



An  
Bord  
Pleanála

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

### Inspector's Report ABP-312102-21

#### Strategic Housing Development

Demolition of industrial sheds and workshops, construction of 236 no. student bedspaces and associated site works.

#### Location

No's. 29b, 30 and 31 Prussia Street,  
Dublin 7.  
([www.prussia.ie](http://www.prussia.ie))

#### Planning Authority

Dublin City Council North

#### Applicant

Viridis Real Estate Services Limited  
and Prussia Properties.

#### Prescribed Bodies

1. DAU
2. Transport Infrastructure Ireland

3. Irish Water

**Observers**

1. Clare O'Donoghue Velikic and Ljubia Velikic.
2. Dikka Wilkinson and Emma Wilkinson.
3. Henry Travers and Alexandra Pickerill.
4. John Conway and the Louth Environmental Group.
5. Ken and Katie Flood.
6. Martin and Sheila Ryan.

**Date of Site Inspection**

21<sup>st</sup> February 2022 & 11<sup>th</sup> March 2022

**Inspector**

Daire McDevitt

## **1.0 Introduction**

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

## **2.0 Site Location and Description**

The site, with a stated area of c.0.285ha is located on the eastern side of Prussia Street and relates to plots associated with No. 29b, 30 and 31 Prussia Street. Prussia Street in general is the subject of significant redevelopment, it is an area in transition located to the west of the TU Dublin Grangegorman campus.

The site is currently occupied by a number of vacant workshops/industrial units/sheds set back from the street edge. The original structures along this street frontage appear to have been removed a considerable time ago and the site in its current form detracts from the streetscape and visual amenities of the area. There is some variation in levels on the site, with topography in the area generally falling north to south.

The site includes lands to the rear (east) of No. 29 Prussia Street, a three-storey property and is protected structure. No.29 is outside the application site boundaries and in separate ownership. There is an existing access to the rear of No. 29 which is within the application 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 TU Dublin Grangegorman campus to the rear (east) where the boundary 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. Joseph's Place and the gable of no. 1 St. Joseph's Court. Properties to the west on Prussia Street, directly opposite the site, comprise modern 3-4 storey apartments. The site is bounded to the south by a site which is the subject of a current SHD application, this site has also been the subject of historical site clearance with car wash and ancillary uses over time.

This section of Prussia Street is a designated Architectural Conservation Area and the western part of the site is located within a Zone of Archaeological Interest. A portion of the site is within the 'Zone of Constraint of the Historic City of Dublin (DU018-20). The eastern side of Prussia Street, where the site is located, has been the subject of historical land clearance and offers little in terms of visual amenity.

## **3.0 Proposed Strategic Housing Development**

Permission is sought for:

Demolition of existing industrial sheds/workshops (comprising c.1,605sq.m);

Construction of a student accommodation development, providing a total of 236 no. student bedspaces (comprising 232 no. bedrooms as follows: 18 no. studio units, 21 no. 8-bedroom units, 1 no. 7-bedroom unit, 5 no. 6-bedroom units, 1 no. 5-bedroom unit and 1 no. 4-bedroom unit) in 3 no. blocks ranging in height from 5-storeys fronting Prussia Street to 7-storeys over lower ground floor level, towards the rear boundary adjoining the TU Dublin Grangegorman Campus.

Block A comprises a 5-storey block fronting Prussia Street, featuring 12 no. student accommodation units (6 no. studio units, 5 no. 6-bedroom units and 1 no. 4-bedroom unit) from first to fourth floor levels.

Block B comprises a 6-storey block over basement level, featuring 14 no. student accommodation units (4 no. studio units, 9 no. 8- bedroom units and 1 no. 5-bedroom units) from upper ground floor to fifth floor levels.

Block C comprises a 7-storey block over lower ground floor level, featuring 21 no. student accommodation units (8 no. studio units, 12 no. 8-bedroom units and 1 no. 7-bedroom unit) from lower ground floor to sixth floor levels.

Student amenities and management facilities will be provided at basement, ground and lower ground floor levels and include: a management office, reception area, 2 no. internal communal amenity areas, an auditorium, gym, laundry room, meeting room, 2 no. study rooms and communal W.C facilities.

A bicycle store will be provided at lower ground floor level (120 no. bicycle parking spaces) of Block C with 8 no. bicycle stands (16 no. bicycle parking spaces) also provided at ground floor level to the front of Block A.

