight, and solar gain, to Rathdown Square.
- The height of the car park roof adjoining Rathdown Square is of concern both from a security and visual amenity.

- The extent of student accommodation should be reduced due to impacts on the demography of the local community.
- Proper management structures should be put in place to minimise noise, disturbance and anti-social behaviour.
- A review of the impact of student accommodation on local communities in the city should be undertaken.
- The balance required to sustain healthy city communities should be identified and avoid overcapacity in student accommodation.

7.5. Cllr Janice Boylan & Mary Lou Mc Donald

- There will be a loss of job and disruption to services during construction.
- Impacts on existing tenants in the centre are not described.
- There is a lack of community support for the development.
- The increased height will engulf the residential area at St. Joseph's Place.
- The development does not blend into the facades of the building already in place. Proposed materials are not detailed.
- The development does not provide any real community gain.
- Construction traffic will impact on existing adjoining congested routes. A full traffic management plan is required.

7.6. Cllr Joe Costello

- The increase in height and density over the permitted development, which already represented over-development of the site is of concern.
- The impact of a concentration of student accommodation on the local community is recognised in other cities, including Edinburgh.
- The "studentification" of Stoneybatter will have a major impact on the character and integrity of the village.
- The impact of COVID-19 on demand for Student Accommodation remains unclear and the number of international students coming to Ireland has fallen.
- Build to rent apartments attract a transient population, while the site is suitable for quality residential development.
- The Student Accommodation Concentration Report is deficient and omits a number of developments in the area.

- An accurate schedule of Student Accommodation within a 1km and 1.5km radius of this development is submitted with the observation.
- Conditions should ensure that residents meet the Development Plan definition of students.
- The management plan does not address letting outside the academic year. Conditions should prevent letting on short-term letting platforms.
- The development will have visual, overlooking and overshadowing impacts on adjoining residential properties.
- The development does not consider the transitional zoning provisions of the development plan.
- The density and height of development should be reduced.
- Subsurface works should be subject to archaeological monitoring.
- Prussia Street requires a regeneration plan rather than piecemeal planning applications, and needs more trees and green landscaping.
- The design at an important gateway into Stoneybatter Village is disappointing and poorly considered in relation to the surrounding areas.
- The extended construction period will impact on the local community in terms of the loss of existing services and facilities, and jobs.
- No surveys for the presence of hazardous materials, such as asbestos, were undertaken.
- A construction plan should be agreed between the planning authority and the developer and local residents and business groups.

7.7. John Kinsella and John Mitchell

- The observers own no. 46 Prussia Street and occupy the first floor level of no. 45 under a lease agreement.
- There is a license agreement for the use of parking spaces in a secure rear private carpark, separate from the main shopping centre car park.
- There was no consultation regarding impacts on the observer's property or operations or the treatment of the first-floor connection between no. 45 and 46.
- The Demolition and Construction Waste Management Plan does not identify the extent of demolition works and the associated map excludes no.'s 42–46.

- The proposed development provides for uncontrolled and unsecured access to the rear of no. 46.
- The application makes no reference to the access, parking, security or waste management of no. 46. Bin storage is currently located to the rear of no. 46.
- There is no allowance for continued use of the licenced parking spaces during construction or at operational stage.
- The list of SHD applications was only published on the ABP website 4 days before expiry of the period for observations.
- An oral hearing is requested.

7.8. Kay Lynch

- The size, scale and height of development is excessive and out of proportion for the surrounding residential area.
- It could block light to other buildings, particularly adjoining dwellings, and affect the amenity and enjoyment of surrounding properties.
- This area is not a transport hub.
- Car parking provision is excessive with negative environmental effects for surrounding residents, including noise and additional environmental pollution.

7.9. Senator Marie Sherlock

- The development breaches minimum floor areas standards for 18 of the BTR units, with remaining units at or barely above the minimum standard.
- Notwithstanding SPPR8, proposed storage space for BTR units is not acceptable.
- The development will breach BRE guidelines on daylight and sunlight access for adjacent housing.
- The overbearing impacts, particularly on St Joseph's Place, are not acceptable.
- Revisions to minimise visual and privacy impacts on adjoining residents are required.
- The exceedance of the Development Plan building height standards demonstrates the excessive nature and scale of the development.
- A reduction in line with the democratically adopted standards should be sought.

- This area is not a transportation hub which would justify a breach of the building height standards and the development will worsen congestion in the area.
- The development will contribute to an overconcentration of student accommodation in the area.
- The level of sustainable demand for such accommodation is questioned.
- The need is for long-term, affordable housing in the area.
- The level of Part V housing which will be gained at significant cost, is minimal.

7.10. Neasa Hourigan TD, Cllr. Janet Horner, Cllr. Darcy Lonergan

- The efficient redevelopment of the site would be welcome.
- Co-living proposals for the site are opposed.
- The Part V allocation is small.
- The buildings do not have sufficient stepping or setback from Prussia Street.
- The connection to Grangegorman would be overshadowed.
- The proposal represents over-development of the site.
- There would be a significant loss of privacy and visual amenity for residents of St. Joseph's Place and St. Joseph's Court.
- Car parking provision is excessive, with associated traffic impacts.
- Notwithstanding the extant permission, regard should be had to subsequent development in the area, including the nearby LIDL and BusConnects proposals.
- Additional cycle parking for the shopping centre is required including provision for oversized bikes (e.g. cargo bikes or mobility tricycles).

7.11. James Malone as Director of Newden DAC, Management Company of Rathdown Square

- The proposed density, scale and height is excessive, and is out of character with the surrounding pattern of development.
- The development will have an overbearing impact on Rathdown Square.
- There is an excessive concentration of student accommodation in the area and no regard is had to the change in third level education in the past year.
- Excessive numbers of students will give rise to a significant increase in noise, nuisance and disturbance in a residential area.
- The inclusion of Build-to-rent apartments provides for a mix of tenures.

- The lack of separation between student accommodation and rental apartments may lead to a reallocation of use.
- Conditions should stipulate that no bar licence will be granted on the site.
- The development will result in overlooking and overbearing impacts on green / open spaces to the front of single aspect houses in Rathdown Square.
- There will be significant overshadowing of open space and windows and the shadow plans are inconclusive in this regard.
- The drawings and photomontages do not properly represent the relationship with Rathdown Square and or describe impacts thereon.
- Section drawings are unclear regarding ground levels in Rathdown Square and relationship with the car park under-croft and its visual impacts.
- The location of a generator on the boundary, is of concern to adjacent residents.
- There will be significant overlooking and impacts on daylight to Rathdown Square.
- Changes in services offered in the shopping centre to cater for a student population locally, will result in a loss of services for the local community.
- There will be a significant reduction in parking for existing retail outlets.
- The low level of residential parking will result in overspill parking in the local area.
- Contravention of the development plan standards should not be permitted.
- Resident's concerns on the previous application were not adequately addressed.
- The proposal offers nothing to the local community by of social facilities.

7.12. Pierce Greaney

- Redevelopment of the site could be the foundation for the positive redevelopment of the overall Prussia Street area if gotten right.
- This short-term residential development and does not meet community needs. Any development should provide at least 50% of units for purchase.
- A review of the impacts of student accommodation should be undertaken and subject to public consultation.
- Shared living units are an outdated model of accommodation and should be replaced with normal apartments.
- There is a lack of adequate information available to challenge such applications.
- The design of the building is stark.

- The new street will be dark and cold and should be revised to allow light access.
- It is not clear how the development incorporates the Stoneybatter Greening Strategy and revisions should provide more green and outdoor living spaces.
- The height of the development should be reduced to the permitted level.
- The size, height and magnitude is out of character with the surrounding area.
- The Overshadowing and Day Light Analysis should be interrogated in detail.
- This is a breach of acceptable building heights and daylight standards.
- There will be negative impacts on St Josephs Court, including overlooking.

7.13. Cllr. Ray McAdam

- The development will impact on St. Joseph's Court and Rathdown Square.
- The previous planning permission provided for retailers to continue operating during the construction period, avoiding risk to jobs or local employment.
- Monitoring of the construction management plan will be required, given the extent of demolition and excavation works and HGV movements required.
- A community monitoring committee should be established, with local consultation during any redevelopment process.
- There should have been greater consultation prior to the lodging the application.

7.14. Tom Crowley

- The visual images do not show the true impact on Rathdown Square and do not include the adjacent houses.
- The scale and height of development will dwarf adjacent 2 & 3-storey dwellings.
- The development will impact on adjoining residential amenities by reason of overlooking, reduced light and sunlight and visual amenity.
- The view to the under-croft carpark from Rathdown Square is particularly ugly.
- The daylight and sunlight assessment does not assess the true impact on Rathdown Square.
- Contrary to statements in the assessment, houses in Rathdown Square have amenity spaces to their front.
- Amenity areas to the front of no. 2 to 8 and No. 9 to No. 21, which will be most affected given their orientation, are not considered in the analysis.
- The analysis also omits 3 lawn areas and a number of adjacent windows.

- The concentration of student accommodation in the area is under-represented.
- The appropriateness of increasing student accommodation should be reviewed and COVID19 may significantly impact on future demand from students.
- An over-concentration of transient population will impact on the local community.

7.15. Sr. Zoe Killeen (Respect)

- The observers operate a charity shop within the existing shopping centre.
- There has been no consultation in relation to the proposed development.
- The development will be an improvement to the area.

8.0 Prescribed Bodies

8.1. Transport Infrastructure Ireland (TII):

The following conditions are recommended

- The applicant should ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".
- The Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green - Broombridge) should be applied by condition, unless exempt.

8.2. Development Applications Unit:

Recommend that a condition pertaining to Pre-development Testing and Monitoring be included in any grant of planning permission that may issue.

8.3. Irish Water:

The applicant has been issued a confirmation of feasibility for connections to the Irish Water networks and a Statement of Design Acceptance, subject to identified measures. Recommended conditions include the incorporation of SUDS / stormwater attenuation measures.

9.0 Oral Hearing Request

The observations received from John Kinsella & John Mitchell, and from James Malone (Director of Newden DAC) request that an oral hearing be held in respect of this application. I note that Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the circumstances of this case, to the issues raised in the observations received by the Board, and the assessment set out in section 11.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

10.0 Planning Authority Submission

In accordance with Section 8(5)(a) and (b) of the Act, the Chief Executive's report was received on 30th April 2021, which includes:

- A summary of the main points raised in submissions.
- A summary of the views of the elected members.
- A summary of interdepartmental reports
- The Chief Executives view on the effects of the proposed development.
- Recommended conditions.

The submission of the Chief Executive makes the following points:

- The proposed uses are permissible in the Z4 zone. A precedent for student accommodation on the subject site was set under PA ref. 2038/17.

- The Development Plan sets no actual upper density / plot ratio limit. Each proposal is to be assessed on its own merits.
- A higher plot ratio is acceptable, subject to an appropriate design response, given the central location, adjacent to the TUD campus and public transport facilities, and the underutilised nature of the existing property.
- Redevelopment of the shopping centre complies with development plan policy.
- Notwithstanding the building height provisions of the Development Plan, the proposal is assessed against criteria of the Building Height Guidelines.

At the scale of the relevant city/town:

- The site is suitable for high density development in accordance the NPF.
- Having regard to the precedent for increased heights on the site under ref. 2038/17, the proposed additional height is not considered substantial.
- The proposal will improve the presentation of the shopping centre.
- The new street provides pedestrian/cycle access to the publicly accessible open space and facilities in Grangegorman campus.
- The new public space provides an appropriate setting for Jameson House.
- The durable, robust materials are welcome however, there are concerns that the scheme remains visually bland.
- Further planting and greening on Prussia Street and vertical greening to blank facades would improve the new public space, mitigate the scale of the proposal and support integration into streetscape and urban form of the area.
- There is no requirement for additional open space / recreational facilities.

Criteria at the scale of the district/ neighbourhood/ street:

- The site is underutilised and suitable for comprehensive redevelopment.
- This significant change is acceptable in principle and in line with the developing context along Prussia Street.
- The design approach reduces the perceived mass and scale. A greater level of greening and planting should be introduced.
- The design responds to previous comments and is well considered.
- Proposed linkages and redevelopment of the shopping centre provide amenities for the wider area and secure comprehensive urban regeneration.
- There would be significant improvements to the public realm.

- The new street improves connectivity and constitutes a public gain.

Criteria at the scale of the site/building:

- The findings of the Daylight, Sunlight and Overshadowing Study are summarised.
- Given the current scale of buildings on the site, any development will result in some impact on adjoining sites.
- The proposal has been set back from the northern and southern boundaries, consistent with the parent permission, however, additional height is proposed.
- The proposed height, scale and massing does not result in loss of light or overshadowing to the adjacent sites, compared with the permitted scheme.
- The impact on sunlight to the amenity area of No. 22 Rathdown Square may be noticeable, however.
- The most significant impact on adjoining properties would be visual, considering the abrupt transition in scale from the existing environment.

Specific assessments:

- The height is not sufficient to result in significant microclimatic impacts.
 - The Parks, Biodiversity & Landscape Services Department have raised no concerns regarding impacts on sensitive bird or bat areas.
 - The proposal is not considered to potentially impact on telecommunications channels or microwave links, or upon safe air navigation.
 - An Architectural Design Statement and Cultural Heritage Report were submitted.
 - A screening for Appropriate Assessment and Environmental Impact Assessment Screening Report were submitted.
-
- The significant change in scale and massing from the existing is acceptable in principle and in line with the developing context along Prussia Street.
 - While any redevelopment of the site would substantially alter the streetscape this is not a significant departure from the permitted development.
 - Existing densities are inconsistent with national, regional or local policy.

