



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-310816-21

Strategic Housing Development	238 no. student bedspaces and associated site works.
Location	No.'s 29b, 30 and 31 Prussia Street, Dublin 7.
Planning Authority	Dublin City Council North
Prospective Applicant	Viridis real Estate Services Ltd.
Date of Consultation Meeting	23/09/2021
Date of Site Inspection	15/09/2021
Inspector	Conor McGrath

Contents

1.0 Introduction 3

2.0 Site Location and Description 3

3.0 Proposed Strategic Housing Development 4

4.0 Planning History 5

5.0 Section 247 Consultation(s) with Planning Authority 7

6.0 Planning Policy 8

7.0 Submissions Received 12

8.0 Forming the Opinion 12

9.0 Conclusion and Recommendation 23

10.0 Recommended Opinion 24

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 relates to a site of approx. 0.285ha located at no.'s 29b, 30 and 31 Prussia Street. The site is currently occupied by a number of sheds and storage structures set back from the street edge. The original structures along this street frontage were removed a considerable time ago and the site tends to detract from streetscape and visual amenities of the area. There is some variation in levels on the site, with topography in the area falling north to south.
- 2.2. The site includes lands to the rear / east of no. 29 Prussia Street which comprises a three-storey property and is protected structure. An existing access to the rear of that property lies within the current site boundary. No. 31A Prussia Street to the northwest of the site comprises a three storey, detached property, with ground floor commercial use fronting onto Prussia Street. The site is bounded by the TUD Grangegorman campus to the east. The boundary with those institutional lands is formed by a high stone wall, which is also a protected structure. To the north, the site is bounded by the rear of modest residential properties in St. Josephs Place and the side boundary of no. 1 St. Josephs Court. These houses do not have windows facing directly onto the application site. Properties to the west on Prussia St., directly opposite the site, comprise modern 3 / 4-storey apartments.

3.0 Proposed Strategic Housing Development

The proposed development comprises the following elements:

- (i) Demolition of existing industrial sheds/workshops.
- (ii) Construction of student accommodation, providing 238 no. student bedspaces in 47 no. units, including 18 no. studio units, in 3 no. blocks ranging from 5-storeys to 7-storeys over lower ground floor level.
- (iii) The development will be served by student amenities at semi-basement, ground and lower ground floor levels, including communal areas; gym; study rooms; auditorium; meeting room; laundry room; and lobby/lounge; a designated bicycle store at lower ground floor level; and external communal amenity space at lower ground floor, ground floor, upper ground floor, first and fifth floor levels.
- (iv) Creation of a new internal street providing pedestrian and cycle access from Prussia Street to the TU Dublin Grangegorman Campus through an opening in the boundary wall to the east (Protected Structure). Vehicular access will be provided from Prussia Street for services and emergency vehicles only; and
- (v) Landscaping, boundary treatments, signage, ESB Substations and all associated works and all associated site works necessary to facilitate the development.

Key Development parameters include:

Site Area	0.285ha
Proposed Development	238 no. student bedspaces in 47 no. units. Incl. 18 no. studio units
Building Heights	3-blocks ranging from 5 to 7-storeys up to 21.095m
Parking	0 car spaces 136 cycle parking spaces (0.55 / unit)
Communal amenity	887-sq.m. internal / 3.72 / bedspace
External amenity space	847-sq.m. / 3.55 / bedspace

Internal Student amenities are comprised of the following:

Student Laundry	18sq.m
Gym	85sq.m
Study Rooms	78sq.m
Office	10sq.m
Reception	4sq.m
Block A Lobby/Lounge	272sq.m
Auditorium	30sq.m
Meeting Room	26sq.m
Block B General indoor communal amenity area	364sq.m
Total	887-sq.m.

4.0 Planning History

4.1. Subject site

ABP ref. 307236-20: Permission refused for a mixed-use development comprising four blocks ranging from five-storeys fronting Prussia Street to eight-storeys adjoining Grangegorman Campus, providing 296 no. student bedspaces and ground floor retail unit fronting Prussia Street. Permission was refused for the following reasons:

1. 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.
2. The Board was not satisfied on the basis of the Sunlight/Daylight and Overshadowing analysis, including the failure to appropriately access 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.

4.2. **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.