The development will be served by external communal open space areas at lower ground floor, ground floor, upper ground floor levels with a roof terrace proposed at fifth floor level of Block B (totalling 968sqm).

Vehicular access to the site will be provided from Prussia Street for restricted student drop-off/pick-up, servicing and emergency vehicles.

Creation of a new internal street providing pedestrian and cycle access between Prussia Street and TU Dublin Grangegorman campus, through an opening (3.85m wide) in the Grangegorman boundary wall to the east (protected structure). Works to the Grangegorman boundary wall also include the removal of the existing concrete coping on top of the existing stone wall and the provision of new signage at this location.

Landscaping, boundary treatments, lighting, signage, bin storage, ESB substation, switchroom, plant rooms and all associated site and infrastructural works including foul and surface water drainage, necessary to facilitate the development.

**Development parameters.**

**Site Area:** 0.285ha

**Density:** 828 no. bedspaces per hectare.

**Proposed Development:** 238 no. student bedspaces in 47 no. units in 3 no. blocks.

**Height:** 5-7 storeys (max. 21.09m)

- Block A – 5-storeys (Fronting Prussia Street).
- Block B – 6 storeys over basement level.
- Block C – 7 storeys over lower ground floor level (adjacent to TU Dublin Grangegorman Campus).

**Parking:**

- Car - 0
- Bicycle - 136 parking spaces

**Student Amenities (767sq.m) & Management Facilities** provided at basement, ground and lower ground floor levels:

- Management office, reception area, laundry room and communal WC facilities.

- 2 no. internal community amenity areas (c.458 sq.m and c. 90sq.m), auditorium (c.29 sq.m), gym (c.85 sq.m), meeting room (c.26sq.m), 2 no. study rooms (c.40sq.m and c.39sq.m).

**External Amenity Space:** 968sq.m provided at lower ground floor, ground floor, upper ground floor levels and a roof terrace at level 5 Block B.

Documentation on file states that a total of 1,735sq.m (excluding bicycle store, bin store, management office/reception and laundry) of indoor and outdoor communal amenity spaces/facilities, which equates to 7.35sq.m of communal areas per bedspace.

### **Unit mix:**

232 no. bedrooms are provided in 47 units as follow:

18 no. studio units, 1 no. 4-bedroom unit, 1 no. 5-bedroom unit, 5 no. 6-bedroom units, 1 no. 7-bedroom units and 21 no. 8-bedroom units.

### **Bedroom Sizes:**

- Single rooms with en-suite (majority of rooms) (min. 12.7sq.m).
- Accessible bedrooms (5 proposed) (c.18.1-1.3sq.m).
- Twin Bedrooms with en-suite (3 proposed) (c.19.5sq.m)

### **Kitchen/living areas in units/apartments**

- 4 bedroom (c.22.9sq.m)
- 5 bedroom (23.8sq.m)
- 6 bedroom (between 27.6 – 36sq.m)
- 7 bedroom (between 30.8 – 33.6sq.m)
- 8 bedroom (between 32.2-393sq.m)

The application is accompanied by a letter of consent from the Grangegorman Development Agency (GDA) setting out the GDA has no objection to the inclusion of the access proposal for the purpose of making a planning application.

The application contains a statement setting out how the proposed development is consistent with the objectives of the Dublin City Development Plan 2016-2022

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

## 4.0 Planning History

### Application Site:

### Previous SHD Application

**ABP ref. 307236-20** refers to a 2020 decision to refuse permission 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 assess the cumulative impact of the permitted adjoining development, that the proposed development would not be detrimental to the residential amenity of development to the south, and in particular, Saint Joseph's Place and Saint Joseph's Court to the north, and the access to daylight and sunlight currently afforded to these properties including the public roadway fronting the dwellings to the north. The height, bulk and scale of the Blocks B, C and D, given their proximity to and the extent along the north and south site boundaries, would appear visually overbearing, reducing any meaningful outlook laterally and vertically to the south and north respectively as viewed from adjoining developments and would result in overshadowing of the adjoining sites.*

### **Applications of relevance in the vicinity:**

**ABP-309657-21:** Permission granted for a strategic housing development comprising the demolition of the existing Park Shopping Centre and No. 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-312358-21** Current SHD application at No. 23-28 Prussia Street to the south of this site, comprising demolition of existing structures and construction of 162 no. Build to Rent apartments and associated site works. (Proposed height ranging from 4 to 14 storeys). Decision due 22<sup>nd</sup> April 2022.