- The proposal would integrate with and enhance the character and public realm of the area, and would not detrimentally impact on key landmarks or views.
- The approach to height at the boundaries minimises impacts on adjoining areas.
- Further planting and greening of blank facades on Prussia Street is required.
- The most significant impact would be the visual impact from St. Joseph's Court and St. Joseph's Place, however, the extant permission would also significantly alter the environment.
- The scale of the proposal could be considered overbearing, and further mitigation is required comprising large canopy trees planted along this perimeter as well as vertical greening, to integrate the development and minimise visual impact.
- The design approach, materials and greening is critical to reducing the perceived mass and scale of buildings. Further proposals are required to achieve an appropriate sense of scale.
- Student accommodation schemes identified in the application are mainly located to the east of the site. There is limited provision west of Grangegorman Campus.
- A third-party submission identifies omissions in PBSA schemes identified by the applicants within 1km of the site, and provides a revised table of schemes.
- Notwithstanding these omissions, the planning authority accept the applicant's contention that the development would not result in an over-concentration of student accommodation in the area.
- The proposal meets the City Development Plan standards for student accommodation and would provide a high standard of residential amenity.
- The external amenity areas provide a good level of amenity and receive adequate sunlight and daylight penetration.
- The HQA outlines compliance of BTR units with the relevant standards in terms of apartment sizes. The provision of 100% dual aspect units is welcomed.
- The minor shortfall in the aggregate floor area for living / kitchen / dining areas in a few of the units is acceptable.
- Flexibility can be applied in relation to storage space, as outlined in SPPR8.
- Private open space provision would provide a high level of residential amenity.
- No objection to proposed levels of BTR indoor and outdoor amenity space.

- There are concerns regarding the servicing demands of the ancillary retail/café units and the arrival and departure of student residents and BTR residents.
- There is no support for any set-down or parking areas on Prussia Street.
- The Applicant is aware of their Part V obligations.
- It has not been demonstrated that the development can operate without impacting on Prussia Street.
- All servicing and operational management should be undertaken within the site.
- The City Archaeologist identifies a number of recommended conditions.
- The project has been screened for AA under the appropriate methodology and the PA concur that no significant effects are likely to arise.
- The project has been screened for EIA and it is accepted that this sub-threshold development will not require an EIAR.

Conclusion

- Further planting and greening on Prussia Street is required.
- Tree planting along the perimeter with St. Joseph's Court as well as vertical greening is required.
- The proposal would secure the redevelopment of the shopping centre, provide an acceptable standard of residential amenity for future occupants and improve permeability in the area.
- The proposal is acceptable and would not result in an unacceptable level of impact upon the adjoining properties.

Note: The report of the Chief Executive does not include an explicit statement as to whether the authority recommends that permission be granted or refused recommendation, in accordance with S.8(5)(b)(ii), however, the conclusion above is understood to constitute a recommendation to grant permission

Recommended Conditions

The report identifies 25 no. recommended conditions as well as the conditions recommended in internal technical reports. These include the following:

2. The build to rent development shall operate in accordance with the Design Standards for New Apartments, Guidelines for Planning Authorities and be used for long term rentals only. No portion shall be used for short term lettings.
3. A covenant or legal agreement binding on it and its successors shall be submitted, restricting the sale and letting of the proposed BTR units for a minimum term of 15 years after the first occupational letting in the development.
4. Prior to expiration of the period referred to in the covenant, details shall be agreed of ownership and management structures for the continued operation of the Build-to-Rent scheme. Any amendment or deviation from the Build-to-Rent model shall be subject to a separate planning application.
5. Student accommodation shall not be used for any other purpose, save for use as short-term tourist accommodation outside of academic term times, without a prior grant of planning permission for a change of use.
6. The student accommodation complex shall be operated and managed by an on-site management team on a 24-hour full time basis, in accordance with the Preliminary Student Management Plan submitted with the planning application. A detailed student management plan shall be agreed in writing prior to the first occupation of the development.
10. Prior to occupation of the independent ground floor commercial units, the following detail shall be agreed in writing:
 - a) Details of the exact use;
 - b) Details of the opening hours;
 - c) Layout and window treatment of the subject units.
13. Prior to the occupation of any new buildings, the developer shall ensure that the public realm areas, and new routes as outlined in the site layout plan and landscape drawings are completed and open to the public.
18. Prior to commencement of development, the following details shall be submitted to the planning authority for written agreement:
 - i. Further planting and greening onto Prussia Street at ground floor level in addition to vertical greening deployed to areas of blank building facades.
 - ii. Planting of large canopy trees along the perimeter with St. Joseph's Court.

- iii. Vertical greening to the southern elevation of the southern block facing St. Joseph's Court.
20. The developer shall comply with the requirements of TII.
21. The developer shall comply with the requirements of the Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media.
24. Noise control condition for operations.

In addition, the following financial conditions are recommended:

- A bond condition in respect of a development for two units or more.
- A condition requiring a contribution in lieu of public open space requirements.
- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a section 49 development contribution (Luas Cross City Scheme).

Conditions recommended by Parks, Biodiversity & Landscape Services, include:

2. The applicant / developer shall be responsible for the maintenance and management of the public open spaces. Public open spaces will operate as public park / public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the Planning Authority.

Conditions from the Transportation Planning Division include:

1. A revised Servicing and Operation Plan shall be agreed. The plan shall outline the retail/café, student accommodation and residential units servicing and operation demands, demonstrating the ability to meet the needs of the uses on-site. The revised plan shall include additional servicing set-down bays.
2. The final design of the accesses and junctions onto Prussia Street, including signage, shall be agreed in writing.
3. The developer shall liaise with Dublin City Council to agree if the existing signalised pedestrian crossing requires relocation. The final detailed design of the new signalised junction shall be agreed prior to commencement of works.

4. A revised car park layout plan shall be agreed, incorporating:
 - a) Additional servicing set-down bays.
 - b) 1 no. accessible Built-to-Rent parking bay close to the residential entrance.
 - c) Motorcycle parking to Development Plan standards.
 - d) Secure, conveniently located and weather protected cargo bike parking.
 - e) Visitor cycle parking located closer to the main access points to retail units.
5. (a) An updated Mobility Management Strategy/Travel Plan shall be agreed.
(b) The strategy shall include a Car Parking Management Strategy.
7. A Construction Management Plan shall be agreed.

Conditions from the Environmental Health Officer include:

1. The carrying out of an asbestos survey and removal of all identified material by a specialist contractor.
2. Façade and structure specifications shall comply with the recommendations of the submitted Technical Note Report – Noise Impact Assessment.
4. Specific user operational noise and odour recommendations
5. Deliveries only between 0700 hrs & 1900 hrs.

Conditions from the Drainage Division include:

- Incorporation of Sustainable Drainage Systems, with a minimum requirement of a 2-stage treatment approach.
- Surface water management shall attenuate discharge to 2 ltr / sec / ha in line with the GDSDS and provide for a 20% allowance for climate change.
- The Flood Risk Assessment shall be developed further to include reference to flood management measures as set out in the Development Plan Strategic Flood Risk Assessment.

Conditions from City Archaeologist include:

- The site should be subject to both archaeological testing and excavation or 'preservation by record'.
- The Grangegorman boundary wall, a Protected Structure, must be fully recorded prior to partial demolition. The records should be lodged with the GDA and the Irish Architectural Archive, and Dublin City Archives. Demolition

should be carried out with reference to Appendices 2b 'Conservation - Removal of Structures' (A2b.2 Guidelines and procedures for removal of structures, Appendix 2b, page 4 Grangegorman Planning Scheme, DCC 2012).

Conditions recommended by Environment and Transportation Section include:

- Undertake laboratory testing of soil on-site and provide Haz. Waste Online and Laboratory results.
- Complete an invasive plant species survey prior to development.
- Carry out an Asbestos Survey prior to development

Area Committee Meeting (7th April 2021) minutes:

- Concerns expressed regarding height and density of development.
- Impact on adjoining properties including overbearing, daylighting and overshadowing impacts.
- Impact on streetscape and concerns with regard to visual impact and finishes.
- Some welcome for redevelopment of the centre and the proposed new street.
- The scheme will result in a transient population and an unsustainable overconcentration of student accommodation in the area.
- The Build-to-rent model does not reflect the housing needs of the local community.
- The potential for shared living use of the scheme was raised.
- Queries regarding out-of-term use of the accommodation were raised.
- Queries regarding the level of Part V provision.
- Concern regarding access constraints and public transport services.
- The extent of car parking will discourage more sustainable travel.
- Impacts of construction traffic and the need for a proper Construction Management Plan to be agreed.
- Ongoing consultation between the developer and local community be a requirement of any permission granted for this proposed development.
- Queries regarding management and maintenance of the new street.
- Loss of local services and employment during construction.

- Lack of public open space.
- Queries regarding planned improvements to the public-realm on Prussia Street.
- The failings in the SHD process to deliver new houses.
- Query regarding the energy rating of the proposed buildings and construction processes.

11.0 Assessment

I have examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, it is proposed to consider the development under the following broad headings:

- Land Use and Development Principle
- Material Contravention
- Design and Layout
- Residential Amenity
- Impact on Adjoining Residential Amenity
- Daylight and Sunlight
- Noise Impacts
- Student Accommodation
- Access and Transportation
- Drainage and Services
- Cultural Heritage

11.1. Land Use and Development Principle:

11.1.1. The development broadly comprises the demolition of existing structures on the site and the construction of a new mixed-use District Centre, Student accommodation and Build-to-Rent housing. The site is currently occupied by the Park Shopping Centre and associated surface car park, which provides a low intensity use on this

centrally located site. The redevelopment of the site, maintaining its local / district service function and providing for an intensification of development, proximate to significant amenities as well as public transport services, would be in accordance with national, regional and local planning policy.

- 11.1.2. The application site is zoned as District Centre Z4 in the current City Development Plan wherein the proposed mix of uses are permissible in principle. There is an extant permission for the redevelopment of the site, of a similar form to the proposed development. The National Planning Framework supports the provision of Purpose-Built Student Accommodation in such locations proximate to centres of education and public transport. Build-to-rent accommodation is also supported, particularly in central locations. The proposed development is acceptable in principle on these zoned lands.
- 11.1.3. Residential accommodation comprises 143 no. student accommodation units providing a total of 584 bedspaces (556 bedrooms), and 32 no. Build-to-rent apartments. Non-residential floor space comprises 3,813-sq.m. / 14.8% of the overall gross floor area. The development is therefore of a type and scale which meets the definition of Strategic Housing Development set out in section 3 of the Act of 2016, as amended. I note that car parking provision on the site is ancillary to the proposed uses and does not itself constitute an “Other Use” for the purposes of Section 3 of the Act.
- 11.1.4. Observers have raised issues regarding the impact of the proposed development on existing employment in the shopping centre, particularly during construction. I note that the proposed development provides for the replacement of the existing dated district centre in a new format. While there will be temporary, unavoidable impacts on existing outlets during such redevelopment, the proposed development provides for the long-term retention and reinforcement of commercial uses on the site. The introduction of residential uses on the site will also increase spending which will contribute to the local economy and employment therein. I do not therefore regard the development as unacceptable in this regard.

11.2. **Material Contravention:**

11.2.1. The material contravention statement accompanying the application identifies potential material contravention of the city development plan in respect of

- Building Height
- Student Accommodation floor areas

Section 9(6)(c) of the 2016 Act provides that the Board may only grant permission for a strategic housing development that would materially contravene the development plan where the Board considers that, if s.37(2)(b) of the 2000 Act, as amended, were to apply, it would nonetheless grant permission for the proposed development.

In respect of building height, section 16.7.2 of the City Development Plan prescribes maximum heights for this area of the city of up to 28m for commercial development and up to 24m for residential development, noting that ground floors should be commercial height for design, use and adaptability reasons. The plan does not provide for exceedance of these limits except in identified locations. The proposed development, comprising residential uses over ground floor commercial use, rises to a height of 28.8m and would be more properly assessed against the residential building height limits rather than commercial limits set out in the plan. I therefore consider that the proposed development would materially contravene the provisions of the development plan.

Section 16.10.7 of the City Development Plan, *Guidelines for Student Accommodation*, identifies internal accommodation standards, including the following:

“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.”

I note that the plan does not specify a pro rata floor area per bedspace, rather it identifies upper and lower thresholds for these accommodation units in terms of bedspaces and floor area. 143 no. student accommodation units are proposed of which 5 no. (3.5%) exceed the maximum prescribed floor area by between 8 and 15-sq.m. Having regard to the limited number of units exceeding this standard and the limited exceedance thereof, I consider that the development is in compliance with the

provisions of the plan to *generally* provide student accommodation in line with the identified standards. I do not therefore consider that the proposed development materially contravenes the provisions of the development plan in this regard.

11.2.2. Having regard to the foregoing, I make the following comments in respect of the criteria identified in S.37(2)(b):

(i) *The proposed development is of strategic or national importance.*

The proposed development occurs on zoned lands close to the city centre in accordance with local, regional and national planning policy and is of a type and scale which meets the definition of Strategic Housing Development set out in section 3 of the Act of 2016, as amended. The 2016 Act is an act to facilitate the implementation of *Rebuilding Ireland, An Action Plan for Housing and Homelessness*, which notes that the accelerated delivery of housing units is a key priority for government. Pillar Four of the plan identifies the provision of Student Accommodation and Build-to-Rent units as key actions.

It is considered therefore that the contribution of the proposed development to the national strategic objective of delivery of housing satisfies the criteria of being of strategic or national importance.

(ii) *There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.*

The policies and objectives of the development plan are not conflicting or unclear in relation to building height.

(iii) *Permission for the proposed development should be granted having regard to regional spatial and economic strategy, guidelines under S.28 policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.*

In accordance with s.9(3)(a), the Board is required to apply specific planning policy requirements contained in any guidelines issued by the Minister under s.28 of the

2000 Act and S.9(3)(b) further provides that such specific planning policy requirements will apply (to the extent that they are different) instead of the relevant provisions of the Development Plan.

The Urban Development and Building Heights Guidelines were brought into effect subsequent to the adoption of the current City Development Plan. The Guidelines support increases in building heights to achieve densification and consolidation of urban areas, including the reuse of brownfield sites. SPPR 1 of the Guidelines provides that development plans shall not provide for blanket numerical limitations on building height. Section 3.1 identifies a presumption in favour of buildings of increased heights in town or city centres and other areas with good public transport. Criteria to be applied in considering applications for buildings taller than prevailing building heights are identified in section 3.2, and SPPR 3 provides that where those criteria are met, permission may be granted even in contravention of the development plan. I note the following in respect of the criteria set out in section 3.2:

Broad Principles
<i>Assist in securing NPF objectives of focusing development in key urban centres, fulfilling targets related to brownfield, infill development and effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</i>
The redevelopment of this currently underutilised, central city site at higher densities, would contribute to the consolidation of development and accords with the objectives of the NPF.
<i>Is the proposal in line with the development plan which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</i>
No. The city development plan pre-dates the guidelines.
<i>Where the relevant development plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?</i>
Yes. The site is located within the central part of the city and is subject to general limits on building heights, rather than performance-based design standards promoted in the NPF.

