



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-310234-21**

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<b>Strategic Housing Development</b>	Demolition of existing structures onsite including No. 23 Prussia Street, construction of 166 no. Build to Rent apartments and associated site works.
<b>Location</b>	Lands at 23-28 Prussia Street, Dublin 7.
<b>Planning Authority</b>	Dublin City Council South
<b>Prospective Applicant</b>	Randalswood Construction Ltd.
<b>Date of Consultation Meeting</b>	21/07/2021
<b>Date of Site Inspection</b>	21/07/2021
<b>Inspector</b>	Conor McGrath

**Contents**

1.0 Introduction ..... 3

2.0 Site Location and Description ..... 3

3.0 Proposed Strategic Housing Development ..... 3

4.0 Planning History ..... 5

5.0 Section 247 Consultation(s) with Planning Authority ..... 8

6.0 Planning Policy ..... 8

7.0 Submissions Received ..... 12

8.0 Forming the Opinion ..... 12

9.0 Conclusion and Recommendation ..... 25

10.0 Recommended Opinion ..... 27

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. This pre-application consultation site comprises approx. 0.4ha located at no.'s 23-28 Prussia Street, to the east of the junction with St. Joseph's Road. No. 23 comprises a two-storey end-of terrace property which includes a ground floor commercial unit. To the north of no. 23, only the ground floor frontage of no.'s 24 and 25 are retained. The remainder of these two, original red-brick houses fronting onto Prussia Street have been removed. To the rear, the site is generally under hard-standing and accommodates a number of poor-quality light industrial / commercial storage structures, while the open yard area is used for informal storage purposes.
- 2.2. The site is bounded by the TUD Grangegorman campus to the east. To the north of the site, no. 29 Prussia Street comprises a three-storey property which is protected structure. To the rear of no. 29 is a yard area and a car recovery and repairs business. The boundary with the institutional lands to the east is formed by a high stone wall, which is also a protected structure. To the south, the rear gardens of a number of two-storey terraced properties on Prussia Street back onto the site.

## 3.0 Proposed Strategic Housing Development

The proposed development comprises the construction of 166 no. 'Build to Rent' apartments (112 no. 1-bed, 52 no. 2-bed, and 2 no. 3-bed) each with private balconies/terraces/winter gardens, with ancillary residential amenity facilities and a basement carpark. A new pedestrian connection between Prussia Street and

Grangegorman is also proposed along the southern site boundary. The interface of this link with Prussia Street is to be denoted by a new gatehouse feature. The development is described as comprising three constituent parts: 3-5-storeys fronting onto Prussia Street, Serpentine Walk rising to 8-storeys fronting onto the new pedestrian link, and the 13-storey Tower to the corner with Grangegorman.

Three communal roof terraces (one at 5th floor level and two at 8th floor level) are proposed and a landscaped courtyard at ground level to the north of the block. Ancillary residential facilities at ground floor level will include a café, gym, lobby/co-working spaces, and meeting room. 40 no. car parking spaces are proposed at basement level, accessed from Prussia Street, along with 3 no. motorcycle spaces, 334 no. bicycle spaces, a bin store, plant and store rooms.

The development requires the demolition of no. 23 Prussia Street, the remnants of the facades of no. 24 and 25 Prussia Street, various stores and structures on site, and certain works to the historic Grangegorman wall. The main development parameters are set out below:

<b>Site area</b>	<b>0.38ha</b>
<b>Proposal</b>	166 units (14,801sqm) Café (163-sq.m.)
<b>Density</b>	437 units/ha  Plot Ratio 3.89  Site Coverage 55%
<b>Dwelling Mix</b>	1-Bed 112 units (68%) 2-Bed 52 units (31%) 3-Bed 2 units (1%)
<b>Proposed Height</b>	3-13-storeys (41.5m)
<b>Dual Aspect</b>	39% (64 no.)
<b>Open Space</b>	Total: 1,726sqm (10.4-sq.m. / unit)

<b>Shared amenities</b>	Café, gym, meeting room, co-working / lobby, parcel office
<b>Car parking</b>	40 no. basement spaces
<b>Cycle parking</b>	334. no. basement spaces

## 4.0 Planning History

### 4.1. Subject site

**PA ref. 3327/05:** Permission refused for the demolition of 287-sq.m. shed and no.'s 22 - 25 Prussia Street, and construction of 123 No. apartments in one 5-storey block and one 6-storey block. Reasons for refusal included material impact on the setting of no. 29, impact on streetscape including the loss of buildings which make a significant and positive contribution in this Z2 zone, lack of connection to Grangegorman, poor residential amenity and extent of single aspect apartments.