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-310324-21: S.5 pre-application consultation case at no.'s 23-28 Prussia Street to the south of this site, comprising demolition of existing structures including no. 23 and construction of 166 no. Build to Rent apartments and associated site works. This proposal ranged from 3-5-storeys fronting onto Prussia Street, to 8-storeys and a 13-storey tower at the boundary with Grangegorman campus.

4.3. **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 the development of 2-storeys and 4-6-storeys to the northeast of the subject site.

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) to the south of the subject site.

PA ref. GSDZ3536/19: Permission granted for the 'West Quad' to the northeast of the site which will provide educational facilities, exam / conferring / events hall; viewing gallery; staff offices; communal spaces; a cafe and ancillary facilities and services. The proposed building will be 6 storeys (c.35m) over partial basement with maximum parapet level of 57.575m OD. Public walkways at ground floor level will pass through the building envelope to connect St. Brendan's Way to Ivy Avenue / Prussia Street. This permission was amended under PA ref. GSDZ2088/20.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation submitted refers to meeting with the planning authority on 08/03/21 and 25/05/21. Matters discussed in the meetings included:

- Route of the pedestrian connection from Prussia Street.
- Assessment of Daylight and Sunlight and overshadowing.
- Visual impact.
- Relationship with adjoining lands to the north and south.
- Architectural Quality and elevations to Prussia St.
- Uses on Prussia St.
- Intervention in and relationship with Grangegorman boundary wall.
- Impacts on the adjoining protected structure.

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.

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.

6.1.4 **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
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Circular Letter: NRUP 05/2021 Temporary Change of Use of Student Accommodation (24 September 2021)

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.

Chapter 5 sets out policies for quality housing.

Policy 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.

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

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

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.

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 southwest of

the site. The boundary wall of Grangegorman institutional lands to the east is also a protected structure.

This section of Prussia St. is identified as a Conservation Area and the western part 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 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).

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.

7.0 Submissions Received

Irish Water: A Confirmation of Feasibility has been issued to the applicant advising that connection(s) are feasible. In respect of Wastewater the proposed development must incorporate Sustainable Drainage Systems / Attenuation in the management of stormwater and reduce surface water inflow into the receiving combined sewer. All development is to be carried out in compliance with Irish Waters Standards Codes and Practices.

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. A statement under S.5(5)(b) has been submitted. The documentation submitted does not identify any potential material contravention of the development plan and a statement under S.5(6) has not therefore been submitted.

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 (2018);
- Project Ireland 2040 National Development Plan 2018-2027;
- Urban Development and Building Heights – Guidelines for Planning Authorities, December 2018;
- Rebuilding Ireland – Action Plan for Housing and Homelessness, July 2016;
- National Student Accommodation Strategy – Rebuilding Ireland 2017;

- Department of Education and Science Guidelines on Residential Development for Third Level Students (1999) & the subsequent supplementary document (2005);
- Department of Housing, Planning and Local Government Circular PL 8/2016 APH 2/2016
- Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020)
- Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007);
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009);
- Urban Design Manual – A Best Practice Guide 2009;
- Design Manual for Urban Roads and Streets (2013);
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)
- Architectural Heritage Protection Guidelines (2011);
- Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019); and
- Dublin City Council Development Plan 2016-2022

The statement makes the following points:

National and Regional Policy

- The proposal represents the form of development sought under the National Planning Framework, particularly in respect of compact growth and the reinforcement of urban structure.
- The development will contribute towards addressing the current deficit in purpose-built student accommodation and in line with the NPF.
- The location close to 3rd level institutions, well serviced by public transport capacity for increased densities and heights and is in line with national policy.
- Efficient development of this underutilised site within the built-up area accords with the targets and objectives of the NPF and the RSES.

- The development is in accordance with the Building Height Guidelines in terms of the location and character of the site and accessibility of public transport.
- The Specific Planning Policy Requirements take precedence over the Local Authority's own Development Plan.
- The scheme addresses Prussia Street in a positive manner, introducing activation and providing added passive surveillance.
- The development complies with the development management principles and criteria set out in section 3.1 and 3.2 of the Building Height Guidelines.
- A flood risk assessment has been prepared.
- The Daylight and Sunlight Assessment demonstrates that the scheme substantially complies with the relevant BER Guidelines.
- An assessment of micro-climatic effects is not required and it is not considered that the development would impact on telecommunication channels or air navigation. A Bat Survey Report is currently being prepared
- A Design Statement, EIA Screening Statement and AA Screening Report are submitted.
- The provision of student accommodation is in accord with policy set out in Rebuilding Ireland and the National Student Accommodation Strategy.
- Floor areas meet national guidance for student accommodation.
- The development addresses the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and meets the design criteria set out in the Urban Design Manual.
- The development complies with the key goals outlined within Smarter Travel promoting sustainable modes of travel and DMURS.
- Following from the Architectural Heritage Protection Guidelines a detailed Archaeological and Architectural Heritage Report will accompany the application.