At the scale of the relevant city/town

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

There are existing high frequency bus services running along Prussia Street, and North Circular Road to the north. The site is within walking distance of the Luas Green Line at Grangegorman. The site is also within walking distance of the city centre ensuring good accessibility to the full range of public transport services.

Development proposals incorporating increased building height, should successfully integrate into / enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner.

The site is currently occupied by low-rise retail and service functions. The surrounding landscape is generally 2/3-storey with exceptions in Grangegorman and at Park House to the north. The Grangegorman SDZ Planning Scheme, also provides for buildings of scale to the east of the subject site. The proposed development will result in an improvement to the urban character of this area, including streetscape on Prussia Street. The design and layout has regard to the setting of Jameson House to the west, giving it increased prominence on the street. The application is accompanied by appropriate visual and landscape assessment.

On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

The development provides for the appropriate, higher density redevelopment of this site. The creation of a new connection / street between Prussia Street and Grangegorman campus will contribute positively to the area. The opening of this new street onto Prussia Street creates a new public space acting as a focal point / node at Jameson House.

At the scale of district / neighbourhood / street

The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.

The development addresses Prussia Street in a generally satisfactory manner and improves permeability in the area. Creation of a new space opposite Jameson House will be a positive feature on the street. Building heights to Prussia Street are considered appropriate. The set-back of the higher elements from the site boundaries generally mitigates impacts on adjoining residential amenity.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.

The break-up and layout of blocks on the site avoids monolithic form and creates and encloses new public spaces. Proposed finishes are satisfactory.

The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of the Flood Risk Management Guidelines.

Redevelopment of this brownfield site will enhance the urban landscape of this area. The development responds satisfactorily to adjoining streets and thoroughfares, strengthening the existing streetscape and creating new linkages through the site. There are no flood risk implications arising in respect of the development.

The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area and integrates in a cohesive manner.

The new street connecting Prussia Street and Grangegorman, which provides a new node and public space at Jameson House, will improve legibility and permeability in this area, and will integrate with provisions of the planning scheme for Grangegorman.

The proposal positively contributes to the mix of uses and / or building / dwelling typologies available in the neighbourhood.

The development will retain and update the existing neighbourhood / district centre function of the site. The location within the central city area and immediately adjacent to a college campus will meet demand for student accommodation on a

site which does not currently provide any residential uses. The provision of longer-term BTR residential properties will provide for an expanded tenure mix.

At the scale of the site / building

The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

Proposed residential units achieve satisfactory levels of daylighting. Overshadowing impacts are not regarded as significant. Daylight and sunlight impacts on surrounding properties are considered in more detail further below. Revisions to address potential impacts on a number of adjoining properties to the south are identified.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE ‘Site Layout Planning for Daylight and Sunlight’ or BS 8206-2: 2008 – ‘Lighting for Buildings

The Daylight and Sunlight report identifies the impacts of the development relative to the values identified in the referenced guidance documents, and has regard to the provisions of the documents. This is discussed in more detail further below.

Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion,

This is considered in further detail below.

The proposed scheme generally demonstrates a high degree of compliance with the recommendations of the BRE Guidelines in respect of proposed dwelling units and appropriate and reasonable regard to their provisions has been taken. Notwithstanding the identified exception in this regard, having regard to the broad level of compliance and the relatively short-term residential nature of the proposed development, satisfactory levels of residential amenity would still be achieved.

The submitted Daylight and Sunlight assessment identifies where there is non-compliance with the recommended daylighting values in respect of existing adjoining properties. Revisions to address potential impacts are identified.

Section 3.2 also notes that Specific Assessments may be required, and I note the following in this regard:

- Assessments of Sunlight and Daylighting and of Noise Impacts are provided.
- An Appropriate Assessment Screening report has been submitted.
- A Cultural Heritage Report and a Flood Risk assessment are provided.
- The site does not fall within any airport safety zones.
- There are no submissions or information on the file which suggest that interference with telecommunication channels are likely.

I consider therefore that the criteria set out in para. 3.2 of the Guidelines have generally been incorporated into the development proposal. Having regard to the provisions of Section 37(2)(b)(iii), it is justified, in my opinion, to contravene the Dublin City Development Plan 2016-2022 in relation to height.

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

The applicants refer to the permitted development on the site as a precedent for this application. I note, however, that building heights in that case rose to 21.65m and, while providing a precedent for the redevelopment of the site at scale, this do not provide a precedent for the materially contravention of the development plan in respect of height.

Conclusion

I consider that the provisions of Section 37(2)(b)(i) and (iii) have been satisfied and that the Board may invoke the material contravention procedure, in relation to Development Plan building height policies, and grant permission for the proposal.

11.2.3. Other Matters Arising:

The Dublin City Development Plan identifies an indicative plot ratio standard for Z4 lands of 2.0, but provides that a higher plot ratio may be permitted in certain circumstances. The proposed development provides a plot ratio of approx. 2.145 which is marginally in excess of the indicative standard. I note however, that the development site would meet the criteria for the exercise of discretion identified in section 6.5 of the city development plan, having regard to the location of the site and the level of public transport services on Prussia Street and North Circular Road, the nature and mix of uses proposed and the achievement of the redevelopment of this underutilised site. This is recognised in the Chief Executives report.

In this context and having regard to the indicative nature of the standard, it is not considered that the proposed development would materially contravene the provisions of the City Development Plan in respect of plot ratio.

11.3. **Design and Layout:**

I note third party observations in respect of the height and scale of the development and its impact on streetscape. Submissions also refer to the relationship with adjoining lands and with no. 46 Prussia Street at both construction and operational phases.

The proposed development generally comprises two blocks north and south of a proposed new pedestrian / cycle street connecting Prussia Street and the Grangegorman campus, adopting a similar footprint to the development permitted on the site under PA ref. 2038/17. The proposed redevelopment will result in a significant change to the character of the site and its immediate surroundings; however, such change would more appropriately reflect the central location of the site than the existing dated, suburban form of development, and would achieve consolidation and intensification of uses on the site in line with local, regional and national planning policy. I note the planning history on the site and the views of the Chief Executive in this regard.

The quality of the existing streetscape and urban environment at this location suffers from inappropriate historic interventions and a level of vacancy / underutilisation. The

original building line / streetscape has been eroded, particularly on the eastern side of the street, to which the existing Park Shopping Centre contributes. The street does, however, retain a number of high-quality features, including in particular Jameson House to the west of the site which is a protected structure. The most significant changes to this wider area in recent times have arisen from the development of the TUD campus to the east, in accordance with the Grangegorman Planning Scheme. The scheme provides for future development to the immediate east of this site comprising buildings, rising up to 6½ -storeys / 58.7m OD maximum. As noted above, the site is appropriate for higher densities of development. Subject to appropriate design, the proposed density and plot ratio are not regarded as unacceptable in principle. The most significant changes from the permitted development on the site relate to a proposed increase in height, an increase in the number of student bedspaces and the inclusion of 32 no. BTR apartments. I note the current limits on building heights for this part of the city contained in the city Development Plan 2016-2022 and have already commented thereon above. Having regard to those findings, I do not have an objection in principle to the heights proposed, subject to the more detailed analysis of the impacts of the proposed development set out elsewhere in this report.

The proposed new east-west connection through the site provides a fundamental design element and is regarded as a significant positive aspect of the development, in accordance with planning policy for the area. This will replace an existing temporary connection through the site along the southern site boundary, which was relatively busy at time of inspection notwithstanding the low numbers attending the campus at this time. The proposed new street is approx. 10m wide with active frontage along much of its length. I note proposals to provide a digital gallery along the street in association with TUD referred to as the Bó Lane Gallery, replacing existing static displays on the temporary pedestrian connection through the site, which would contribute to animation of this space. While the proposed street is bounded closely on its northern and southern sides, such that there will be restricted direct sun lighting of the space, I consider that this will still provide a lively and attractive route, with a high quality of design and finish. At the junction with Prussia Street, the proposed new street opens up to create a new public space which will

provide an improved setting for Jameson House to the west. I do not consider that the height or form of the development will detract from the setting of this building and I note the submissions of the Chief Executive and Development Applications unit in this regard.

Tree planting along the proposed new street stops short of the new space at the junction with Prussia Street. I would concur with the planning authority comments in respect of the need for planting and landscaping along the Prussia Street frontage, which would assist in making this a more attractive space in which to linger or sit. In the event of a decision to grant permission, appropriate conditions should be attached in this regard. I consider that some revision to the Prussia Street façade of the southern block would also be appropriate, at the location of the BTR entrance, to reduce the extent of blank façade. This could be achieved through measures such as increased fenestration to the stairwell.

It is not proposed that any part of the site will be taken in charge, including the proposed new street. I note the condition (no. 13) recommended in the Chief Executives report and consider that this is a more appropriate response to the issue of public access and use of the space and street than that recommended by the Parks, Biodiversity & Landscape Services, which is regarded as unduly onerous. A management scheme should be agreed in this regard. I note that access to the college campus is currently closed out of hours by the campus authorities and that conditions should not impose an access requirement beyond the site boundaries in this regard.

I have concerns regarding the layout of development adjacent to the retained no. 46 Prussia Street, and the resulting gap in the streetscape. I note the observers' submissions in this regard, while having regard to the applicant's ownership boundary in this case. This open passage from Prussia Street, accommodating cycle parking, provides access to the open car park area and a number of plant rooms, and to the rear of no. 46. This would not appear to usefully contribute to permeability in the area. Cycle parking at this location will not be attractive for users given the lack of supervision and perceptions of personal security, particularly at night. Alternative approaches to provide vehicular access to the ESB substation, where required, could be achieved within the site and there would appear to be scope to

accommodate the waste management requirements of no. 46, subject to a similar agreement as is understood to exist currently. I consider that an overall improved solution would be to provide active street frontage at this location, however, I note that a similar layout was previously permitted under PA ref. 2038/17. I therefore recommend that in the event of a decision to grant permission, conditions relating to the landscaping of this space and provision for restrictions on access be attached.

I note observer's submissions regarding the lack of detail in relation to demolition works at no. 42-45 and potential impacts on retained commercial units at no. 46 Prussia Street. The application was not accompanied by any detail of construction management or methodologies, while the Construction and Demolition Waste Management Plan excludes the site of no.'s 42-45 Prussia Street. Such works would not, however, appear to be uncommon or unusual and it is considered that subject to adherence to standard emission limit values for noise and vibration, and the agreement of a Construction Environmental Management Plan prior to the commencement of development, the development would not give rise to unacceptable impacts on adjoining occupiers. Parking considerations are addressed further below.

11.4. Residential Amenity:

11.4.1. Proposed Student Accommodation

The development proposes 143 no. student apartments providing 584 no. bedspaces in total in 11 no. *Houses*. This is an increase of 99 no. bedspaces from that previously permitted, in addition to the proposed BTR accommodation.

Houses 1 – 9 are located in the northern block, with no.'s 10 and 11 located in the southern block, along with the proposed BTR accommodation. Each house comprises a number of apartments with shared living / kitchen facilities serving between 3 and 8 study bedrooms each. 20 no. specially adapted study bedrooms are provided, while House no. 9 also accommodates 28 no. studio units. These studio units comprise approx. 4.8% of total proposed student bedspaces.

The proposed accommodation meets the development plan standards for purpose-built student accommodation, which generally reflect the earlier Dept. of Education

publication *Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999 Relief for Rented Residential Accommodation for Third Level Students (Section 50 Finance Act 1999)*. Shared kitchen living spaces are generally in excess of the minimum standard of 4-sq.m. per bedspace. As noted in section 11.2 above, five of the apartments exceed the maximum total floor area of 160-sq.m. specified in the development plan. Having regard to the configuration and location of these units within the development, I do not consider that this exceedance is likely to necessarily facilitate or give rise to a change of use of these accommodation units or otherwise create any issues in terms of residential amenity. The extent of the exceedance of the floor area threshold is regarded as marginal in the context of the overall development.

The northern block is accessed from a central concierge area off the new street. This provides access to the podium level amenity space from which each House is accessed. Amenities provided at ground, first and second floor levels include:

- Ground floor access from the new street, with Student café / retail, concierge, storage, lounge and toilets. Mezzanine lounge and meeting rooms.
- New street access to Student assembly area 201-sq.m.
- First floor recreation centre and laundry, dining room private parties with kitchen, meeting room, social office
- Second floor recreation centre, cafeteria, dining room private parties with kitchen, meeting room, social office
- First floor student study centre
- First floor lounge adjacent house no. 9

Access to Houses 10 and 11 in the Southern block is provided from the new street, which entrance also provides access to a mezzanine level fitness area (326-sq.m.). House 11 is accessed externally from the podium level amenity space.

Two areas of external podium level amenity space are provided, with additional roof level terraces at fourth floor level in the northern block. The extent of such space is considered acceptable. The northern podium space is enclosed by proposed accommodation blocks and will experience low levels of direct sunlighting. I note the suggested active recreational function of such space and having regard to the nature of the development and the other spaces available within this development and in

the wider Grangegorman campus, I consider that adequate levels of residential amenity will be achieved. The daylight and sunlight assessment indicates that, in general, satisfactory levels of daylighting to the proposed student accommodation will be achieved. This is considered in more detail below.

11.4.2. Build-To-Rent Accommodation

The 32 no. BTR apartments within the southern block are accessed from Prussia Street. The stair and lift lobby provides access to first floor level, where movement to separate cores is required to access upper floor units. Accommodation is provided in 5 Houses (no.'s 12 – 16).

House 12 is accessed via podium level open space and accommodates four / five apartments on each floor, each individually accessed from a semi-enclosed / loggia accessway above the new street. These units are provided with balconies facing the southern podium open space. House 13 is accessed from a new central core and provides two / three units on each floor, with balconies overlooking either Prussia Street or the new street. Houses 14 – 16 comprise three duplex units at first floor level. These are not provided with balconies but have access to the southern communal podium open space.

All units comprise 2-bed dwellings of 76 – 81-sq.m. plus one three-bed unit of 99-sq.m. The standard of accommodation generally accords with the provisions of the apartment design guidelines. As noted in observers' submissions, aggregate floor areas for living/dining/kitchen rooms for many of the BTR units are minimally below the guideline standards. Appendix 1 of Design Guidelines notes that variation of up to 5% can be applied to room areas subject to overall compliance with the apartment floor areas. The proposed development is therefore considered to be in overall compliance with the guidelines. While duplex units are not provided with balconies / private terrace areas, SPPR 8 provides for flexibility in the application of such standards and the development is not regarded as unacceptable in this regard. Similarly, the level of storage provision is regarded as acceptable in the context of SPPR8. A laundry at first floor level and communal amenity lounge / games room at second floor level is provided, while external amenity of 509-sq.m. is provided in the

podium amenity space. Overall satisfactory levels of residential amenity are achieved.