**ABP-307759-20:** S.5 pre-application consultations undertaken in respect of the demolition of no. 23 Prussia Street and construction of 348 no. co-living units and associated site works on the site. The opinion of the Board was that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

### 4.2. Grangegorman SDZ

**ABP ref. PL29N.ZD2005:** The planning scheme for Grangegorman was approved by An Bord Pleanála, subject to modifications, in 2012.

The Scheme includes development of 2-storeys and 4-6-storeys to the east of the subject site, rising to 54.2m OD. A main pedestrian and cycle entrance to the campus is identified at this location from Prussia Street. An opportunity is also identified for vehicular access through third-party lands and possible service vehicle use. These secondary links are intended to be used by limited traffic volumes mainly related to servicing, maintenance, and disabled access. Emergency access will be provided in accordance with appropriate regulations

**ABP ref. ZE29N.ZE0005:** Amendments to the Grangegorman Planning Scheme were approved in 2017. These amendments sought to enhance sustainable modes of transport and omit the opportunity for vehicular access from Prussia Street to Grangegorman, including the Western Gateway (also referred to as Prussia Street Gateway). The urban form at the Western Gateway was amended to prioritise pedestrian and cycle access and circulation and enhance the public realm. The amendments also sought to give greater flexibility for the timescale for the delivery of the Western Gateway, which would be delivered in tandem with an adjoining development on Prussia Street in 3rd party ownership (this is the subject site).

Under the approved amendments, the provision of this connection was no longer a pre-requisite to the occupation of Grangegorman facilities by students, and is to be in place by the full development of the campus under the SDZ process.

#### 4.3. Adjacent sites

**ABP ref. ABP-309657-21:** Permission granted for a strategic housing development comprising the demolition of the existing Park Shopping Centre and nos. 42-45 Prussia Street, construction of 175 no. residential units (32 no. BTR apartments and 584 no. student bedspaces) and associated site works. The buildings range in height from 3-5 storeys on Prussia Street to 6 8-storeys toward the eastern end of the site. Ground floor units are double height, with some mezzanine level accommodation. The development provides a new pedestrian street linking Grangegorman Campus with Prussia Street / the District Centre.

**ABP ref. ABP-307236-20:** Permission refused for a strategic housing development at 29b, 30 and 31 Prussia Street, to the north of the subject site. The development comprised a mixed-use development in four blocks ranging in height from five storeys fronting Prussia Street to eight storeys adjoining the 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 would be out of character with the context of the site, would represent a visually prominent form of development in its 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 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 given their proximity to and the extent along the north and southern 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 at and to the rear of no.'s 84-87 Prussia Street. This site is located to the southwest of the subject site and construction on this site has commenced. (An appeal under ABP ref. PL29N.247939 was withdrawn.)

**ABP-310816-21:** Current S.5 pre-application consultation case on lands to the north of the subject site in respect of 238 no. student bedspaces at no.'s 29b, 30 and 31 Prussia St.

## 5.0 Section 247 Consultation(s) with Planning Authority

The submitted documentation refers to a pre-application Consultation with Dublin City Council on 28th of January 2021. The key issues reported from this meeting include:

- Design, scale and height of the proposal.
- Elevational treatment to Prussia Street.
- Concerns with the height (11-storeys), mass and scale in the receiving environment.
- The quality of BTR units and communal amenities and compliance with the apartment guidelines.
- Daylight / Sunlight assessment.
- Justification for height at this location.
- Detail of proposed amendments to the Grangegorman boundary wall.
- Impact on the protected structure to the north.
- Transition between the new proposal and existing.

## 6.0 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 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.

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

Pillar 4: Improve the Rental Sector. The key objective is addressing obstacles to greater private rented sector delivery and improving the supply of units at affordable rents.

Key actions include encouraging “build to rent”. Build-to-rent developments are designed with the occupants in mind – this might be equal sized bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

### **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. Section 9.3, Housing and Regeneration, notes that recent trends in the delivery of specialised housing typologies such as 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
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

## 6.3. **Local Policy - Dublin City Development Plan 2016 - 2022**

The subject site is primarily zoned 'Objective Z1 – Sustainable Residential Neighbourhoods': To protect, provide and improve residential amenities.