### **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 5 Pre Application Consultation**

A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP-310816-21 (on the 23<sup>rd</sup> September 2021) in respect of a proposed development of 238 no. student bedspaces and associated works.

### **Notification of Opinion**

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

The following issues needed 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 was notified that the following specific information should be submitted with any application for permission

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
8. 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.

9. 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.
10. The application should clearly identify any right of way across the proposed development site and how this will be accommodated within the proposed development.
11. 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.
12. 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.
13. 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.
14. 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).

### **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion (ABP 310816-21) was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific items raised in the opinion.

#### **Item No. 1:**

- In response to the concerns of Dublin City Council with regard to the horizontal expression of the proposed Block A and its relationship with No. 29 Prussia Street, the massing, articulation and fenestration proposed on Block A's Prussia Street (western) façade has been revised to provide more vertical emphasis. The building now reads as having 3 no. vertical brick elements of similar proportions to the building featuring at No. 29 Prussia Street. The proposed materials and finishes have also been reviewed, with a greater variety of brick and mortar styles provided in the Prussia Street elevation to add variety to the streetscape. For full details in respect of the proposed materials and finishes refer to the Architectural Design Statement.
- In Block A, a number of rooms have also been removed to facilitate Block A's ground floor being further recessed from Prussia Street, with the southern-most bay recessed to match No. 29 Prussia Street's building line. At upper floor level, additional setbacks/stepping down is adopted along Block A's southern façade to provide greater separation distances from No. 29 Prussia Street.
- The positioning/design of Block A has been revised further fronting Prussia Street, such that access from Prussia Street is now at the north end of the Block rather than adjacent to No. 29 Prussia Street at the southern end, allowing for an improved line of sight through the proposed pedestrian/cycle route through the site from Prussia Street to the adjacent GDA Campus. Despite the repositioning of the proposed pedestrian/cycle route through the site, Block A continues to be offset from the southern boundary, adjacent to No. 29 Prussia Street, to provide visual relief as well as facilitate continued rear access for residents of No. 29 Prussia Street. Photomontages submitted illustrate the aforementioned amendments to Block A.
- Increased separation distances have been adopted between the rear of No. 29 Prussia Street and proposed Block B. Steps previously providing access to Block B have also been repositioned further north. Additional drawings and visuals have also been prepared to demonstrate the relationship between the proposed scheme and No. 29 Prussia Street.
- The width of the opening proposed in the Grangegorman boundary wall (protected structure) has been reduced from 5 metres to 3.85 metres (the minimum necessary to allow fire tender access).
- The planning application is also accompanied by a detailed Archaeology and Architectural Heritage Impact Assessment which provides an assessment of the impact of the proposed development from a cultural heritage perspective.

- The application is also accompanied by a comprehensive Architectural Heritage Impact Assessment which includes an assessment of the proposed scheme in the context of its impact on the surrounding built heritage, including further details of the interventions proposed to the Grangegorman boundary Wall.

**Item No. 2:**

A number of amendments have been made to the proposal tabled at SHD pre-planning stage in the context of the Grangegorman boundary wall (protected structure) These include the following:

- The width of the opening proposed in the wall has been reduced from 5 metres to 3.85 metres (the minimum necessary to allow fire tender access)
- The proposed pedestrian/cycle route through the site from Prussia Street to the adjacent GDA Campus has been rerouted so that it runs along the entirety of the northern boundary, no longer kinking southwards adjacent to Prussia Street.
- The application is accompanied by an initial visual and photographic structural survey of the Grangegorman boundary wall and a measured wall survey. Details of conservation repairs to be carried out as part of the proposed development are outlined in the Archaeological and Architectural Heritage Impact Assessment Report and in the Architectural Design Statement and Drawing No. PA-700, which includes include detailed drawings, including sections through the wall, of the works proposed to the wall.
- The works proposed to the wall have been designed in accordance with the Grangegorman Masterplan as amended in 2017-2018, and removal works will be carried out with reference to Appendices 2b 'Conservation – Removal of Structures' (A2b.2 Guidelines and procedures for removal of structures, Appendix 2b, page 4 Grangegorman Planning Scheme, DCC 2012).
- The application is also accompanied by a consent letter from the Grangegorman Development Agency giving permission for the inclusion of the applicable wall section in the subject application/the proposed works.
- The Archaeological and Architectural Heritage Impact Assessment report submitted includes an assessment of 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 applicant has submitted a response to items no. 1 to 14 of the detailed Specific Information required in an attempt to address these matters:

**No. 1:** Refer to Student Accommodation Estate Management Plan which outlines the management strategy for the proposed student accommodation development including a traffic management strategy. This plan is informed by the Traffic Assessment and Mobility Management Plan which is included as an appendix to the Civil Engineering Report. Revisions to the proposed development have facilitated the inclusion of a set-down area between Blocks A and B, to be used for the purposes of waste collection and set-down/collections associated with seasonal arrival and departures. This negates the need for on-street set-down areas on Prussia Street. Refer to Drawing No. PA-100 for further details with regard to the proposed location of the proposed temporary set-down spaces.

**No.2:** Refer to Student Accommodation Estate Management Plan. This report provides details of the ongoing management of the proposed student accommodation. In accordance with the Management Plan, it is not proposed to utilise the development as a tourist accommodation facility outside of term times.

**No.3:** Refer to Construction Management Plan. The proposed construction methodology outlined therein will obviate potential impacts on adjoining structures, including in particular the protected structures to the southwest and east.

**No.4:** A comprehensive set of photomontages/CGIs, which includes photomontages/CGIs of 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 is submitted. An refer to the Visual Impact Assessment document.

**No.5:** The application is accompanied by a suite of detailed elevation drawings (Drawing Nos.PA-400, PA401, PA-403, PA-402 and PA-404) which provide details of the proposed materials and finishes. The accompanying Architect's Design Statement includes additional details in respect of the proposed façade design and materials, including reference images. In addition to the above, the Roof Terrace Landscape Plan (Drawing No. Pr.01-DR-205) and the Street Landscape Plan (Drawing No. Pr. 01-DR-204) provide comprehensive information on the proposed materials and finishes to the scheme, including the details of the treatment of roof terraces, courtyards, landscaped areas and the public realm.

**No.6:** The application is accompanied by a Construction and Demolition Waste Management Plan and an Operational Waste Management Plan. Section 3.3 of the Construction and Demolition Waste Management Plan includes details of potential hazardous wastes to be produced as part of the proposed works as well as any potential contaminated soils. Site investigations and environmental soil testing was undertaken in May 2021. For consideration of material to be removed from site, a waste classification of the solid soil laboratory results was completed and indicates that all samples have been classified as non-hazardous material. Please refer to the Construction and Demolition Waste Management Plan and Ground Investigations Report.

**No.7:** It is not proposed that that any areas forming part of the subject development will be taken in charge by the Local Authority. All areas included in the subject development will be managed by a management company.

**No.8** In response to concerns raised regarding potential overlooking of adjoining residential properties, including dwellings featuring along St. Joseph's Place and St. Joseph's Court and No. 29 Prussia Street, the following amendments have been adopted:

- In the context of the open space areas associated with dwellings on St. Joseph's Court, the windows featuring on Block C's upper floor rooms proximate to the northern property boundary have been angled or had screening applied to them. Cross section and contextual elevation drawings (Drawings No. PA-301 and PA-400) demonstrating the relationship with adjoining properties to the north, at St. Josephs Place and St. Josephs Court, have been included in the architectural drawings.
- The communal open space at upper ground floor level of Block A has been omitted from the subject proposal; and
- In the context of the communal open space at upper ground floor level of Block B, this open space area has been reduced in size and its western boundary adopts a more generous separation distance from No. 29 Prussia Street's rear boundary. In addition to the more generous setback adopted, potential noise impacts on this property will be reduced due to the incorporation of an acoustic barrier along the westernmost boundary of the open space area. Further to this, the proposed development no longer includes steps or the pedestrian/cycle link immediately adjacent to the shared



boundary with No. 29 Prussia Street. This further reduces potential overlooking/noise impacts.