Secure bicycle parking for these units is proposed at first floor level, either side of the main entrance corridor, which is 1.9m wide. It is indicated that there is provision for 44 no. bicycle parking spaces at this location, in what is understood to be two-tier storage racks. This level of provision is below the standard of the apartment design guidelines. Having regard to the low levels of car parking proposed for these BTR units, it is considered that compliance with minimal cycle parking recommendations should be achieved. I would also raise a concern regarding the appropriateness of this location and the potential for obstruction of this main access to the apartments. In the event of a decision to grant permission in this case, revisions to the development should be sought to provide an alternative dedicated secure bike parking area, in line with the Apartment Design Guidelines.

11.5. Adjoining Residential Amenity:

- 11.5.1. I note the issues raised in observer's submissions with regard to the impact of the development on adjoining residential amenity in terms of scale, overlooking, light spill, loss of light / overshadowing, and noise. These last two items are considered separately below.
- 11.5.2. To the north of the site, Rathdown Square comprises a mixture of duplex dwellings and terraced, back-to-back townhouses. The gables of two terraces run to between approx. 1.5 and 5m of the northern site boundary. To the south of the site, St. Joseph's Place comprises a terrace of modest two-storey houses, which partly backs onto the southern site boundary. These houses have generally been extended at ground floor level. I note that section 6.2 of the Daylight, Sunlight Assessment (page 25,) states that an area of ground immediately to the rear of this terrace acting as a buffer, is in the ownership of the shopping centre, however, this is not identified in the application drawings. The status of such land remains unclear; however, the application contains no proposals for its development.
- 11.5.3. Having regard to separation from upper floor accommodation and the intervening podium level, it is not considered that the development would result in undue

overlooking or loss of privacy to adjoining residential properties to the south in St. Joseph's Place or St. Joseph's Court. The proposed boundary treatment along the southern side of the podium open space will obviate overlooking from this space.

11.5.4. Any redevelopment of the subject site will result in change to the outlook and character of the residential cluster at St. Joseph's Court. The current outlook is influenced by the low-rise nature of existing development on the application site. I note that the permitted development on the site (PA ref. 2038/17) similarly provides for a service yard and access road along the southern site boundary, with a first floor / podium level open space on its southern side. In that case, the southern edge of the podium open space extended closer to within approx. 2.7m of the gable of no. 6 St. Josephs Court. The Architectural Design Statement indicates that the first-floor podium level now follows the line of existing structures on the site such that no new structure is any closer to St. Josephs Place than the existing. Separation from the gable wall of no. 6 St. Josephs Court is therefore increased to approx. 6m.

11.5.5. The level of the podium open space is 35.9m OD which is an increase of 2.4m compared with the permitted development. The increased set-back from the boundary would mitigate this increase in the height of the structures, such that the marginal additional impact on adjoining amenities is not regarded as significant. The planning authority have recommended the planting of trees along the boundary with St. Joseph's Court and vertical greening to mitigate the impacts of the development. The precise nature and location of such measures is unclear, however, and such tree planting would not appear to be compatible with the vehicle movements identified in the submitted autotrack analysis. There is scope for planting adjoining the ESB sub-station to the north of St. Joseph's Place. Any greening of this elevation would therefore appear to have to occur at podium / upper floor levels.

On its northern side, the development rises to four storeys equivalent, comprising two floors of residential accommodation over double height parking, set-back approx. 10m from the northern site boundary. Ground levels will be reduced to below those of Rathdown Square, which combined with the set-back from the boundary will reduce potential overbearing impacts on adjoining properties. Any development in lieu of the existing surface car park on the site is likely to give rise to some impacts on adjoining properties, however, having regard to height and separation of the

proposed development on this boundary and the orientation of properties in Rathdown Square, it is not considered that the development would give rise to undue impacts on their privacy or residential amenities.

Views to the proposed undercroft car park referenced in observers' submissions, will not be prominent or negatively impact on the amenities of the area. An area of ground along the northern site boundary which is not identified for parking or other uses should be subject to landscaping to improve the interface along this boundary, which would screening provided by supplement existing tree within Rathdown Square. Observers also refer to the proposed stand-by generator on the northern site boundary. This is not referenced in the noise impact assessment; however, I note that it is located approx. 16m from the nearest dwelling. There does appear to be scope to relocate this within the undercroft area and conditions in this regard are recommended in the event of a decision to grant permission.

I note concerns expressed in observations regarding the impact of external lighting on adjoining residential amenities. The external lighting scheme described in application documentation describes lighting to the southern service yard and access road as comprising 4 no. 6m high pole mounted LED fittings with sharp cut off optics, and wall and soffit mounted LED downlighters. One 6m column is located immediately north of no. 6 St. Joseph's Court. The design document does not provide lux details for the scheme or refer to potential overspill to adjoining lands. I note, however, that appropriate design can provide for strict cut-off of lighting avoiding overspill to adjoining properties, and it is considered that impacts on adjoining residential properties in this regard can be adequately addressed by condition.

Specific detail of lighting to the southern podium open space is not provided, however, having regard to the elevation of this space and the proposed boundary treatment significant overspill to adjoining residential properties would not appear likely. Appropriate conditions regarding lighting design would satisfactorily address concerns in this regard.

With regard to potential impacts on Rathdown Square, I note that there is existing external lighting to the shopping centre car park, which is not directional. There is also public lighting to roads in Rathdown Square. The proposed development

provides 3 no. 6m lighting columns, set back slightly from the northern site boundary. Subject to the appropriate design and lighting cut-off from these columns, significant additional impacts on adjoining amenity are not anticipated.

11.6. Daylight and Sunlight:

- 11.6.1. The proposed development occurs on a centrally located site which is closely bounded by residential properties. The Apartment Design Guidelines (2020) note that regard should be had to quantitative performance approaches outlined in guides like the BRE guide *Site Layout Planning for Daylight and Sunlight* (2nd edition) or BS 8206-2: 2008 – *Lighting for Buildings – Part 2: Code of Practice for Daylighting*. The Building Height Guidelines (2018) state under Section 3.2 Development Management Criteria, that at the scale of the site/building, ‘appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides such as the BRE document or BS 8206-2: 2008 – *Lighting for Buildings – Part 2: Code of Practice for Daylighting*’. I note the latter document British Standard (BS) 8206-2:2008 has been replaced by BS EN 17031:2018 ‘*Daylight in Buildings*’, however, I am satisfied that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Building Height Guidelines and the Apartment Guidelines.
- 11.6.2. I have had appropriate and reasonable regard to these documents (and associated updates) in the assessment of this application. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines note that the advice given is not mandatory and should not be seen as an instrument of planning policy. They state that numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 11.6.3. The Daylight and Sunlight Assessment submitted with the application is stated to be based on BS 8026-2 2008 and BRE guidance document *Site Layout Planning for Daylight and Sunlight* (2011). The assessment considers residential properties on Prussia Street, St. Joseph’s Place, St. Joseph’s Court, Rathdown Square, and within the proposed development, under the following headings:

- Daylight to existing dwelling.
- Sunlight in adjoining residential living areas.
- Sunlight to gardens and open spaces.
- Daylight in the proposed development.

The assessment identifies the impacts of the development on daylight to adjoining properties, relative to the reference values from the BRE guidance, and clearly identifies where these standards are not achieved. The analysis compares daylighting to adjoining properties in the existing, permitted and proposed development scenarios. I note that no works have been undertaken on foot of the existing permission on the site to date. Appendix F of the BRE Guidelines notes that a permitted scheme can be used as an alternative benchmark if there is an extant planning permission and daylight impact is being analysed due to changes in the design.

11.6.4. Daylight to existing dwellings:

In line with the recommendations of the BRE Guidelines, the assessment of impact on daylight to existing adjoining properties is based on the calculation of the Vertical Sky Component (VSC). The vertical sky component on a window is described therein as a good measure of the amount of daylight entering it. The assessment identifies existing, permitted and proposed VSC values for all target windows in adjoining properties. The impact on sunlight to adjoining properties in respect of Annual Probable Sunlight Hours (APSH) is assessed separately below.

The BRE Guidelines recommend that any reduction in the VSC (Vertical Sky Component) to less than a value of 27% should be kept to a minimum, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure), beyond which such reduction will be noticeable to occupants. It is noted that the BRE targets derive from a low-density suburban housing model. Within an inner urban environment, greater flexibility may be justified, as strict application of the BRE reference values would potentially unduly curtail the otherwise appropriate development of such central urban areas and compromise broader objectives relating to intensification and consolidation of development. This is recognised in the building height guidelines.

The low-rise nature and intensity of existing uses on the application site also influences the current levels of VSC to adjoining properties, which may not otherwise be regarded as reflective of this central urban location. Any development of the application site at an appropriate scale or intensity for this location is likely to result in some impacts on surrounding environmental conditions.

i) No. s 56 - 59 Prussia Street (east facing):

In the proposed development scenario, no.'s 58 and 59 achieve the guideline values for daylighting. Two windows in no. 57 are marginally below the recommended VSC levels, one living room and one bedroom. Five windows in no. 56 are below the recommended VSC levels, with values of 20.9 and 23.6 for the ground floor living room windows, being <80% of the existing value. I note, however, that the existing baseline values are higher than might be expected for such properties fronting onto the street, being influenced by the low-rise nature of existing development to the east. While the permitted development would maintain the recommended VSC levels of no. 56, the proposed development provides a stronger street edge at a height and scale which are not out of context or unacceptable for this location, and an overall more effective urban design solution. Having regard to the urban context, the values arising in the proposed development scenario are not considered to be unacceptable.

ii) Rear of no.'s 1 - 10 St. Joseph's Place:

These modest, terraced two-storey houses occupy constrained sites and have generally been extended at ground floor level. As noted above, section 6.2 of the assessment states that the area of ground to the north of these properties is owned by the shopping centre. The assessment indicates that the majority of existing rear windows currently achieve the recommended VSC value notwithstanding their relatively limited sites. These existing VSC values reflect the existing low-rise nature of development on the application site. Having regard to the central urban location and the nature of these properties on relatively constrained sites, maintenance of the

BRE reference values may not be realistic or appropriate in any redevelopment of the subject site.

The assessment indicates that the proposed development would result in a reduction in existing VSC values in all rear windows in this terrace. The predicted reduction in existing VSC values to living room windows is regarded as moderate adverse, being generally reduced to VSC of approx. 17-18%. The impact on first floor bedroom windows would be moderate - major adverse, however, the requirement for daylighting to bedrooms is noted to be less than for other habitable rooms.

While the permitted development on the site would negatively impact on daylight to these properties, the proposed development would result in a further reduction in such values. Such additional impacts do not appear to be balanced by improved streetscape or urban design considerations or necessitated in order to ensure the appropriate regeneration of the site. I would therefore recommend that in the event of a decision to grant permission in this case, a reduction in the height of the southern block be subject to condition to reduce the extent of impacts on St. Joseph's Place.

iii) No. 1 – 6 St. Joseph's Court (front and rear):

Windows to houses in St. Joseph's Court meet recommended values for VSC of 27% in the current scenario. The proposed development will impact on light to the rear of no's 5 & 6 while all other houses in St. Joseph's Court will achieve satisfactory values. The impact on one window in no. 5, resulting in values marginally less than 0.8 of the existing values is not regarded as unacceptable in the context of this urban location.

The assessment identifies impacts on three rear windows in no. 6, however, one of these appears to be a side entrance rather than a ground floor window (Test point 44). It is also assumed that two existing first floor windows serve one bedroom, included in Test Point 46. Two rear windows would therefore see daylight values reduced below the reference value.

The ground floor kitchen window sees a moderate adverse impact from the existing to a VSC of 20.6%. The first-floor bedroom window will also see a reduction in

daylight values, however, having regard to the limited extent of impacts and the retained values for this central location, I do not regard the effects of the development to be unacceptable. While the rear dormer window of no. 6 is not assessed, having regard to the values achieved for first floor windows and its more elevated position, it is likely that this attic bedroom window will achieve satisfactory levels of lighting.

iv) Rathdown Square:

Two terraces in Rathdown Square present gable walls to the development site boundary, with these back-to back dwellings primarily served by east and west facing windows. The submitted assessment notes that in the existing and permitted scenarios all existing windows meet the recommended VSC value of 27%. With the proposed development, a number of windows would fail to achieve the reference values, however, having regard to the extent of reduction, the nature of the rooms served and / or the dual aspect nature of the rooms, such impacts are not regarded as unacceptable. I note also the presence of mature trees along the site boundary which are likely to result in impacts on existing daylight levels such that the assessment would potentially overstate the impacts of the proposed development.

Conclusion

The proposed development provides for the regeneration of this centrally located site and the principle of development on the site has been previously established under ref. 2018/17. The proposed development will result in reductions in daylight to adjoining residential properties on its southern side and having regard to the number of windows and dwellings affected and the significant reduction in daylight over the existing and permitted scenarios, I consider that it would be appropriate to amend the development by condition to ameliorate such impacts. This would involve a reduction in building height in the southern block.

11.6.5. Sunlight to adjoining residential living areas:

The BRE guidelines recommend assessing for Annual Probable Sunlight Hours (APSH) available to living room windows in walls that face within 90° of due South. In

this regard the assessment considers windows facing within 90 degrees of south at St. Josephs Court and Rathdown Square. The BRE guidelines recommends that a window receive at least 25% of the APSH and at least 5% during the period of 21st September to 21st March. If the available APSH is less than this then it should not be reduced below 0.8 times its former value or noticeable loss of sunlight may occur. St. Joseph's Court is entirely due South of the proposed development and there is no predicted reduction in sunlight to any of the windows in St Joseph' Court.

All windows in Rathdown Square are predicted to meet the criteria to have an APSH percentage greater than the recommended 25%. A number of windows fail to achieve the winter values, however, I note that the annual values are attained / exceeded and the assessment of daylight to these properties indicates that adequate levels of daylight will be retained. Existing mature trees will result in some obstruction of sunlight in the existing scenario which is not included in the baseline assessment and the impact of the development in this regard may therefore be somewhat overstated. I therefore conclude that the impacts of the development in this regard would be acceptable.