The southwestern corner of the site, comprising no.'s 23-25 Prussia Street is zoned 'Objective Z2 – Residential Neighbourhoods (Conservation Areas)', which seeks: To protect and/or improve the amenities of residential conservation areas.

Chapter 5 sets out policies for quality housing.

QH5 promotes residential development through active land management and a co-ordinated 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.

Protected structures identified in the plan include No. 29 Prussia St, adjoining the northern boundary of the site, and no.'s 66 and 67, opposite and to the west of the site. The boundary wall of Grangegorman institutional lands to the east is also a protected structure.

A section of Prussia St. is identified as a Conservation Area, which includes the northwestern corner of the site, adjacent to no. 29. The western section of the site, and wider Prussia Street area, is located within a Zone of Archaeological Interest.

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 0.5 – 2.0 for zones Z1 and Z2 in the Inner City. The plan notes that a higher plot ratio may be permitted in identified circumstances. Indicative site coverage values of 45% – 60% for Z1 lands, and 45% for Z2 lands are identified.

Section 16.7.2 sets a general building height limit of 28m commercial or 24m residential in this inner-city area. Grangegorman SDZ is identified as SRDA 8. All proposals for mid-rise and taller buildings must have regard to the identified criteria for high buildings

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).

## 7.0 Submissions Received

- 7.1. Irish Water: New connections to service this development are feasible. Approx. 25 metres of new 200mm ID watermain has to be laid from the site to the existing 9" Cast-Iron main. The applicant will be required to fund this network extension and obtain any consents or permissions for works not in the public domain. A new connection to the existing Wastewater network is feasible without upgrade. The development has to incorporate Sustainable Drainage Systems/ Attenuation in the management of stormwater and to reduce surface water inflow into the receiving combined sewer. Full details to be agreed with LA Drainage Division

## 8.0 Forming the Opinion

- 8.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant, the planning authority submission and the discussions which took place during the tripartite consultation meeting.

### 8.2. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information includes the following:

- Statement of Consistency Report
- BTR Justification Report
- BTR Operational Management Plan
- Community and Social Infrastructure Audit
- Material Contravention Report
- Daylight and Sunlight Assessment
- Photomontages prepared by Digital Dimensions
- EIA Screening Report
- Heritage Impact Assessment
- Traffic Assessment and Mobility Management Plan

- Landscape & Visual Impact Assessment
- Architectural Drawings
- Design Statement
- Housing Quality Assessment
- Engineering Drawings
- Flood Risk Assessment
- Engineering Services Report
- Archaeological Desktop Assessment
- Appropriate Assessment Screening
- Site Services drawings
- Public Lighting Report
- Sustainability and Energy Report

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

### 8.3. **Statement of Consistency**

The statement considers the following national, regional and local policy documents

- Project Ireland 2040: National Planning Framework
- Project Ireland 2040: National Development Plan 2018-2027

- Rebuilding Ireland, An Action Plan for Housing and Homelessness (2016)
- Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (2009)
- Delivering Homes, Sustaining Communities: Statement on Housing Policy (2007)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Smarter Travel: A Sustainable Transport Future
- EIA Directive
- Bird and Habitats Directive – Appropriate Assessment
- The Planning System and Flood Risk Guidelines (2009)
- National Adaptation Framework: Planning for a Climate Resilient Ireland
- Climate Action Plan 2019
- Regional Spatial and Economic Strategy
- Transport Strategy for the Greater Dublin Area 2016-2035
- Dublin City Development Plan 2016-2022

The statement makes the following points:

#### National and Regional Policy

- Apartment development is required to meet the current housing demand, and the proposed development will assist in achieving the objectives of the NPF.
- Strategic outcomes identified within the NDP support the proposed development, including National Strategic Outcome 1: Compact Growth.
- The provision of 166 no. 'Build to Rent' units will help to achieve the objectives of Rebuilding Ireland by providing an alternative to house-sharing thus freeing up existing housing stock for families.
- The proposed development successfully incorporates the criteria of the 'Urban Design Manual – A Best Practice Guide'.
- Higher density development on this central, zoned and accessible site accords with the provisions of the Sustainable Residential Development Guidelines.