Local Planning Policy

- The development at this location contributes to development plan objectives in relation to sustainable neighbourhoods and transport.
- The development will create a new urban environment and provide for more efficient use of underutilised prime located lands, whilst also increasing the vibrancy and residential population in the area

- The development complies with the quality housing objectives of the plan.
- The development will enhance the Conservation area, providing a high-quality and active frontage onto Prussia Street, which currently does not exist.
- Interventions in the Grangegorman boundary wall, a protected structure, accords with the Grangegorman Master Plan and should therefore be acceptable.
- No. 29 Prussia Street will not be physically impacted and the development will improve its surrounding environment, particularly on Prussia Street.
- An Archaeological and Architectural Heritage Report will clarify the baseline archaeological heritage and assess the impact of the development.
- The development will support the Grangegorman campus and SDRA.
- The design has regard to sensitive adjacent residential amenity with landscaping areas, generous setbacks and lower height adjacent to areas of open space on abutting sites. Higher built form elements are provided towards the east of the site as it fronts the TU Dublin Grangegorman Campus.
- The density, site coverage and plot ratio are acceptable given its central location and proximity to services and public transport.
- Building heights are consistent with the development plan provisions.
- Student accommodation is a permissible use at this location and the development plan promotes the development of purpose built student accommodation.
- The development complies with the development standards for such development.
- A full Student Accommodation Concentration Report will accompany the application.
- A greater quantum of students can be accommodated in PBSA adjoining an existing 3rd Level Institute, without having a negative social impact.
- The development does not provide for any car parking which is appropriate for this location. Bicycle parking provision complies with relevant standards.
- A Student Accommodation Management Plan is being prepared.
- Screening for AA has been undertaken and an assessment against Schedules 7 and 7A of the Planning and Development Regulations 2001-2019, is provided.

8.4. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on 09/08/2021 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:

- Proposed development is an appropriate use for the site and would not result in an over concentration of student accommodations within the area
- A higher plot ratio is acceptable on this underutilised site subject to an appropriate design response.
- While the proposal complies with Development Plan height standards, an assessment against provisions of section 3.2 of the building height guidelines has been carried out.

At the scale of the relevant city or town

- The site is well serviced with public transport connections within walking distance of the city centre, and is suitable for higher densities.
- The planning authority supports the reduction from 4 blocks to 3, which reduces the potential impact on the neighbouring properties.
- Concerns persist in relation to facade treatments and the visual impacts. It is recommended that further consideration be given to the design.
- Block A does not relate sympathetically to the historic streetscape, which is a conservation area. The horizontal emphasis is not successful.
- The design should have regard to the historic plot widths, prevailing fenestration patterns and shopfront designs, in order to sit more sympathetically in the streetscape.
- Timber and render are not durable or traditional materials in keeping with area. Regard should be had to the design approach in the GDA campus.
- The principle of a connection to the GDA campus is supported.

At the scale of the district, neighbourhood and street

- Redevelopment of this underutilised site is acceptable subject to design.
- The development would have significant visual impacts. The articulation and façade modulation is bulky and inelegant and requires further development
- Further detail regarding the nature of the communal lobby and lounge on Prussia St. is required. Would such space be open to the public?
- The non-linear nature of the pedestrian route would not be legible and may feel unsafe and unwelcoming for pedestrians, particularly at night.
- Revisions to increase direct sunlight to the route are encouraged.
- Interaction with the northern boundary wall could result in the provision of a narrow, uninviting and poorly lit space.
- The mix of uses is considered acceptable.