11.6.6. Daylight to Habitable Rooms in Proposed Development

The BRE guidelines identify minimum recommended Average Daylight Factor (ADF) values for habitable rooms in new developments, depending on their use. The identified minimum target values are an ADF of 2% for kitchens and living rooms which include a kitchen, 1.5% for living rooms and 1% for bedrooms. The assessment notes that the design was optimised for good quality daylight, with living rooms oriented to the south and dual aspect where possible. The longer term (BTR) accommodation is given preferential orientation for daylight.

The assessment reviews all first-floor habitable rooms only, on the basis that rooms at higher levels would have a better ADF, which is not considered to be an unreasonable assumption. The assessment concludes that the development meets or exceeds the minimum recommended ADF values. One exception in student accommodation is identified at first floor level, however; - Kitchen / living room 9-13-01, part of a four-bedroom student apartment unit where an ADF of 1.3% is achieved, which is below the 2% reference value. Having regard to the analysis at

first floor level only, it may be the case that more than one living room space does not achieve the guidelines values (i.e. at upper floor levels), however this is not identified. Assuming a worst-case where these rooms on first to fifth floors were to fail the test, this would equate to 3.5% non-compliance with the 2% ADF in respect of student accommodation, or 2.8% of the overall development.

The difficulty in achieving 100% compliance with the 2% ADF in all instances within a higher density/height urban location and the potential to compromise an otherwise acceptable urban and architectural design solution within inner urban locations is acknowledged. The proposed scheme generally demonstrates a high degree of compliance with the recommendations of the BRE Guidelines and appropriate and reasonable regard to their provisions has been taken. Notwithstanding the identified exception and the potential worst-case scenario, I am of the view that having regard to the broad level of compliance and the relatively short-term residential nature of the proposed development, satisfactory levels of residential amenity would still be achieved.

11.6.7. Sunlight to gardens and open spaces

The BRE guidance indicates that for an amenity area to have good quality sunlight throughout the year, 50% of the space should receive in excess of 2 hours sunlight on the 21st of March.

i) Sunlight to Amenity of Adjacent Dwellings

The BRE Guidelines recommend that in order to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The area 'S1' to the north of properties in St. Joseph's Place, is stated to be owned by the shopping centre and provides a buffer zone between the site and the residences on St. Joseph's Place. I note that this area is outside the application site boundary and is not identified in blue on the submitted application drawings. The

assessment indicates that as there would be no impact on sunlight to this space, there would be no impact on the sunlight to the smaller amenity spaces within St. Joseph's Place. The assessment notes that compliance with the guideline values would be achieved in the front / walled garden of No. 6 St. Joseph's Court and rear gardens of this terrace. Having regard to the location of the site to the north of these properties, these conclusions are regarded as reasonable.

The back-to-back houses in Rathdown Square are provided with front amenity spaces and some landscaped communal amenity areas on the perimeter. A small area of amenity space to the front of no. 22 Rathdown Square is negatively impacted by the proposed development. The existing direct sunlight value of 40% will be removed, however it is noted that this space adjoins a high boundary wall and is subject to shading by existing trees which is not provided for in the baseline assessment. Shadow analysis further indicates that the existing boundary wall impacts on this space, particularly during winter months. The marginal impact of the development is therefore likely to be somewhat overstated in the baseline assessment.

The proposed development is not of a height or scale which is considered inappropriate for this location and, having regard to the foregoing, the impacts of the proposed development are not considered to be unacceptable in this case.

ii) Sunlight to Amenity Areas within the Proposed Development

Similar to the above the BRE document indicates that for an amenity area to have good quality sunlight throughout the year, 50% should receive in excess of 2 hours sunlight on the 21st March.

Four external amenity spaces are proposed within the development, at first floor level in the North and South blocks and at 4th floor level in the North Block. These spaces achieve the above reference values with the exception of the northern courtyard, which achieves levels of only 7.5%. Notwithstanding the levels predicted for this courtyard, having regard to the nature of the proposed uses on the site, the amenity spaces available elsewhere in the development and the publicly accessible spaces available within the Grangegorman campus, I consider that adequate levels

of residential amenity are achieved in this case. I note that open space serving the longer term BTR accommodation specifically, achieves compliance with the recommended standards.

11.6.8. Shadow Analysis

The assessment presents the results of its modelling and analysis graphically in Section 7.3 of the report. It notes that using the March Equinox, there are no shadows cast from the proposed development to St. Joseph's Place, St. Joseph's Court or the residential terrace at no.s 56 - 59 Prussia Street. The proposed development is set-back from the northern site boundary, with higher elements of the northern block further recessed into the site. The analysis illustrates are marginal additional shadow impacts to an area of Rathdown Square, along the boundary. I note that the baseline modelling does not take account of the effect of existing trees such that the additional impacts are likely to be somewhat overstated. The overall scale of development on the northern perimeter is not regarded as excessive and I do not consider that the development would give rise to significant adverse overshadowing impacts on adjoining residential properties.

11.7. **Noise Impact:**

11.7.1. I note the concerns expressed by observers with regard to noise and disturbance from activities on the site, particularly arising from delivery and service activities and from plant noise. The application was accompanied by a Noise Impact Assessment Report. The form and layout of the proposed development is similar to that previously permitted on the site, including the provision of a service yard and access route along the southern site boundary, and a south facing podium level open space serving residential units. The permitted development was subject to a condition requiring the implementation of the mitigation measures outlined in the submitted noise assessment report. I note that those measures are identical to those identified in the noise impact assessment report submitted with this current application. There

is one exception in this regard, comprising reference to folding doors to the service yard in the permitted application.

11.7.2. The noise impact assessment describes baseline noise surveys carried out in January 2015 and 2016, on the northern (location 1) and southern boundaries (Location 2 and 3). Having regard to the constraints of the past year, the use of such surveys is not regarded as unacceptable in order to describe the existing noise environment. The most significant change to the surrounding environment in that time has been development within the Grangegorman campus. Any impact arising from such development is likely to result in the survey results underestimating the existing noise levels and thus overstating the potential marginal impact of the proposed development.

On the northern boundary ambient carpark and traffic noise from Prussia Street were the dominant noise sources. On the southern site boundary, noise levels were reportedly dominated by activity within the service areas of the Park Shopping Centre, pedestrian activity and building services plant. I note that there is currently no vehicular / service vehicle access along the boundary with St. Joseph's Place and St. Joseph's Court, although there is a pedestrian connection along this boundary.

11.7.3. The assessment identifies the primary potential sources of operational noise as:

- building services and mechanical plant.
- entertainment noise breakout.
- podium level activity.
- car parking activity.
- additional traffic on the public road, and;
- deliveries to and from the building.

(i) Mechanical and Electrical Plant

The podium level plant room is provided with vents on the southern side, facing St. Joseph's Court. I note that separation of plant from the rear of St. Josephs Place at first floor level is increased from approx. 12.3m in the permitted development to approx. 19m in the proposed development, however, separation from no. 6 St. Joseph's Court reduces to approx. 8m.

The assessment advises that cumulative plant noise emissions should be no greater than the existing background noise i.e. less than or equal to 40 dB LAr,T. It is concluded that subject to compliance with identified plant noise limits, having regard to the location and distance to the NSL's and the attenuation provided by the acoustic screens, the noise impact at the nearest NSL's will not exceed the existing background level. Identified mitigation measures include regular maintenance, adherence to the noise limits identified for new or replacement plant and no tonal or impulsive characteristics of plant in operation. The specified noise limit is regarded as reasonable for the nature of the plant identified, and I note the report of the Chief Executive in this regard. In the event of a decision to grant permission, it is recommended that conditions requiring operational monitoring to ensure compliance with the specified limit values be attached.

(ii) Deliveries to the Development

The service yard is generally enclosed, with open access on its southern side. The assessment states that loading and unloading will be undertaken from within the store building and not in the open service yard. A solid 3m high wall to BS Standards is to be provided along the southern site boundary to act as a noise barrier between the development and adjoining residential properties.

The assessment describes noise levels at a distance of 10m from a typical service yard using a dock leveller, as being of the order of 64 dB LAeq,1hr during the daytime, which includes vehicle manoeuvring, reversing alarms, refrigeration units etc, but not including any boundary screening or noise barriers. Taking into account attenuation due to distance and screening offered by the boundary wall and the folding service yard door, the assessment predicts noise levels associated with deliveries are 48 dB LAeq,1hr during the daytime at the closest NSL. It states that while these levels are below the existing ambient noise levels they would exceed the night-time standard and it therefore concludes that night-time deliveries to the service yard are not possible within the noise limits. General operational noise mitigation measures are identified including the appointment of a noise liaison officer.

While regard is had to the mitigation provided by a folding service yard door, this door is not referenced elsewhere or in the application drawings. Such a door did

form part of the permitted development on these lands, and it is unclear what status this measure has in this application or what effect its omission would have on noise levels at adjacent NSL's. I note, however, that the predicted noise levels are below the standard day-time reference value of 55dBA, and that a condition requiring adherence to prescribed limits would therefore be appropriate.

Any development on the site should otherwise be subject to a restriction on night-time deliveries. In the event of a decision to grant permission for the proposed development I would recommend that such restriction would take effect between the hours of 0730 hours and 2000 hours Mondays to Fridays, or 0800 hours and 2000 hours on Saturdays, Sundays or public holidays. I would regard the 7am-7pm restriction recommended as a condition in planning authority internal reports as unduly restrictive.

(iii) Delivery Vehicles Accessing the Development

The assessment is stated to be based on a number of standardised noise measurements at an existing Tesco store. The analysis considers a stated worst-case scenario of 6 HGV movements to the development (i.e. 3 in and 3 out) in any one-hour period during the day. Predicted daytime noise level at properties to the south, which include mitigation from boundary screening are within the daytime criteria value and below the measured existing ambient noise levels. Night-time deliveries will not be required. The assessment therefore concludes that the likely noise impact is not significant and no requirement for additional mitigation measures is identified. Based on the data provided these conclusions are not considered to be unreasonable. Conditions restricting night-time activity would be appropriate.

(iv) Car Park Activity

The majority of the car park will be located under the northern block, with some external spaces along the northern site boundary with Rathdown Square. Allowing for attenuation due to the existing boundary wall, noise level at properties to the north during peak periods are predicted to be 49 dB LAeq,1hr. This is within the day criterion of 50 dB LAeq,1hr, but exceeds the night-time criterion of 45 dB LAeq,5min. The assessment notes that car parking activity will be significantly lower during night-time hours due to the management of the car park. The proposed car park will be closed at 11pm, whereafter only limited access will be available. The noise

assessment concludes therefore that the likely noise impact of car parking activity is not significant and no requirement for additional mitigation measures is identified.

I note that the existing shopping centre car park is located along this boundary and that subject to controls on night-time use of spaces, significant impacts on adjoining residential amenity should not arise.

(v) Podium Level Activity

The southern podium level outdoor space is close to St. Joseph's Place and Court and the noise assessment notes the potential for impacts associated with human voices. A 2m high parapet wall along the southern boundary to the podium will provide a noise reduction of 15 dB. Taking a worst-case scenario, the assessment predicts noise levels at the rear of St. Josephs Place to be 35dB LAeq T, which is within the day and night-time criteria. It concludes that the likely noise impact of podium activity is not significant. Notwithstanding this, noise management policies are identified including:

- The podium areas will operate without music of any type.
- Supervision on 24hr basis and enforcement, if required.
- Complaints mechanism for local residents and procedures to address complaints.
- Liaison with local residents.

Subject to the appropriate management of this space in line with these mitigation measures and the submitted estate management plan, it is not considered that significant adverse effects on adjoining residential amenity are likely.

(vi) Entertainment Noise

The assessment refers to potential entertainment noise within the development. I note that proposed non-residential uses comprise retail, café restaurant and Food and Beverage Bar, which are all located fronting onto Prussia Street and the proposed new pedestrian street. The noise assessment report identifies possible mitigation measures.

I note the existing use of the site and the mitigation measures recommended in the Noise Impact Assessment, and consider that standard conditions restricting noise emissions from such units would be sufficient to ensure that adjoining residential amenities are not impacted. I do not consider that a restriction on a particular use

type within the development, as suggested in observer's submissions, would be warranted.

(vii) Additional Vehicular Traffic on Public Roads

The site is located in a central city area along a busy arterial route. Having regard to the existing uses and level of car parking on the site I would generally concur with noise impact assessment that the noise impact of additional vehicular traffic on the local road network on the local environment is not likely to be significant and no specific mitigation measures are required.

(viii) Inward Noise Impacts

With regard to potential inward noise impacts, the assessment concludes that subject to glazing and external ventilation to residential units achieving the identified standard, the predicted internal noise levels across the development are within the recommended daytime and night-time criteria. These conclusions are considered to be reasonable.

11.7.4. Having regard to the central location of the site and its existing use, some levels of noise generating activity are likely as a result of the proposed development. I note also the similarities between the layout of the permitted and proposed developments on the site. Restrictions on night-time service activities would address potential noise impacts, and subject to appropriate conditions, I consider that the impacts of the proposed redevelopment of this site would be acceptable.

11.8. Student Accommodation:

11.8.1. The potential for excessive concentration of student accommodation in this area is raised in a number of observations on this application. I note that the site is well located for such development, with direct access to the TUD campus and good public transport links to other third level institutions including TCD and UCD. The site is otherwise located in a central location, wherein surrounding land uses are mixed. The NPF and Rebuilding Ireland are supportive of PBSA development in appropriate locations such as this.