- This location is suitable for large scale and higher density apartment development in accordance with the Apartment Design Guidelines and the development complies with the SPPR's.
- A DMURS compliance statement is submitted.
- The development is consistent with the objectives of the Building Height Guidelines and can accommodate the proposed heights of 4-11 storeys (sic) and meets the requirements of the SPPR's.
- The development at this assessable location is consistent with Smarter Travel.
- An EIA Screening Report and AA Screening Report accompany the application.
- The Flood Risk Assessment concludes that the development is consistent with the Flood Risk Management Guidelines.
- The development has regard to the national climate adaption framework in terms of drainage and flooding, access to green space and energy efficiency.
- The design incorporates measures to reduce carbon emissions in line with the requirements of the Climate Action Plan.
- In line with the RSES the development will promote consolidation of development, sustainable transport and sustainable residential densities.
- Redevelopment of this accessible site is in accordance with the Transport Strategy for the Greater Dublin Area 2016-2035

#### Local Policy

- The development accords with the core strategy and the housing strategy, supporting consolidation and densification of the urban built form, the delivery of a sustainable housing density and providing a mix of units types.
- The development complies with quality housing objectives for sustainable housing development and use of vacant or under-utilised sites.
- The development plan supports apartment development designed as an integral part of a neighbourhood.
- The development of this central accessible site accords with the movement and transportation objectives of the plan.
- The development complies with the land use zoning objectives for the site.
- The Statement considers the development standards in the development plan.
- Car parking provision has regard to SPPR 9 of the Apartment Design Guidelines.

- A material contravention of the building height provisions of the development plan is identified.
- Site adjoins SDRA9 Grangegorman.
- National policy places strong emphasis on increased building heights.
- The development accords with the sequential approach to development.
- The development adheres to the development plan criteria for taller buildings, creating a taller development at a key location, of excellent architectural design, adding to the overall character and sense of place within this inner-city location.
- The development complies with relevant national, regional and local planning policy, with the exception of the Building Heights strategy for the subject site within the Dublin City Development Plan 2016-2022.

With regard to the material contravention of the Dublin City Development Plan in respect of building height, the statement makes the following points:

- The Development Plan permits a building height of up to 24m. The height of the proposed 'Build to Rent' development varies between 20m to c.40.5m (sic).
- The Development Plan policies were adopted prior to the introduction of the 'Urban Development and Building Heights – Guidelines for Planning Authorities'. The limit on building height is contrary to SPPR 1.
- There is significant potential for the subject site to provide increased heights.
- The Grangegorman Planning Scheme Campus identified a potential connection to Prussia Street at this location.
- The NPF places strong emphasis on increased building heights in appropriate locations within existing urban centres and along public transport corridors.
- The location and zoning of the site is appropriate for the subject proposal.
- Limiting height will prevent sustainable, compact developments in the heart of such urban areas and will contribute to urban/suburban sprawl.
- Proposed amenities and facilities and proximity to surrounding services and open space provide for residential amenity.
- The density is appropriate for this to this strategic location within the city adjoining a high-quality transport corridor and the overall context of the site.



- The Apartment Design Guidelines promote residential development on infill and brownfield sites and in accessible, urban locations, to increase urban densities.
- They recognise the need for performance-based standards rather than blanket planning design restrictions.
- The Building Heights Guidelines provide a presumption in favour of increased heights. The development complies with SPPR1 and SPPR3.
- The development meets the development plan criteria for taller buildings.
- The development is at a key location within Prussia Street, is of excellent architectural design, and will add to the overall character and sense of place within this inner-city location.
- Increasing density in line with national policy requires increased height.
- Development within Grangegorman SDZ will see an increase in building heights, density, and built-up footprint within the area.

#### 8.4. **Material Contravention Statement:**

The material contravention statement makes the following points:

- The statement considers the case for increased height in national planning policy, including the Apartment Design Guidelines and the Building Height Guidelines.
- Development Plan objectives which restrict height at the application site contradict National Planning Policy and Section 28 Guidelines.
- Conflicting objectives exist within Dublin City Development Plan 2016-2022 insofar as the proposed development is concerned.
- The application site is an underutilised brownfield site in close proximity to quality public transportation, including bus and LUAS.
- National Policy promotes and encourages increased building heights and densities in excess of 50 units / ha on zoned lands adjacent to public transport.
- The development is consistent with the 'Urban Development and Building Heights, Guidelines for Planning Authorities'.