**No.9** The subject scheme no longer proposes a pedestrian/cycle route adjacent to No. 29 Prussia Street. Instead, the proposed pedestrian/cycle route is provided adjacent to the subject site's northern boundary and access off Prussia Street is provided in the north-western corner of the site rather than immediately adjacent to No. 29 Prussia Street. In the context of No. 29 Prussia Street, Block A featuring in the subject scheme has been setback a minimum of 1.446 metres from the southern boundary to maintain a degree of separation from No. 29 Prussia Street and to facilitate easy access to the rear of the property from Prussia Street. At upper floor levels, the proposed scheme adopts setbacks and steps down to provide an appropriate response to the protected structure featuring at No. 29 Prussia and to ensure it continues to receive appropriate daylight and its residential amenity isn't detrimentally impacted upon.

**No.10** There are no rights of way traversing the subject site which need to be accommodated by the subject site. Irrespective of this, the south-western portion of the proposed development has been designed in such a way as to provide access to the rear of No. 29 Prussia Street from Prussia Street.

**No.11** The proposed development is served by 120 no. long stay bicycle parking spaces accommodated in a 113sqm bicycle storage area included at lower ground floor level of Block C and 16 no. short stay bicycle parking spaces provided along the Prussia Street frontage. In response to concerns raised regarding the safety and security of users, particularly at night, the access ramp to the bicycle storage area has been internalised and the entrance door has been moved northwards so that it sits immediately adjacent to the shared pedestrian/cycle route. The newly positioned entrance door will be well surveyed with the adjacent shared pedestrian/cycle route being well lit and frequently traversed by residents of the development and persons travelling between Prussia Street and the Grangegorman campus.

**No.12** The application is accompanied by a Bat Assessment, prepared by Bat Eco Services, which assesses the potential impact of the development on bats and bat activity in the area and is informed by up-to date survey data. This assessment concludes that no evidence of bat roosts was recorded during the winter and summer assessments of the buildings located at 29b, 30 and 31 Prussia Street. Two species of bats were recorded commuting through the survey area, however the level of bat activity and the number of bat encounters recorded did not indicate that the proposed development site is an important area for local bat populations.

Therefore, there are no specific bat mitigation measures required. Refer to the Bat Assessment submitted.

**No. 13** Responses are included to key points raised in the DCC Internal report from City Archaeologist, Architectural Conservation Officer, Drainage Section, Air Quality Monitoring & Noise Control Unit, Parks, Biodiversity & Landscape Services, Transportation Planning Division and Waste Regulation and Enforcement Unit.

**No.14** Refer to Appendix A of the 'Statement of Consistency & Planning Report' which includes a discussion regarding the information referred to in article 29B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018.

## **6.0 Policy Context**

### **6.1 National**

#### **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 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

### **The National Student Accommodation Strategy 2017**

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. A progress report issued in July 2019 reported that 12,677 spaces were available in the country at the end of Q3 2018, with planning permission granted for another 8,577 and sought for 2023.

The report highlights that there is a grave need for Purpose Built Student Accommodation (PBSA) in Dublin and that this demand/supply disconnect is also pressuring an already strained private rental sector (PRS).

### **Department of Education and Science Guidelines on Residential Development for Third Level Students (1999) & the subsequent supplementary document (2005); and ‘Student Accommodation Scheme’, Office of Revenue Commissioner (2007)**

The Department of Education and Science Guidelines on Residential Development for Third Level Students (1999) were issued in 1999 to assist developers and designers in formulating proposals for student residential development. In 2005, a supplementary document was issued to addresses a range of specific matters that had arisen since publication of the original guidelines in 1999.

In 2007, the Office of Revenue Commissioner issued a further guidance document on the Student Accommodation Scheme.

The two documents include guidance regarding floor areas, layout and facilities.

### **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.

### **Housing for All – A New Housing Plan for Ireland (2021)**

It is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The government's overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Section 1.9 of the Plan 'Protect Tenants in Private Rental Accommodation', notes that on-campus purpose-built student accommodation can alleviate pressure on the private rental market and stipulates that the Government will support technological universities to develop purpose-built student accommodation where such a requirement exists.

Housing Policy Objective No. 2.11: Support diversification of housing stock and increase availability of rental stock by supporting the development of Purpose Built Student Accommodation by Technological Universities.

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

### **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 (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Design Manual for Urban Roads and Streets (DMURS).
- Architectural Heritage Protection Guidelines, Dept. of Arts Heritage and the Gaeltacht (2011).
- 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).

## 6.2 Regional:

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

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the 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.

### 6.3 Local:

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

The subject site is zoned '**Objective Z1 – Sustainable Residential Neighbourhoods**' with an objective *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.

Section 5.5.12 To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which can make the city's educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas.