- 11.8.2. The application is accompanied by a Student Accommodation Report in accordance with the development plan requirements, which refers to the National Student Accommodation Strategy and the Q3 2019 Quarterly Progress Report, and also refers to a 2019 Dublin City Council publication on the Social, Economic and Land Use Impacts of PBSA¹. The 2017 National Student Accommodation Strategy identified a target delivery of at least an additional 16,374 no. bedspaces for Dublin by 2024, however, it identified that this would still result in levels of excess demand for PBSA. The 2019 Q3 progress report noted that a total of 21,254 bed spaces nationally were either complete, under construction or with plans granted at the end of Q3 2019, however, this includes the permitted development on the subject site and other schemes which have not progressed in the intervening period. The 2019 study for Dublin City Council notes that there was the potential for a total of approximately 14,000 PBSA bed spaces to be available for students by 2024, given the number of PBSA bed spaces approved and in the planning process (including the permitted development), however, this would address only one third of the demand for PBSA bed spaces in the Dublin area by 2025 predicted in that report, estimated at over 50,000.
- 11.8.3. Proximity to institutions and public transport corridors were identified as key factors in resident's choice in the 2019 DCC report. Such factors will necessarily result in result in some concentration of PBSA in these areas, however, the alternative would be the displacement of these uses to less sustainable locations. Similarly, in the absence of such development, the location of a significant third level institution in an area will attract student tenants into the local private rental sector. The provision of PBSA can provide increased densities on a site in a managed setting to meet that demand and reduce impacts on the local rental market.
- 11.8.4. Observers have raised issues with regard to demand for student accommodation in the light of the events of the preceding year and changes to the delivery of third level education. While there has clearly been disruption to traditional patterns of activity during the past year, it is not yet clear what the long-term impact of such changes will be. Under the national strategy set out in *COVID-19 Resilience and Recovery*

¹ Social, Economic and Land Use Study of the Impact of Purpose Built Student Accommodation in Dublin City Prepared for Dublin City Council, Coyne Research EY DKM, 26 February 2019,

2021 - The Path Ahead, there would be a return to on-campus education in levels 3 and lower. It is considered likely therefore that in the longer term, there will remain a demand for such accommodation in the city.

- 11.8.5. While it is conceivable that the site could be developed for longer-term residential development, there is no planning history or other proposals on the site in this regard. The PBSA sector is a necessary component of the residential stock of the city and the requirement for increased levels of provision is recognised in national housing policy. I do not consider therefore that there is a policy basis to reject the proposal in favour of a different sector of the market. I note also the analysis of a number of schemes contained in the 2019 DCC study which concluded that PBSA had not displaced private residential development and that such schemes had resulted in the renewal of vacant and underutilised sites.
- 11.8.6. Concerns have been expressed regarding the potential for anti-social behaviour and impacts on surrounding residential amenities arising from development of the nature proposed. The managed and supervised nature of such accommodation offers the potential for greater levels of protection of surrounding amenities than a concentration of unmanaged private rental accommodation. The Estate Management Plan submitted in this regard provides for reception services and a 24-hour on-site presence. A single point of contact for complaint or correspondence will facilitate liaison with the surrounding community. A finalised management plan should be agreed in writing with the planning authority in the event of a decision to grant permission in this case. In terms of community impacts, I note also the likely positive economic impact of an increased residential population in the local area.
- 11.8.7. I note the observer's submission which identifies omissions in the applicants Student Accommodation report, and these omissions are recognised in the Chief Executives report. I also note that the numbers identified in the observer's submission include the extant permission on the subject site and 2,000 bedspaces on the Grangegorman campus, provided for in the Planning Scheme but not yet the subject of applications for planning permission. I do not consider therefore that there is a case for the rejection of the development on the basis of an excessive concentration of student accommodation.

11.8.8. I regard this as a suitable location for such development and note the extant permission for PBSA on the site. I do not consider that development of the nature proposed will result in undue impacts on surrounding residential amenity.

11.9. **Access and Transportation:**

- 11.9.1. The application site comprises a long-established retail centre, which is dominated by a surface car park providing 163 no. parking spaces. Prussia Street is a busy arterial route and there are a number of regular bus services running along the street, with stops adjacent to the application site. Further bus services run along the north circular road. The nearest LUAS stop is approx. 600m east of the site, via Grangegorman campus. The Traffic and Transport Assessment notes that there is a car club space within 200m of the site on Prussia Street.
- 11.9.2. Prussia Street is identified as part of the Blanchardstown - City Centre CBC and Bus Connects draft proposals for the street include an outbound cycle track and two bus stops to the northwest of the site. The National Transport Authority Cycle Network Plan also provides for cycle facilities along Prussia Street and these proposals do not impact on the design and layout of the proposed development. The NTA proposals also include a shared cycle route through 'New Street' to link Prussia Street with the Grangegorman Campus.
- 11.9.3. The proposed development includes undercroft / surface car parking, primarily serving the district centre / retail uses on the site. This will be accessed via a new entrance from Prussia Street, while a new access along the southern boundary will provide access to the Tesco service yard and district centre waste area. The applicants indicate that the road layouts and location of the pedestrian crossing on Prussia St. incorporate the comments of the NTA and the City Council. I note the comments of the City Council and subject to final design of the proposed entrance junctions, I have no objection to the proposed development in this regard.
- 11.9.4. The application indicates that there will be a peak visitation of 2 HGVs between 8:00 – 9:00 and 15:00-16:00, and an average of 29 HGV arrivals / departures during the operational hours of the centre. Deliveries are to be managed so as to avoid peak operating hours of the district centre. Access to the service yard will be signal

controlled with priority given to arrivals to ensure no waiting time on Prussia Street. This was subject to review as part of the Road Safety Audit, and subject to the identified management measures, the proposed development is not regarded as unacceptable.

11.9.5. I note the comments of the planning authority and the inconsistency in the application documentation with regard to the provision of set-down / lay-by areas on Prussia St. For clarity, in the event of a decision to grant permission it is recommended that such provision on Prussia Street be omitted, and all servicing and drop-off activities be accommodated within the site. I would concur with the planning authority comments regarding the lack of provision for delivery / service vehicles for the other retail / commercial units in the development. Having regard to the extent of proposed parking provision relative to development plan standards, I consider that adequate provision can be made for such loading / delivery requirements within the undercroft car park in line with the conditions recommended by the planning authority.

11.9.6. The development proposes 111 no. car parking spaces, comprising 109 district centre spaces and 2 no. residential spaces. This is a reduction from 163 no. spaces currently and 117 no. spaces permitted under PA ref. 2038/17 based on a total retail gross floor area of 3,756-sq.m. Minimal / no car parking is proposed for student and BTR accommodation. Having regard to the location of the site, the availability of quality public transport services within the area, and the provisions of SPPR 8 of the Apartment Design Guidelines relating to BTR accommodation, I regard this as acceptable. In terms of management, it is indicated that the car park will close at 11.00pm and that no overnight parking will be allowed except for limited residential spaces.

11.9.7. The maximum parking standards set out in the development plan would require 30 no. spaces in respect of the proposed district centre uses. The proposed development provides 109 no. spaces in respect thereof as follows:

- District Centre – Anchor Retail 2,653 sq. m GFA 105 spaces
- District Centre – Ancillary Retail Units 1,132 sq. m GFA 4 spaces

The development plan does provide for parking provision above the maximum standards in certain circumstances, and the Chief Executives Report notes that *“the site is well located and serviced by public transport to avail of non-private vehicle modes of transport and therefore the proposed quantum for the retail element of the scheme is acceptable.”* Having regard to the reduction from the existing levels of provision on the site and the district centre function of the site, the minimal levels of provision for residential uses on the site, the need to avoid over-spill parking in the surrounding area, I do not regard the proposed levels of provision to be unacceptable, subject to the comments set out further below.

11.9.8. The owners / occupiers of no. 46 have raised concerns with regard to construction impacts on their property, potential loss of car parking and security concerns regarding access to the side and rear of their property. I have already commented above on the layout and security concerns. The application makes no reference to parking provision for this adjacent commercial property. I note the ownership boundaries associated with the planning application and the observers reference to an existing license agreement for the use of parking spaces on the application site. The nature of such private licence agreement is not clear or what obligations it places on the landowners in this regard, although its existence is not disputed. I note that no right of way in this regard is asserted. A grant of planning permission does not constitute a right to carry out the development and any private agreement in this regard is a matter between the two parties. I note, however, that there would be no obstacle to such parking being accommodated within the scheme, subject to a similar agreement between the parties.

11.9.9. Having regard to the minimal residential car parking provision and the central location of the site, it is considered that the provision of adequate levels of bicycle parking is a necessity for such a development. The Traffic and Transport Assessment identifies the provision of 546 no. cycle parking spaces, which is a reduction from 678 no. spaces permitted for a lesser scale of development under PA ref. 2038/17, as per the table below:

Land Use	Area / no.	Development Plan standard	Provided
Anchor Retail	2,653 sq. m	18	18

Ancillary Retail Units	1,132 sq. m	10	10
Student Accom.	584 bed spaces	292	437
BTR	32 Units	32	81
Total		352	546

The location of proposed cycle parking is unclear and I have some concerns regarding the overall quality and level of provision, particularly for a scheme which is reliant on alternative modes.

11.9.10. The development plan standard is for one secure cycle parking space per two students in PBSA. This is lower than the standard for residential development identified in the Apartment Design guidelines of one space per studio. While application documentation refers to the provision of 437 no. spaces for PBSA (0.78 / bedroom), the plans identify 368 no. secure spaces (0.66 / bedroom) at the rear of the car park. It is unclear where the remaining 69 no. designated spaces are located. While this level of provision would be in accordance with development plan standards, I would consider that the higher level of secure parking / storage provision would be appropriate.

38 secure staff cycle spaces for district centre staff are identified on the floor plans under the southern block, which exceeds the development plan requirement. 96 no. on-street / open access spaces are identified in the architectural design statement, however, these are not clearly reflected in the application drawings.

11.9.11. The Apartment Design Guidelines would require 65 no. secure cycle parking spaces for the BTR units. The application refers to 81 no. BTR cycle parking spaces and drawings identify 44 no. secure cycle parking spaces at first floor level, however, these are poorly located and I have already commented on this above. It is not clear where the remaining 37 cycle parking spaces proposed for the BTR units are located.

11.9.12. A revised response to the cycle parking requirements of the development is required, particularly having regard to the reliance of residential accommodation on alternative transport modes. As noted earlier, I do not regard the development layout or the location of cycle parking adjacent and to the rear of no. 46 Prussia Street to be

satisfactory. A revised and increased level of secure cycle parking could be accommodated on the site would be amenable to condition in the event of a decision to grant permission.

- 11.9.13. The Traffic and Transport Assessment states that trip rates are primarily a function of the available car parking spaces and trip generation is estimated having regard to the reduction from 163 to 111 car parking spaces. A survey was undertaken to identify the number of trips per parking space in the existing development and the resulting trip per space is applied to the proposed level of car parking to generate a trip generation figure for the proposed development. On this basis, it is argued that the estimated trip generation is lower for the proposed development because of the reduced level of car parking, and that the level of car parking available will place a natural restriction on the number of trips to/from the proposed development.
- 11.9.14. I query the robustness of this analysis and I note fundamental errors in Table 13 of the TTA, *Traffic Generation Comparison*. Trips are associated with uses on the site. Car parking does not generate trips per se, although it can place a limit on trip generation. The analysis does not refer to levels of car park occupancy at times of the baseline survey. The analysis suggests that the proposed car park will have levels of vacancy, particularly in the Weekday PM peak, notwithstanding that there is no reduction in commercial floorarea and the existing recorded trip rate exceeds the proposed number of parking spaces on the site. It is not clear therefore how the proposed reduction in trip generation is rationalised.
- 11.9.15. I note that the previous application on the site, under ref 2038/17, assessed the traffic impacts of the development based on the application of TRICS database rates. That assessment predicted significantly higher trip rates than those estimated for the current scheme. While that assessment was also based on 2015 surveys, the baseline trip rates are different from those cited in the current application. This is not explained in the application documentation.
- 11.9.16. Notwithstanding reservations regarding the trip generation analysis exercise, I note the central location of the site and the existing uses thereon, the availability of alternative transport options and the proximity of a sizable residential population within the immediate area. The surrounding road network serves a local as well as an arterial function. The proposed development will result in the consolidation and

intensification of development in a central area which will contribute to a reduction in journeys and overall levels of congestion in the city. I do not therefore consider that the proposed development would give rise to significant additional impacts on the surrounding road network and regard the proposed development as acceptable in principle.

11.9.17. I note the observations made regarding construction traffic impacts on the surrounding area. It is the case that, in common with all such developments, the redevelopment of the site will result in short-term impacts from construction traffic. I note the submission of the planning authority in this regard and consider that concerns can be adequately addressed by means of a construction traffic management plan to be agreed with the planning authority. Such a plan should provide for on-site construction employee parking or in an identified alternative location, in order to obviate over-spill impacts on the surrounding area.

11.10. Drainage and Services:

11.10.1. Correspondence on the file indicates that there is capacity in the existing 400mm combined sewer running south along Prussia Street to cater for the proposed development. Similarly, there is adequate capacity in the adjoining water supply network to serve the development. A statement of design acceptance from Irish Water has been received in this regard.

11.10.2. It is stated that storm water drainage has been designed in accordance with the GDSDS. The existing developed site is almost entirely under impermeable, hard standing areas (existing buildings and surface car parking and yards) and the proposed drainage measures will improve surface water management at the site. Storm water run-off is to be collected and directed via petrol interceptors to an attenuation system, designed to accommodate a 1:100 year storm event + 10% climate change. Outflow from the subject site will be restricted by a Hydrobrake facility, limiting the ultimate discharge to the sewer on Prussia Street to 7l/s. I note the Chief Executives report and accompanying technical reports which identify a requirement for a 20% allowance for climate change and a reduced discharge rate from the site of 2ltr/sec. I consider, however, that these technical matters of detail are amenable to condition.

11.10.3. Having regard to the combined nature of the Prussia Street sewer and existing drainage design on the site, subject to the final technical agreement on the attenuation measures, the proposed development will reduce peak storm loading on the drainage network in the wider area and is regarded as acceptable in principle.

11.11. Cultural Heritage:

11.11.1. As noted above, the site is located opposite Jameson House, a protected structure, which is described in detail in the Cultural Heritage Assessment report submitted with the application. This is the most prominent feature on the street, whose character and setting has been significantly eroded by the surrounding patterns of development. The proposed development will reinstate a building line along the eastern side of the street and will open a new connection to Grangegorman campus to the east. The junction of this new street with Prussia Street, aligned with the frontage of Jameson House, will create a new pedestrian space which will provide increased prominence and an improved setting for this protected structure. I note that there were no objections to this aspect of the development from the planning authority nor from the Development Applications Unit. The development is generally consistent with the permitted development in this regard.

11.11.2. The boundary wall of Grangegorman Campus is a protected structure. The application site extends beyond the wall into part of the original institutional lands and the development proposes the removal / retention of sections of this wall. The planning history on this site provides for varying interventions in the wall at this location. Under PA ref. 3441/13, permission was granted for the demolition of the entire boundary wall within the application site. Under PA ref. 2038/17 sections of the wall were to be removed, with retained sections incorporated into the scheme. The proposed development provides for a marginally greater extent of removal than permitted under PA ref. 2038/17, however, there is little material difference between the developments in relation to the treatment of this wall.