Material contravention of the plan is justified having consideration to section 37(2)(b) (i), (ii) and (iv) of the Planning and Development Act, 2000 (as amended), specifically the objectives within Dublin City Development Plan 2016-2022 insofar as the

proposed development is concerned, the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing given the current housing crisis.

## 8.5. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on 11th June 2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes a statement of the planning authority's opinion in relation to the proposed development, details of S.247 pre-application meetings with the applicants, details of relevant applications in the area and copies of internal reports.

The report containing the opinion of the planning authority makes the following points:

- Build-to-Rent is an appropriate use for the site zoned Z1 and Z2.
- The planning authority accepts the rationale for the demolition of no. 23 and the remnants of nos. 24, 25 and 28.
- The indicative development plan standards for Z1 and Z2 lands are a plot ratio of 0.5-2.0 and site coverage of 45%- 60% (45% on Z2 lands). The proposed plot ratio is 3.9 and the proposed site coverage is 55%.
- Given the central location of the site and public transport services and the underutilised nature of the site, a higher plot ratio is acceptable, subject to high quality design and appropriate levels of residential amenity.
- Having regard to the material contravention of the building height provisions of the development plan a full assessment against the provisions of the building height guidelines is set out.

Criteria at the scale of the relevant city/town:

- The site is centrally located within walking distance of employment hubs, amenities and is well serviced with public transport connections.
- The distinctive character of Stoneybatter, composed historic buildings of variable heights, designs and plot widths, should be respected.
- The proposal would significantly improve the presentation of the site onto Prussia Street and create a new connection entrance to the GDA campus.

- The proposal does not respond to planning authority concerns expressed at pre-application stage. The height is not in keeping with the area and the development fails to integrate into or enhance the character of the area.
- The 5-storey element results in a significant increase in height and massing adjacent to the fine grain and modest scale of Stoneybatter.
- Proposed materials are welcome but the scheme remains visually bland and requires improvement to reduce the perceived mass and scale of the building.
- Proposals should add greening to the streetscape.
- There is no justification for additional public open space, sports or recreational facilities on these lands, given access to open space in Grangegorman.
- Further landscaping details required to improve placemaking and public realm.

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

- The change from the current context is acceptable in principle and in line with the developing context along Prussia Street.
- Greater variation in massing and articulation is required to reduce the massing and scale to Prussia Street. Concerns remain regarding the 13-storey element.
- The poor-quality urban design and place-making outcome would have an unacceptable negative impact on streetscape.
- The development would present a monolithic appearance when viewed from the Grangegorman.
- While the site can accommodate more intensive development than the existing, the proposed design is bulky and inelegant.
- The redevelopment would deliver significant improvements to the public realm and provide modern BTR accommodation, facing onto a new street to the TU Dublin campus, providing passive surveillance and animation.
- The proposed pedestrian link is welcomed by the Planning Authority.

Criteria at the scale of the site/building:

- The area is undergoing change and given the current low-density buildings on the site, any development will result in some impact on the adjoining sites.
- The daylight assessment outlines the impact of the development on existing buildings which is likely to be minimal in most cases.

- The majority of windows assessed meet the BRE Guidelines or are marginally below. The moderate impact to a small number of windows in Nos. 22 and 66 is reasonable in the context of a vacant inner city site.
- The impact on sunlight to adjoining amenity spaces would be minimal.
- Overshadowing is limited due to the orientation of the development.
- The height, scale and massing does not result in adverse impacts in terms of loss of light or overshadowing to the adjacent sites.
- The most significant impact on adjoining properties would be the visual impact considering the abrupt transition in scale from the existing environment.
- There is a concurrent SHD planning application on the adjoining site at 29b, 30 & 31 Prussia Street. Any planning application should consider the daylight, sunlight and overshadowing relationship between these.

Specific assessments:

- An assessment of the wind microclimate is justified.
- The proposal is not considered to have the potential to impact on telecommunications channels / microwave links or safe air navigation.
- An Architectural Design Statement and Heritage Impact Assessment are submitted.
- A screening for Appropriate Assessment and Environmental Impact Assessment Screening Report were submitted.