Policy QH31 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 Street adjoining the northern boundary of the site, and No 66 and 67, opposite and to the southwest of the site.

The subject site shares a boundary with the historic Grangegorman campus, which includes a number of Protected Structures. The boundary wall marks the historic curtilage of this historic site and is therefore itself considered as a Protected Structure.

- Grangegorman boundary wall (RPS Ref. 1674 & 3281).  
RPS Ref. 1674: St. Brendan's Hospital Complex: stone wall along Circular Road North.  
RPS Ref. 3281: St. Brendan's Hospital Complex: Entrance Gates, piers and walls at Grangegorman Upper.
- No. 29 Prussia Street (RPS Ref. 6873).
- No. 55 Prussia Street (RPS Ref. 6874)
- No. 66-67 Prussia Street (RPS Ref. 6875 & 6876).

This section of Prussia Street is designated as an Architectural Conservation Area and the western part of the site, and wider Prussia Street area, is located within a Zone of Archaeological Interest. A portion of the site is within the 'Zone of Constraint of the Historic City of Dublin (DU018-20)

#### Section 11.1.5.3 Protected Structures - Policy Application.

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.

Policy CHC 3 seeks to identify and protect exceptional buildings of the late twentieth century; to categorise, prioritise and, where appropriate, add to the RPS. Dublin City Council will produce guidelines and offer advice for protection and appropriate refurbishment.

Chapter 16 contains 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 as follows:

- Student accommodation should be grouped as ‘house’ units between 3-8bedspaces, from 55 sq.m. - 160 sq.m.
- Single / double occupancy studio units with bathroom and cooking facilities, GFA of 25 sq.m. - 35 sq.m.
- Shared kitchen facilities shall be provided at a minimum of 4 sq.m. / bedspace.
- Minimum bedrooms shall be single study bedroom 8 sq.m. with bathroom 12 sq.m., twin study bedroom 15 sq.m. with bathroom 18 sq.m., single disabled study bedroom with bathroom 15 sq.m.
- Bathrooms shall serve a maximum of 3 bed spaces.
- Communal facilities shall include laundry, caretaker / security and refuse facilities.

Section 16.10.17 of the Dublin City Development Plan 2016-2022 provides that, in assessing proposals for student accommodation developments, the planning authority will: ‘have regard to the pattern and distribution of student accommodation in the locality, and will resist the over-concentration of such schemes in any one area, in the interests of achieving a sustainable mix of development, whilst also providing for successful urban regeneration, good public transport/cycling/walking connectivity, and the protection of residential amenity.’



It is further stated that for student accommodation proposals ‘the applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 0.25km of a proposal.’

Variation No. 3 of the Dublin City Development Plan amended the above extract was to read as follows:

‘The applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 1km of a proposal.’

#### **6.4 Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with National, Regional and local policy and requirements of section 28 guidelines.

#### **6.5 Applicants Statement of Material Contravention**

The applicant has submitted A Statement of Material Contravention. The contents of which can be summarised as follows:

Section 16.10.7 of the Dublin City Development Plan 2016-2022 sets out the Council’s Guidelines for Student Accommodation. The following internal standard regarding student housing unit sizing applies to all proposals for student accommodation:

- Student accommodation to generally be provided by grouping study bedrooms in ‘house’ units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.

The proposed development provides for a minimum of 4 no. bed spaces per unit (with a minimum area of 84.3sq.m) and a maximum 8 no. bed spaces per unit (with a maximum floor area of 171.1sq.m). It is also noted that the proposed 7 no. bed unit, featuring as part of the proposed development similarly exceeds the maximum gross floor area of 160sqm as outlined within the Dublin City Development Plan 2016-2022, providing for a total floor area of 171.1sq.m. The maximum floor area proposed for the 7 and 8-bed units are in excess of the recommended maximum gross floor area of 160sq.m.

#### **Justification for Material Contravention:**

Permission should be granted having regard to:

- Section 37(2)(b)(i) as it relates to a strategic housing development:
- Section 37(2)(b)(iii) as the unit size is justified in the context of the NPF and Section 28 Guidelines.

The proposed development involves the re-development of underutilised land which is in close proximity to a number of third level institutions, including the TU Dublin Grangegorman Campus which is immediately adjacent to the eastern boundary of the subject site.