11.11.3. There was no objection to the proposed works from the Development Applications Unit nor the planning authority in relation to these works. I note that the conditions recommended by the City Council City Archaeologist require recording of the structure prior to demolition and that works be carried out with reference to

specifications contained in the Grangegorman SDZ Planning Scheme, which is considered reasonable. Having regard to the foregoing, I do not regard the proposed development as unacceptable.

11.12. Other Matters Arising:

11.12.1. An outline Construction and Demolition Waste Management Plan is submitted with the application. This plan attempts to quantify the volumes of demolition waste arising but excludes the demolition of no. 42-45 Prussia Street. The waste volumes identified in this outline plan are therefore underestimated and I note that this is an input to the draft Construction Traffic Management Plan. In the event of a decision to grant permission, revised waste management and construction traffic management plans should be agreed with the planning authority. Such revisions are not regarded as material in respect of screening for EIA due to the nature and scale of the structures affected.

Both observers and planning authority reports refer to the potential presence of asbestos materials on the site and I note that this is not assessed as part of the Outline Construction and Demolition Waste Management Plan. The handling and removal of such materials is subject to separate regulatory requirements which are enforced by the Health and Safety Authority. These requirements include notification of works and submission of a Removal Method Statement to the HSA. I consider that these matters can be adequately dealt with through the mechanism of the construction and demolition waste management plan.

12.0 Screening

12.1. Environmental Impact Assessment:

12.1.1. The site comprises an area of approx. 1.2ha, located within the central city area, and is currently in use as a district centre and associated car parking and other services. The site is almost entirely hard paved or under buildings, except for an area at the eastern end of the site which is under grass and comprises part of the TUD Grangegorman campus.

12.1.2. The proposed development comprises the demolition of all existing structures on the site and the construction of a mixed-use development comprising district centre / retail uses (3,785-sq.m.) and car parking (111 no. spaces) at ground floor level, with purpose build student accommodation (143 no. apartments providing 584 bedspaces) and 32 no. Built-To-Rent apartments at upper floor levels. Building heights will range from three to eight-storeys across the site. The development will connect to existing mains water and sewerage services on Prussia Street, and measures for the attenuation of run-off prior to discharge to the adjoining combined sewer are proposed.

12.1.3. The prescribed classes of development and associated thresholds, for the purposes of section 176 of the Act are set out in Schedule 5 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended. These include the following:

Schedule 5 - Part 2

10. Infrastructure projects

- (b) (i) Construction of more than 500 dwelling units.*
- (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.*
- (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.*
- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

14. Works of Demolition

Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

The subject development is sub-threshold for the mandatory submission of an EIAR, having regard to the above thresholds set out in Part 2 of Schedule 5 of the Planning and Development Regulations.

Information accompanying the subject application included a Screening Statement for Environmental Impact Assessment which states that it considers the criteria set out in Schedule 7 and Schedule 7A of the regs.

The Screening Statement further states that it is intended to address the requirement of article 299B(1)(b)(ii)(II) of the regs. Page 16, Other Relevant Assessments, notes that *“As required under Article 299(B)(1)(b)(ii)(II)(C), the results of the Appropriate Assessment Screening Statement carried out under the provisions of the Habitats Directive have been taken into consideration in this report. It is noted that the AA Screening concludes that the proposed development, alone and in combination with other plans and projects, is not likely to have significant effects on a Natura 2000 site”*.

In addition, I note that the following assessments have been undertaken:

- A Sustainability and Energy Report demonstrating Near Zero Energy Building (NZEB) compliance based on the Part L 2017 & 2019 Building Regulations, in order to meet the principles of the Government’s National Climate Change Policy.
- A Flood Risk Assessment, that assesses the potential for flooding having regard to the Planning System & Flood Risk Management Guidelines for Planning Authorities and to the OPW CFRAMS study.
- A Landscape and Visual Appraisal prepared having regard to the EPA Guidelines on the information to be contained in Environmental Impact Statements (2002) and ‘Advice Notes on Current Practice in the preparation of Environmental Impact Statements’ 2003; ‘Guidelines for Landscape and Visual Impact Assessment’, prepared by the Landscape Institute and the Institute of Environmental Assessment, (2013), and draft guidance from the EPA on ‘Revised guidelines on the information to be contained in Environmental Impact Statements’ (2015) and Guidelines on the information to be contained in Environmental Impact Assessment Reports’ (2017).

- A Cultural Heritage Report which assesses the architectural and archaeological heritage potential of the area and the potential impacts of the proposed development.
- An Outline Construction and Demolition Waste Management Plan which sets out measures to ensure that construction and demolition phase waste will be managed and disposed in compliance with the provisions of the Waste Management Acts 1996 – 2008 and associated Regulations, and the Regional Waste Management Plan. The Operational Waste Management Plan (OWMP) provides a strategy for managing different waste streams and ensure maximum recycling, reuse and recovery of waste with diversion from landfill.

The applicant's EIA screening report considers the implications and interactions between these assessments and the proposed development for the purposes of EIAR screening, and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purposes of screening out EIAR. I consider that the requirements of Article 299B(1)(b)(ii)(II)(C) have been satisfied.

I have reviewed the documentation on the file, including the applicant's Screening Statement, and have completed a screening assessment, as set out in Appendix A. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. The conclusion of this assessment is as follows:

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned Z4 – to provide for and improve mixed-services facilities in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of that plan,
- (c) The existing uses on the site and pattern of development in surrounding area,
- (d) The planning history relating to the site,

- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (a) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (b) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (c) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Demolition and Construction Environmental Management Plan and the Operational Waste Management Plan.

It is not considered that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I recommend that a screening determination be issued to reflect this conclusion.

12.2. Screening for Appropriate Assessment:

12.2.1. Description of the project or plan:

The proposed development comprises the demolition and redevelopment of the existing Park Shopping Centre and no's. 42-45 Prussia Street as a mixed-use development comprising district centre / retail uses (3,785-sq.m.) and car parking (111 no. spaces) at ground floor level, with purpose-built student accommodation (143 no. apartments providing 584 bedspaces) and 32 no. Built-To-Rent apartments at upper floor levels. The development will connect to existing mains water and sewerage services on Prussia Street.

I refer to the more detailed descriptions contained in previous sections of this report.

12.2.2. Description of the site characteristics

The site comprises an area of approx. 1.2ha, located within the central city area, and is currently in use as a district centre and associated car parking and other services. The site is almost entirely hard paved or under buildings, except for an area at the eastern end of the site which is under grass and comprises part of the former Grangegorman institutional lands. There are no watercourses on the site and the closest watercourse is the River Liffey, approx. 1km south of the site. There are no European sites in the immediate vicinity of the site.

I refer to the more detailed descriptions contained in earlier sections of this report.

12.2.3. Relevant prescribed bodies consulted:

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. The application was referred to the following prescribed bodies.

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

In response to the referrals, no submissions in relation to biodiversity or ecology were received from the prescribed bodies.

12.2.4. Identification of relevant Natura 2000 sites.

The site is not located within or adjacent to any European site and will not result in any direct loss or impact on habitats in any site. Potential pathways / connections between the application site and European sites in Dublin Bay are identified via wastewater discharge from Ringsend Wastewater Treatment Plant and via potential contamination of surface waters discharging to the River Liffey. The site is almost entirely developed and has no function as an ex-situ foraging or roosting site for qualifying species of European sites in the wider area. I note also the findings of the

AA Screening Statement prepared in respect of the Grangegormán Planning Scheme in this regard.

The submitted AA screening report identifies all sites within a 15km radius of the site, however, a number of these sites do not have a connection or pathway to/from the subject site and are therefore not within the zone of influence of the site. Four sites in Dublin Bay are identified as being potentially affected by the development. Other sites in the bay area are excluded from further consideration in the screening report, *“Given the scale of the proposed development, the lack of a hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved.”* I regard this conclusion as reasonable.

The relevant sites are identified in the table below.

Qualifying Interest/Special Conservation Interest	Conservation Objectives	Distance	Connections / Pathway-	Considered further
North Dublin Bay SAC (000206)				
<ul style="list-style-type: none"> - Mudflats and sandflats not covered at low tide - Atlantic salt meadows - Mediterranean salt meadows - Petalwort 	To maintain the favourable conservation condition	7km east of the site.	A potential impact has been identified from surface water run-off during construction and operation, and from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower.	Yes
<ul style="list-style-type: none"> - Annual vegetation of drift lines - Salicornia and other annuals colonising mud and sand - Embryonic shifting dunes - Shifting dunes along the shoreline with Ammophila arenaria - Fixed coastal dunes with herbaceous vegetation - Humid dune slacks 	To restore the favourable conservation condition			
South Dublin Bay SAC (000210)				
<ul style="list-style-type: none"> - Mudflats and sandflats not covered by seawater at low tide. 	To maintain the favourable conservation condition	5.5km south-east of the site.	A potential impact has been identified from surface water run-off during construction and operation,	Yes

<ul style="list-style-type: none"> - Annual vegetation of drift lines - Salicornia and other annuals colonising mud and sand. - Embryonic shifting dunes 	<p>To maintain or restore favourable conservation status</p>		<p>and from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower</p>	
South Dublin Bay & River Tolka SPA (004024)				
<ul style="list-style-type: none"> - Light-bellied Brent Goose - Oystercatcher - Ringed Plover - Knot - Sanderling - Dunlin - Bar-tailed Godwit - Redshank - Black-headed Gull - Roseate Tern - Common Tern - Arctic Tern 	<p>To maintain the favourable conservation condition, as defined by identified attributes and targets</p>	<p>3.9km east of the site.</p>	<p>A potential impact arises from surface water run-off during construction and operation, and from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Wetland and Waterbirds 	<p>To maintain the favourable conservation condition of the wetland habitat as a resource for the migratory waterbirds that regularly utilise it.</p>			

North Bull Island SPA (004006)				
<ul style="list-style-type: none"> - Light-bellied Brent Goose - Shelduck - Teal - Pintail - Shoveler - Oystercatcher - Golden Plover - Grey Plover - Knot - Sanderling - Dunlin - Black-tailed Godwit - Bar-tailed Godwit - Curlew - Redshank - Turnstone - Black-headed Gull 	To maintain the favourable conservation condition	7km east of the site.	A potential impact has been identified from surface water run-off during construction and operation, and from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower	Yes
- Wetland and Waterbirds	To maintain the favourable conservation condition of the wetland as a resource for the regularly occurring migratory waterbirds that utilise it.			

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites.

The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site is dominated by buildings and artificial surfaces, which do not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

12.2.5. Assessment of Likely Significant Effects

For each of the qualifying interests, the applicant’s screening report identifies the main threats and pressures to the qualifying habits and species based on Article 12 and Article 17 reports published by NPWS. The report concludes that the proposed development presents no risk to the QI’s on the basis of these threats. The commentary and conclusions set out in the report are regarded as reasonable.

Likely significant effects are therefore identified in respect of impacts on water quality and increased loading on / discharge from Ringsend Wastewater Treatment Plant.

Potential Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Potential release of silt of other contaminants to surface waters during construction.	<p>The hydrological connection to downstream European Sites is indirect and weak. The nearest watercourse leading to these sites is >1km from the application site and European sites lie several kilometres downstream. Surface water run-off discharges to a combined sewer rather than to watercourses and there is no direct pathway to the nearest watercourse.</p> <p>Any silt or contaminants in run-off from the site entering the watercourse would be subject to the</p>

	<p>effects of settling out and dilution and significant effects on any European sites are not considered likely.</p>
<p>Potential release of contaminants to surface waters during operation</p>	<p>Operational surface water run-off will pass through SUDs systems, which includes attenuation tanks and hydrocarbon interceptors, prior to discharge to a combined sewer, reducing the likelihood of suspended solids or hydrocarbons entering the water system. Such surface water design is a requirement for all such development in the development plan and GDSDS. Run-off will not discharge to watercourses.</p> <p>Notwithstanding the design of the surface water management system, for the reasons identified in respect of potential release of silt and contaminants during construction, significant impacts on Natura 2000 sites, are not considered likely.</p>
<p>Potential increase in the Discharges from Ringsend WWTP</p>	<p>Irish Water have confirmed that there is currently capacity to accommodate the proposed development. I note also that the permitted development on the site would be accounted for in terms of committed development.</p> <p>The WWTP operates under EPA licence. While further upgrade of this plant is planned, the additional discharge from the proposed development would equate to a very small percentage of the overall licenced discharge and would not therefore have a significant impact on the water quality within Dublin Bay.</p> <p>There will be an overall reduction in peak storm flows to the plant as a result of the surface water</p>

	management measures required on the site in accordance with the development plan and GDSDS.
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12.2.6. In-Combination / Cumulative Impacts:

Permission was granted by the Board in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

12.2.7. Screening Determination Statement

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development on fully serviced lands,
- separation from European sites and the intervening land uses,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not therefore required.

13.0 Conclusion and Recommendation

The proposed development is acceptable in principle on the site and is generally in accordance with national, regional and local planning policy to achieve consolidation and intensification of development in urban areas. There is a precedent for development of this nature on the site.

The development achieves acceptable levels of residential amenity within the site and provides for the consolidation of district centre uses. The development will result in overall improvements to streetscape along Prussia Street and the new street will achieve a significant gain in terms of permeability in the area. The setting of Jameson House will be improved, although some improvement to the landscaping and elevation treatment is required to enhance this area of the development.

Redevelopment of this central site will result in change to the setting of adjoining properties. It is considered that some revisions to address potential daylight impacts are appropriate. Some restrictions on night-time activities are also considered appropriate. Notwithstanding deficiencies in the transport assessment, significant impacts on the surrounding road network are not anticipated. Revisions to service arrangements and bicycle parking are recommended.

In accordance with Section 9(4) of the Act it is recommended that permission be granted for the proposed development.

14.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 10th Day of March 2021 by The

Park Shopping Centre Limited, care of Simon Clear & Associates, 3 Terenure Road West, Terenure, Dublin 6W, D6W YY79.