Appearance, Architectural Design and Layout

- There are concerns in relation to the height and design, particularly in terms of integration with its context and the visual impact on streetscape, in particular Prussia Street and the Grangegorman Campus.
- Vertical emphasis to Prussia Street is welcome but the 5-storey element is of concern. The height and scale is overbearing adjacent to no. 29.
- A greater transition in height and articulation should be considered.
- Opportunities for redevelopment should add greening to the streetscape.
- The 13-storey building would be the visually dominant structure in the skyline adjacent to other high-density developments predominantly 6-8 storey in height.

- There is no requirement for a 13 storey 'landmark' building at this location. The rationale for a building of this height is not sufficient.
- This element would undermine the fine urban grain of the area and would set a precedent for development which would be visually overbearing and have a detrimental impact on the visual amenities of the area.

#### BTR

- The apartments meet or exceed the guideline standards.
- 12 ground and first floor units do not achieve the minimum daylight values and the daylight assessment should review each room.
- The requirement for new openings in Grangegorman boundary wall to allow light to ground rooms demonstrates that that the block is too close to the wall.
- This is not welcome and the development should be set back from the wall so as to facilitate adequate levels of light reaching the scheme.
- The northern open space will not receive adequate light and should be reviewed to include recreational facilities.
- The daylight sunlight assessment should consider the fifth floor terrace. Roof terraces should be assessed for wind microclimate.
- There are concerns regarding the level of indoor residential amenity and additional spaces for the residents should be provided.
- The operational management plan is acceptable. Café use is welcome.
- The applicant has engaged with the Housing Authority and are aware of their Part V obligation.
- A number of transportation issues need to be addressed.

#### Conservation

- There are concerns regarding relationship with no. 29
- The redevelopment of the site is supported in principle subject to avoiding significant adverse impacts the fabric and architectural character of the protected and unprotected historic built heritage of the area.
- Adjacent two and three-storey houses are of significance to the streetscape.
- Full survey and record of the northern boundary wall and the Grangegorman boundary wall should be provided.

- Proposed demolitions are acceptable, although the demolition of no. 23 is regrettable and would contribute to incremental erosion of streetscape character.
- Demolition of part of the Grangegorman boundary wall is not supported and separation from the wall should be increased. Clarity on the treatment of this wall is required.
- The excessive height of the proposed rear block will impacts on the residential terrace to the south.
- The scale, form and massing are inappropriate, and would have an adverse and injurious impact on the receiving environment
- There are concerns in relation to the transition in scale, with significant detrimental impacts on the architectural character of the urban village, and on the adjoining Protected Structure as well as the historic Grangegorman site.
- The development is contrary to relevant development plan policies and is not supported.

#### Conclusion

The proposal accords with the zoning objective, would secure the redevelopment of this brownfield site and create a new urban street providing access to the Grangegorman Campus, improving permeability in the area. Outstanding issues relate to the height and design of the development, the visual impact and impact on its surrounding historic context. Particular concern is raised in relation to the impact of the proposed 13-storey building, in a location where a landmark building is required or appropriate.

#### 8.6. The Consultation Meeting

A Section 5 Consultation meeting on 17<sup>th</sup> December 2020, commencing at 10am, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy and Building Height Rationale.

2. Public Realm and relationship with adjoining lands.
3. Cultural Heritage - Protected Structures and Archaeology.
4. Residential Amenity, including daylighting.
5. Access and Parking.
6. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-307759-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the Development Strategy and Building Height Rationale, An Bord Pleanála sought further clarification / elaboration on the following:

- The overall design strategy and rationale for the range of building heights proposed on the site.
- The role of the site as a key location for such building heights and relationship with development envisaged in the Grangegorman Planning Scheme.
- The relationship with streetscape on Prussia Street and the surrounding pattern of development, and the transition to higher buildings at Grangegorman.

In relation to the Public Realm and relationship with adjoining lands, An Bord Pleanála sought further clarification / elaboration on the following:

- The rationale for the proposed building line having regard to the historic layout and pattern of development at this location.
- How the development will ensure active frontage and animation to Prussia Street.

- Details of the relationship with no. 29 Prussia Street, a protected structure.
- The design rationale for the proposed Gateway feature to Serpentine Walk.
- The opinion of the Grangegorman Development Agency with regard to the proposed connection from Prussia Street to Grangegorman campus.