At the scale of the site or building

- Further justification is required in relation to the impact on sunlight to adjoining properties and private amenity spaces, particularly no. 29 and 31B Prussia St.
 - Due to vacant nature of the site, these windows currently receive a level of daylight which is beyond that typical expected in an inner-city environment.
 - Furthermore, any development on the site is likely to affect these windows.
 - Further information on adjoining room uses and associated impacts in order to fully justify the potential impact.
 - Regard should be had to the impact of adjacent development proposal to the south on daylight levels, as well as development in Grangegorman campus.
- An Archaeological Impact Assessment should be submitted.
 - A detailed HQA should be provided.
 - Communal open space provision should be separated from the pedestrian route.
 - Adjoining low-rise development cannot determine the building height for the application site which is a regeneration opportunity within the inner city.
 - Separation from south facing windows in St. Josephs Place is acceptable, however, additional details to demonstrate the acceptability of the relationship with the neighbouring residential properties should be provided.
 - The concerns of the Conservation Officer are noted.
 - The lack of car parking is acceptable.
 - Clarification regarding the design and layout of cycle parking is required.

- The management of arrivals and departures from the site should be detailed.
- The development does not conflict with the BusConnects proposals

Outstanding issues to be addressed in order to provide a reasoned and justified conclusion as to the appropriateness of the development include:

1. Address concerns in relation to facade treatments and associated visual impact of the proposal, including;
 - a) Revised treatment of the façade of Block A, having regard historic plot widths, prevailing fenestration patterns and shopfront designs.
 - b) Revise the use of timber and render in Blocks B and C. Have regard to the design strategy on the GDA campus.
2. A revised Daylight and Sunlight Report providing greater assessment and justification in relation to impacts on adjoining properties, and to the cumulative effects with surrounding development.
3. Provide further detail on communal open space provision.
4. Additional details to demonstrate the acceptability of the relationship with the neighboring residential properties
5. Address the design and alignment of the pedestrian access route to the adjoining campus in to improve the levels of sunlight to the new street.

Copies of internal technical report are appended including the following:

- Transport Planning Division
- Conservation Officer
- Drainage
- Archaeology
- EHO
- Parks, Biodiversity & Landscape Services
- Waste regulation

In addition to the points identified above, I note the following further points from these internal reports:

Parks, Biodiversity & Landscape Services:

- Further daylight and sunlight analysis is required and a cumulative assessment with adjoining development.
- The current landscape masterplan should include greening opportunities to this public street.

Transportation Planning:

- Matters to be addressed within the final application including clarification regarding the design and layout of bicycle parking and details of the management of departures and arrivals from the development.

EHO:

- An acoustics report should assess potential impact on the residential amenity of both adjoining developments and future occupants of the development and identify mitigation measures to abate any such impacts.

Drainage:

- Further detail regarding the surface water drainage and management strategy.

Archaeology Section:

- Recommend pre-development archaeological assessment and testing, and recording of the boundary wall. A copy of the records to be lodged with the GDA and the Irish Architectural Archive, and Dublin City Library and Archives.
- Any demolition of the boundary wall shall use methods that allow for re-use of elements and materials in accordance with the Grangegorman Planning Scheme.

Conservation Officer:

- A detailed AHIA should be submitted.
- The proposal is overbearing when considered in the context of the historic streetscape (a conservation area) and the adjoining Protected Structure.
- Parapet height should relate sensitively to the parapet and eaves heights of adjoining Protected Structures.
- The building line should be set back in line with the Protected Structure.
- The façade of Block A does not relate sympathetically to its setting in the historic streetscape.
- Regard should be had to the prevailing fenestration patterns and proportions of the existing and historic buildings in this context.
- Development should reflect the historic pattern of building plots and urban grain and incorporate a more vertical emphasis.
- The VIA shows the significant detrimental impact on the historic streetscape, historic Grangegorman campus and on the architectural character and legibility of the Protected Structure along Prussia Street.

- Reduce the height of Block A and the rear blocks to relate more sympathetically with the Protected Structure and reduce dominance on the historic setting of the Grangegorman campus and on the historic cottages along St. Joseph's Place.

8.5. The Consultation Meeting

A Section 5 Consultation meeting was held on 23/09/2021, 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy, including integration with streetscape
2. Relationship with protected structures
3. Residential Amenity, including daylighting and sun lighting
4. Access and Servicing Arrangements & Pedestrian Route
5. 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-307816-21' 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, including integration with streetscape, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The design response to the previous refusal of permission under ABP-307236-20.
- The response to the concerns of the planning authority regarding façade design and materials.

- The nature of ground floor uses fronting Prussia St.