Proposed Development:

A strategic housing development at The Park Shopping Centre and 42 – 45 Prussia Street, Dublin 7. The development will consist of the following:-

- (1) Demolition of the existing Park Shopping Centre and nos. 42-45 Prussia Street, Dublin 7 and creation of portal openings in the former boundary wall (Protected Structure);
- (2) Construction of a new mixed use District Centre, Student Residential Housing and Build-to-Rent Housing development in 2 buildings, a South Building and a North Building, separated by a new pedestrian and bicycle street connecting Prussia Street with the emerging Grangegorman SDZ campus. The buildings will range in height from 3-5 storeys on Prussia Street to 6-storeys (South building) and 8-storeys (North Building) towards to GDA campus.
- (3) District Centre development accommodating:
 - Part-licensed supermarket, 11 no. retail/non-retail service units and 2 no. licensed café/restaurant units at ground floor;
 - Two vehicular entrances from Prussia Street to provide access for deliveries and services (South entrance) and to provide access to undercroft parking and van deliveries (North entrance);
 - Standing areas for deliveries and waste collection in designated service yards (South Building) and for car parking for 111 no. cars, light van deliveries and bicycle parking (North Building);
 - All associated ancillary facilities, landscaping and boundary treatments including acoustic attenuation measures where required.
- (4) Student residential accommodation overhead the District Centre accommodating 11 no. student houses comprising 143 no. apartments (including 28 no. studios), with a total of 584 bedspaces (556 bedrooms) and associated balconies;
 - The North Building student residential accommodation has reception and student amenities (conciierge, café, lounge areas) at ground, mezzanine and

first floor levels, with access to all levels overhead and a first-floor level podium garden from which student apartments and student amenity areas (study centre, a recreation centre and laundry) are accessible; 2 no. amenity terraces with pergola structures at fourth floor.

- The South Building student residential accommodation has ground floor level foyer with access to all levels, staff rooms, fitness centre at ground and mezzanine levels and a first floor level podium garden from which student apartments are directly accessible.
- (5) Build-to-rent residential accommodation overhead the supermarket with lift and stair access from Prussia Street, comprising 29 no. apartments with balconies (28 no. 2 bedroom and 1 no. 3 bedroom units) and 3 no. 2 bedroom townhouses, laundry room, lounge/games room, bicycle store, waste store and podium garden with conservatory allotments.
- 6) The proposed new street will connect to the Grangegorman SDZ campus via a portal connection through a former boundary wall
- 7) The development includes art display along the new street, landscaping, boundary treatments, signage, plant and substations, and all associated site works and services.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included all submissions and observations received by it in accordance with statutory provisions.

Decision

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

Reasons and Considerations

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

- (a) the policies and objectives of the Dublin City Development Plan 2016-2022
- (b) Rebuilding Ireland - Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (f) Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009
- (g) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- (h) Retail Planning Guidelines and accompanying Retail Design Manual (2021)
- (i) the existing function and form of development on the site
- (j) the proximity of the site to third level institutions, a wide range of social infrastructure and to public transport services
- (k) the nature, scale and design of the proposed development
- (l) the pattern of existing and planned development in the surrounding area
- (m) the planning history relating to this site and within the area
- (n) the submissions and observations received
- (o) the report of the Chief Executive of Dublin City Council, and
- (p) the report of the Inspector.

Appropriate Assessment Screening

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 site, the information for the Screening for

Appropriate Assessment 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, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, including North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024) and North Bull Island SPA (004006) or any other site.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), 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, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned Z4 – to provide for and improve mixed-services facilities in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of that plan,
- (c) The existing uses on the site and pattern of development in surrounding area,
- (d) The planning history relating to the site,
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

- (a) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (b) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (c) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Demolition and Construction Environmental Management Plan, Outline Construction Traffic Management Plan and the Operational Waste Management Plan.

The Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dublin City Council Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of

permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness.

With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SPPR3.

15.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The height of the southern block which fronts onto the new pedestrian / cycle street shall be reduced in height by one floor. This shall be achieved by the omission of one mid-floor of Build-to-Rent apartments in House 12 and one mid-floor of student accommodation in House 11.
 - (b) The elevation of the southern block fronting onto Prussia Street shall be

amended to incorporate glazing or other elements to reduce the extent of blank facade adjoining the entrance and stairwell serving the Build-to-Rent apartments.

- (c) The proposed stand-by generator shall be relocated away from the northern boundary to an alternative location within the site.

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

Reason: In the interests of visual amenity and to protect the residential amenity of adjoining properties.

- 3. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first residential unit within the scheme.

Reason: In the interests of proper planning and sustainable development of the area

- 4. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity

- 5. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and

Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

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

6. The proposed development shall be implemented as follows:

(a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in a finalised Student Accommodation Management Plan which shall be submitted to and agreed in writing with the planning authority prior to first occupation of the development.

(b) Student housing units shall not be amalgamated or combined.

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

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

8. Prior to first occupation of the independent ground floor commercial units, details of the exact use and opening hours of the units shall be submitted to and agreed in writing by the Planning Authority:

Reason: To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

9. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted

to, and agreed in writing with, the planning authority prior to-occupation of the commercial/retail units.

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

10. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

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

12. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

13. (a) Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development / installation of lighting.

(b) External lighting shall be directed away from adjacent housing and shall be directed and cowled such as to reduce, as far as possible, the light scatter

over adjacent houses. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

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

- a) A revised Servicing and Operation Plan demonstrating how the service requirements of all uses will be accommodated on the site, including the location of loading / set-down bays within the site.
- b) A revised car park layout plan providing additional servicing set-down / loading bays within the site and provision for motorcycle parking. No set-down area / loading bay shall be provided on Prussia Street.
- c) The final detailed design of site accesses and junctions onto Prussia Street, including details of parking related signage on approaches to the site and within the site.
- d) Details of any required relocation of the existing pedestrian crossing on Prussia Street.

Reason: In the interests of orderly development and to prevent obstruction of the surrounding road network.

15. Prior to the commencement of development, revised proposals for bicycle parking in accordance with Table 10 of the Traffic and Transport Assessment (3 March 2021) submitted with the application shall be submitted to and agreed in writing with the planning authority. Such plans shall include the following:

- a) Relocation of bicycle parking for Build-to-Rent apartments from the first-floor corridor to an alternative secure and accessible location, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for Apartments, Guidelines for Planning Authorities (2020).
- b) Dedicated and secure bicycle parking for student accommodation.
- c) Relocation of visitor cycle parking closer to the main retail access points.
- d) Provision on the site for secure cargo bike parking.

Reason: In the interests of residential amenity and to encourage use of sustainable transport modes

16. (a) The proposed car parking layout shall be modified so that at least of 2 no. accessible parking spaces for student accommodation and Build-to-Rent residential are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

17. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

18. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

19. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health

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

- a) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- b) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

21. (a) The proposed development shall be carried out and operated in accordance with the conclusions and recommendations of the Noise Impact Assessment submitted with the application, including implementation of the identified mitigation measures.
- (b) Operational noise levels shall, in any event, not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location to the south or between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) No deliveries utilising the southern service access road shall be taken at or dispatched from the premises outside the hours of 0730 hours and 2000 hours Monday to Friday, or 0800 hours and 2000 hours on Saturdays, Sundays or public holidays.

Reason: To protect the residential amenities of property in the vicinity of the site.

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

Reason: In the interests of residential and visual amenity.

23. Prior to commencement of development, the following details shall be submitted to the planning authority for written agreement:

- a) Details of further planting and greening onto Prussia Street at ground floor level in addition to vertical greening deployed to areas of blank building facades along Prussia Street.
- b) Landscaping and tree planting along the perimeter with St. Joseph's Place.
- c) Vertical greening to the southern elevation of the podium and southern block facing St. Joseph's Court.

- d) Details for the hard and soft landscaping of the area between the proposed development and no. 46 Prussia Street which should enhance streetscape at this location, and provide for restricted access to this area.

Reason: In the interests of streetscape and visual amenity and to provide for the security of users of the site.

24. Prior to the occupation of any of the new buildings within the site, the developer shall ensure that the public realm areas, and new routes as outlined in the site layout plan and landscape drawings are complete and open to the public.

Reason: In the interest of visual amenity and orderly development

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads, streets and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

27. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

28. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of off-street car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;

- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Provision of parking for existing properties during the construction period;
- j) Details of appropriate mitigation measures for noise and dust and the monitoring of such levels;
- k) Details of appropriate measures to mitigate vibration from construction activity in accordance with *BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz)* and *BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration*, and for the monitoring of such levels.
- l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- o) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

29. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

32.(a) Prior to commencement of works, the developer shall make a record of the existing boundary wall of the Grangegorman institutional complex, which is a Protected Structure (Refs. 3333 & 3334). This shall include a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure. This record shall be submitted to the planning authority prior to commencement of development and one copy each shall be submitted to the Grangegorman Development Authority, the Dublin City Archives and the Irish Architectural Archive.

Demolition should be carried out with reference to Appendices 2b 'Conservation - Removal of Structures' (A2b.2 Guidelines and procedures for removal of structures, Appendix 2b, page 4 Grangegorman Planning Scheme, DCC 2012) and a management plan in this regard shall be agreed in writing with the planning authority prior to the commencement of development.

(b) Prior to the commencement of development, the developer shall make a record of the existing post / pillar box on Prussia Street (photograph, drawn and written), with records deposited with the Irish Architectural Archive, and Dublin City Archives. A revised location for this feature, and a method statement for its movement and protection during works should be submitted to and agreed in writing with the planning authority.

Reason: In order to establish a record of this protected structure.

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

agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme

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

34. The developer shall pay to the planning authority a financial contribution in respect of LUAS Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

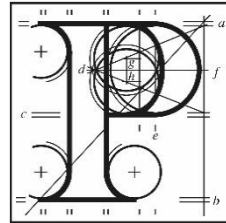
Conor McGrath
Planning Inspector

21st June 2021

Appendix 1:
Documentation accompanying the planning application:

- Application Form and Planning Fee receipt
- Copy of Public Notices
- Letters to An Bord Pleanála and Dublin City Council
- Letters to Prescribed Bodies
- Letter from Grangegorman Development Agency regarding interface with Grangegorman site
- Letter from TU Dublin regarding inclusion of digital gallery / screens on proposed new street.
- Letter of Consent - Mankato Limited
- Letter of Consent - Tesco Ireland
- Planning Context Report
- Statement of Consistency
- Material Contravention Statement
- Statement of Response to ABP Opinion
- Student Accommodation Concentration Report
- AA Screening Statement
- EIA Screening Statement
- Part V Booklet
- Architectural Design Statement
- Building Lifecycle Report
- Universal Access Statement
- Operations Plan
- Engineering Planning Report
- Flood Risk Assessment
- Traffic and Transport Assessment
- Travel Plan
- DMURS Compliance Statement
- Outline Construction Traffic Management Plan
- Outline Construction & Demolition Waste Management Plan
- Road Quality Audit
- Daylight & Sunlight Assessment
- Photomontage Booklet
- 3D Animation
- External Lighting Report
- Sustainability & Energy Report
- Noise Impact Assessment
- Operational Waste Management Plan
- Estate Management Plan
- Cultural Heritage Report
- Architectural Drawings
- Engineering Drawings
- Landscape Design Statement
- Landscape & Visual Impact Assessment
- Landscape Drawings

Appendix A: EIA Screening



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Application

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-309657-21
Development Summary		Demolition of the existing Park Shopping Centre and nos. 42-45 Prussia Street, construction of 175 no. residential units (3 no. houses, 29 no. apartments and 584 no. student bedspaces) and associated site works. Park Shopping Centre and 42-45 Prussia Street, Dublin 7.
	Yes/ No/ N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report has been submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA undertaken in respect of the Dublin City Development Plan 2016-2022. AA and SEA screening was undertaken in respect of Variation no. 3 thereof (Student Accommodation) and Variation no. 7 relating to the core strategy</p>	
<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding environment?</p>	<p>Yes</p>	<p>The development comprises the demolition of an existing low risk retail centre. The development comprises a mixed use scheme of retail / district centre, with PBSA and BTR accommodation over. The uses are consistent with the surrounding area. The building heights of 3 to 8-storeys are greater than the surrounding pattern of development but will be consistent with development provided for under Grangegorman Planning Scheme to the east.</p>	<p>No</p>

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. There will be no significant loss of natural resources or local biodiversity as a result of the development.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No significant operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of urban construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a final Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. There are no watercourses on or adjacent to the site. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters and significant excavation for basement construction is not proposed. The operational development will connect to mains water and drainage services.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan and adherence to standard construction noise and vibrations ELV's. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Lighting design to avoid overspill to adjoining lands.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>No significant emissions to water are anticipated. Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a final agreed Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an intensification of use and an increase in the student population at this central city location. The development will meet an identified accommodation demand. BTR apartments will facilitate an increase in local population. Closure of the district centre during construction will result in temporary employment impacts but an increased population will increase demand for goods and services in the area.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>The proposed development is independent of other projects in the area, however, the development of the Grangegorman campus in accordance with the adopted planning scheme is resulting in a change to the character of the wider area.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	<p>No</p>	<p>There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are:</p> <p>South Dublin Bay SAC 5.5km south-east of the site.</p> <p>North Dublin Bay SAC 7km east of the site.</p> <p>North Bull Island 7km east of the site</p>	<p>No</p>

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>South Dublin Bay & River Tolka SPA 3.9km east of the site.</p> <p>The closest surface water pathway to Dubin Bay is 1km from the site. The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 13.2 of this report</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>There is a protected structure to the west of the site, Jameson House. No significant impacts anticipated. There will be some improvement to the setting of this property.</p> <p>The site impacts directly on a protected structure, Grangegorman boundary wall. Mitigation by recording and incorporation of retained elements into the scheme adequately addresses potential significant impacts. The development does not impact on protected views.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence of issues in this regard. No basement excavation proposed as part of the development. Standard Construction methodologies can adequately mitigate any risks arising in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>This brownfield site is served by the local and regional urban road network. Consolidation and intensification of development in the city will contribute to mitigating wider congestion issues. No significant additional traffic or congestion impacts are anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION		
No real likelihood of significant effects on the environment.	EIAR Not Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
 - (b) the location of the site on lands zoned Z4 – to provide for and improve mixed-services facilities in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of that plan,
 - (c) The existing uses on the site and pattern of development in surrounding area,
 - (d) The planning history relating to the site,
 - (e) The availability of mains water and wastewater services to serve the proposed development,
 - (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (a) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
 - (b) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
 - (c) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Demolition and Construction Environmental Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Conor McGrath** _____

Date: _____