In relation to the Cultural Heritage - Protected Structures and Archaeology, An Bord Pleanála sought further clarification / elaboration on the following:

- The rationale for proposed interventions in the Grangegorman boundary wall, a protected structure.
- The relationship with no. 29 Prussia Street and treatment of the gap between these structures.
- The status of the northern site boundary wall as part of the curtilage / attendant grounds of no. 29.
- The status of other structures adjoining the site and listing in the NIAH.

In relation to the Residential Amenity, including daylighting, An Bord Pleanála sought further comment / elaboration on the following:

- Clarification on the nature and extent of communal residential amenity facilities and the requirements of SPPR of the Apartment Design Guidelines.
- Clarification on the requirement for the exercise of flexibility in the internal storage requirements of the guidelines, as provided for under SPPR 8.
- Clarification of the requirement for interventions in the Grangegorman boundary wall in order to ensure adequate daylight to proposed dwelling units.
- The need for full assessment of daylighting to proposed units in the scheme, and clarity in respect of the presentation of the results of the daylight and sunlight assessment.



In relation to the Access and Parking, An Bord Pleanála sought further clarification / elaboration on the following:

- Rationale for the provision of basement car parking, having regard to the BTR nature of the proposed development and the provisions of SPPR 8.
- The nature and extent of provision for service and delivery vehicle movements serving the development.
- The relationship with proposed Bus Connects proposals for this area.
- Design of the basement car park entrance.
- The potential use of the serpentine walk, pedestrian connection to Grangegorman by construction or operational vehicles accessing Grangegorman, and the residential amenity and safety implications of such use.

In respect of Any Other Business, An Board Pleanála sought further clarification / elaboration on the following:

- The potential for contamination of soils on the site having regard to current / previous uses thereon.
- Inconsistencies in the application documentation.
- Detail on the interface with Grangegorman boundary wall.

## 9.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I

have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements:

- a) Justification for the proposed height and scale of development on the site.
- b) The site frontage and interaction with the public realm at Prussia Street
- c) The relationship with and potential impacts on adjoining protected structures
- d) The relationship of the development with the provisions of the Grangegorman Strategic Development Zone Planning Scheme
- e) The access and service arrangements for the proposed development.

details of which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 10.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Further consideration / justification of the documents as they relate to the design, layout, scale and massing of the proposed development and its relationship with its surroundings. The following matters should be addressed in particular:

1. The design and delivery of a development that has due regard to the surrounding streetscape and historic context, and location within a Conservation Area, and to the setting of adjoining protected structures at no.'s 29, 66 and 67 Prussia St., with a high quality of design and finish.

Particular regard should be had to the mass and scale of the proposed development and the prevailing height and grain of development in the surrounding area, and to the historic building lines and setbacks at this location as documented in the submitted Heritage Impact Assessment. The design rationale should clearly address these matters. The application should be accompanied by detailed contextual elevation and section drawings which should

illustrate the relationship with adjacent buildings, including buildings on the western side of Prussia Street.

2. The proposed development would constitute a significant intervention in the urban landscape at this location and the application should be accompanied by a detailed Rationale / Justification for the range of building heights proposed. Regard should be had in particular to the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018 and Section 16.7 of the Dublin City Development Plan 2016-2022.

Such rationale should address, in particular, the relationship and integration of the proposed development with development within Grangegorman Campus proposed to be undertaken in accordance with the permitted Grangegorman SDZ Planning Scheme.

3. Further detail in relation to the proposed connection through the site from Prussia Street to Grangegorman TU campus should be provided. In particular, the function and status of this route within the Grangegorman Planning scheme should be clearly described, including clarity with regard to the intended function of this route in the short and long-term as a construction or operational vehicular access to Grangegorman. Such vehicular use may have implications for the proposed development in terms of residential amenity and public safety and these matters should be clearly addressed in any application.

The application should also provide clarity on responsibility for the satisfactory completion of the proposed works, including works to the historic boundary wall, and confirmation with regard to the operational management and maintenance arrangements for this route. Details of discussions with the relevant Grangegorman authorities and confirmation of their agreement to these arrangements should be provided.