In relation to the Relationship with protected structures, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The relationship of Block B with no. 29 Prussia St., having regard to the previous reasons for refusal on the site.
- Clarification regarding the relationship with no. 29 at ground level having regard to the location of windows and the rear, single-storey residential unit in no. 29.
- The relationship of upper ground level communal open space in Block B with the rear, single-storey residential unit in no. 29.
- Potential cumulative impacts on Grangegorman boundary wall arising from the proposed pedestrian route and other similar proposals in this area.

In relation to Residential Amenity, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The relationship of communal open space with the pedestrian route.
- The relationship with adjoining residential properties to the north, including upper ground floor open space adjacent no. 14 and 15 St. Josephs Place.
- The impacts on daylight to adjacent properties on Prussia St.
- The impacts of future adjacent development on daylight and sunlight to the development.
- Potential for overlooking of adjoining properties to the north

In relation to Access and Servicing Arrangements & Pedestrian Route, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The design and alignment of the pedestrian route to address concerns regarding safety, supervision and activation.

- Response to the concerns of the planning authority in relation to operational service and emergency vehicle access, and management of student arrivals and departures.
- The location and design of cycle parking provision in terms of personal safety and security.

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) The relationship with adjoining protected structures and streetscape along Prussia Street, and the absence of an AHIA.

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:

1. Further consideration / justification of the documents as they relate to the design and delivery of a development with a high quality of design and finish, that has due regard to the surrounding streetscape and historic context, designated as a Conservation Area in the current City Development Plan, and to the setting of

adjoining protected structures at no. 29 Prussia St. and Grangegorman boundary wall.

In this regard the application should be accompanied by a comprehensive Architectural Heritage Impact Assessment (AHIA), prepared in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht). The AHIA should inform the design process for the development, having regard to the prevailing height and grain of development and to the historic building lines and setbacks at this location.

Detailed plan, section and elevation drawings, along with other imagery to assist in understanding the relationship of the development with no. 29 Prussia St. should be provided

2. 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. The application should also describe the function and status of the proposed pedestrian route in the context of the Grangegorman SDZ Planning Scheme.

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. 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. The Architectural Heritage Impact Assessment (AHIA) accompanying the application should address the proposed opening in this wall and the cumulative impact of such works in the context of a number of similar proposals in this area.

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) The application should clearly describe how the 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 areas. A Servicing and Operations Management Plan should be provided in this regard, which should also address the management of seasonal arrival and departures from the development.
- b) A Student Accommodation Management Plan to provide details of the ongoing management of the proposed student accommodation, including any use of the facility as tourist accommodation outside of term.
- c) Further elaboration of the proposed construction methodology in order to obviate potential impacts on adjoining structures, including in particular the protected structures to the southwest and east.
- d) 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 and protected structures, as well as additional views north toward the proposed development.
- e) 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 and setting of the site. The details to be provided should also include the treatment of roof terraces, courtyards, landscaped areas and the public realm.
- f) 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.

- g) The application should clearly identify the areas intended to be taken in charge by the Local Authority.
- h) 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 in this regard to demonstrate the relationship with adjoining properties to the north, at St. Josephs Place and St. Josephs Court.

In addition, the relationship between areas of communal open space at upper ground floor levels in Block A and B, and adjoining residential properties to the north and west should be examined having regard to potential impacts on adjoining residential amenity in terms of noise and overlooking.

- i) The application should describe and fully illustrate the relationship between the proposed pedestrian route and ground floor windows and residential accommodation to the side and rear of no. 29, Prussia St. Any proposed boundary treatment should be fully described and assessed in terms of residential amenity and architectural heritage.
- j) The application should clearly identify any right of way across the proposed development site and how this will be accommodated within the proposed development.
- k) A review of the design and layout of cycle parking provision should be undertaken. The application should clearly demonstrate how the required levels of cycle parking can be accommodated within the development and should address concerns regarding accessibility, and the safety and security of users particularly at night.
- l) A report assessing the potential impact of the development on bats and bat activity in the area should accompany the application. The conclusions of the report should be informed by up-to-date survey data for the presence of roosting bats on the site, which should be undertaken at an appropriate time of year.

- m) Application documentation should address the matters raised in internal departmental reports which accompanied the submission of the Planning Authority to An Bord Pleanála, dated 09/08/2021, made in accordance with Section 6(4)(b) of the Act of 2016.
- 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.

Conor McGrath
Senior Planning Inspector

30/09/2021