4. The design and layout of development proposed for the site should demonstrate that appropriate regard was had to the context and setting of the adjoining

protected structure at no. 29 Prussia Street. The submitted documentation does not provide sufficient detail in respect of this relationship and the potential impact on the character and setting of this structure. Regard is had in particular to the height of the proposed development and the proposed building line, the design and layout of the proposed basement car park entrance and relationship of the development with the shared site boundary wall. The design rationale for the proposed set-back from the gable wall of no. 29, and clarity with regard to its treatment in the development, should be clearly set-out.

Detailed plan, section and elevation drawings, along with other imagery to assist in understanding this relationship, should be provided in this regard.

5. The relationship of the proposed development with the boundary wall of Grangegorman campus, which is a protected structure, should be clearly described in the application. An accurate photographic and drawn survey of this wall should be provided, including details of conservation repairs to be carried out. The application should include detailed section drawings through the wall illustrating existing and proposed ground levels on either side, and detail of the use and treatment of the space between the proposed development and the wall. The rationale for any proposed interventions in the wall should be clearly set out and any necessary third-party consents to the proposed works should be provided as part of the planning application.
  
6. The application should clearly describe how the proposed operational service and delivery requirements of the proposed development will be met within the application site, having regard to the need to avoid on-street set-down or lay by areas. Where such requirements are to be met within the proposed basement car park, the application should clearly demonstrate that the design and layout can be accommodate such activity. A Servicing and Operations Management Plan should also be provided in this regard.

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

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

- a) Further clarification and justification for the type and level of communal residential facilities to be provided on the site having regard to the Build to Rent nature of the proposed development, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) and SPPR 7 contained therein.
- b) Further elaboration of the proposed construction methodology in order to obviate potential impacts on adjoining structures, including in particular the protected structures to the north and east.
- c) Additional analysis of the visual impact of the development on the surrounding area should be undertaken, to include additional photomontages and CGI's illustrating, in particular, the Prussia Street elevation of the proposed development and its relationship with adjoining development, as well as additional views from Manor Street north toward the proposed development.
- d) Further details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details, which have due regard to the context of the site. The details to be provided should also include the treatment of roof terraces, courtyards, landscaped areas and the public realm.
- e) The design rationale for the proposed gateway feature on Prussia Street should also be set out, including a description of the basis for the choice of materials proposed and how this feature will link with the overall design approach within the campus, in order to fulfil its gateway function.
- f) The application should be accompanied by the following:

- i. A Traffic Impact Assessment, a preliminary Construction Traffic Management Plan and a Mobility Management Plan.
  - ii. A quality audit in accordance with Annex 4 of DMURS. Such audit should also have regard to the potential for vehicular use of the proposed connection to Grangegorman campus, as referenced under item (3) above.
  - iii. A detailed rationale for the quantum of car parking proposed on the site, having regard to the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, in respect of Build-to-Rent developments. A Car Park Management Strategy Plan should be provided in respect thereof.
- g) Address the additional matters identified in the Transportation Planning Division of Dublin City Council dated 28<sup>th</sup> May 2021, including in particular the design of any basement car parking and the quantum and nature of cycle parking provision
- h) A Construction and Demolition Management Plan and an Operational Waste Management Plan should be provided having regard to the inner urban nature of the site. The Construction and Demolition Management Plan should consider the potential for the presence of hazardous materials within existing structures or contaminated soils within the site.
- i) The application should be accompanied by a Wind Microclimate assessment, demonstrating the satisfactory safety and comfort of public and private spaces, including roof terraces, both within the site and on adjoining lands. Any required mitigation or other design measures arising from such assessment should be clearly detailed in the application.
- j) The application should demonstrate that there will be no conflict arising from the proposed development with emerging design proposals for Bus Connects in respect of Prussia Street. The application should demonstrate how the proposed east-west connection through the site can be continued further west across Prussia Street and discussions with Dublin City Council should be undertaken in this regard.

- k) The application should clearly identify the areas intended to be taken in charge by the Local Authority and those areas to be taken over by the Grangegorman Development Authority, where appropriate.
- l) The application should clearly demonstrate how the development will limit the potential for overlooking of adjoining residential properties. Additional cross section and contextual elevation drawings should be provided to demonstrate the relationship with adjoining properties to the south, along Prussia Street.
- m) A comprehensive Daylight and Sunlight Assessment should be provided, having regard to the criteria set out in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, and the guidance provided in the BRE guide 'Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice', 2011 and BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.
- n) Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted).

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

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



**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Conor McGrath  
Senior Planning Inspector

22/07/2021