In the context of the NPF, it is submitted that site is well-served by high frequency, high-capacity public transport, being situated less than 700m (straight-line distance) from the nearest Luas stop, which is located on the opposite side of the Grangegorman campus and provides Luas Green Line services which runs from Broombridge to Brides Glen. Prussia Street is also identified as a spine route in the revised Bus Connects network that is currently under review. In addition to this, Prussia Street is currently serviced by numerous bus routes (37, 39, 39a, 39x and 70), the closest serviced stop being located c.140m north of the site. The North Circular Road, which is c.200m north of the site is also serviced by a wide range of bus services, thus making the subject site an ideal location for the provision of a student accommodation development

It is submitted that the proposed development is therefore in accordance with the objectives of the NPF in this regard. Restricting student accommodation unit sizing at such a location, well served by public transport, under the Dublin City Development Plan 2016–2022 is a direct contravention of national policy which promotes purpose-built student accommodation at well served urban sites.

The applicable 7 and 8-bed units, which are only marginally over the 160sqm maximum size specified in the Development Plan, will deliver much needed high-quality student accommodation proximate to the TU Dublin Grangegorman Campus.

It is submitted that the proposed development responds to a recognised need, at national level, for additional, dedicated student accommodation and is consistent with the above plan in this regard. The additional 236 no. student bed spaces, will provide for managed student accommodation which will free up the pressure on the existing rental market in the area, by providing more appropriate housing for students and will thus make the most of the existing housing stock to cater for much needed rental accommodation.

Save for in the context of the maximum total floor area outlined (160sqm as per the Development Plan), the applicant is of the view that the proposed development is compliant with the Department of Education and Science Guidelines on Residential Development for Third level Students (1999) is illustrated below and overleaf. A no. of the 7 & 8-bed units proposed within the development in fact comply with the maximum sizing outlined.

Having regard to Section 37(2)(b)(iv):

It is submitted that permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. The pattern of development and permissions granted in the area of the subject site are key considerations in the rationale for the current Strategic Housing Development proposal. The pattern of development in the surrounding area are of relevance to the current development proposal.

A number of student accommodation developments, including strategic housing developments, have been approved in the immediately surrounding area and wider Dublin City Area which involve student accommodation unit sizing exceeding the maximum outlined in the Dublin City Development Plan 2016- 2022.

It is respectfully submitted that should An Bord Pleanála consider the proposed development a material contravention of the Dublin City Development Plan 2016-2022 that an appropriate justification is set out within this statement demonstrating that the proposed student accommodation unit sizing is appropriate having regard to the policies and objectives set out within the Section 28 Guidelines, as well as the strategic nature of the development and the pattern of development approved in the immediately surrounding area.

## **6.6 Designated Sites**

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

- South Dublin Bay and River Tolka SPA
- South Dublin Bay SAC
- North Bull Island SPA
- North Dublin Bay SAC
- Rye Water Valley/Carton SAC
- Glenasmole Valley SAC

- Wicklow Mountains SAC
- Wicklow Mountains SPA
- Rockabill to Dalkey Island SAC
- Howth Head SAC
- Baldoyle Bay SPA
- Baldoyle Bay SAC
- Malahide Estuary SAC
- Malahide Estuary SPA

## **7.0 Observer Submissions**

The Board received 9 valid submissions, these included 3 from Prescribed Bodies (refer to section 9 of this report) and 6 observer submissions which I propose to summarise in this section.

A submission from the owners of 29 Prussia Street outlines support for the proposed development.

4 of the submissions have been made by local residents and use a similar template, their main concerns relate to impact on the residential amenities on the residents of St. Joseph's Court and St. Joseph's Place, potential impacts during construction and operations phases and the inappropriateness of the development in terms of overdevelopment of the site, height, scale and density. There is a significant degree of overlap and reiteration of issues raised in the submissions from local residents and I propose to summarise these by topic rather than individually.

A submission is also received from John Conway and the Louth Environmental Group (BLC Solicitors), this relates primarily to EIA and is summarised below.

In summary the topics raised are summarised below and are dealt with later in the assessment that follows.

### **Residential Amenity:**

The main concerns relate to negative impacts on the residential amenity of adjoining residential properties:

- The development will have a negative impact on No. 5 St. Joseph's Court and on the 21 homes at St. Joseph's Place and St. Joseph's Court.
- The development of the site is welcomed, but needs to be done in a manner that respects adjoining properties.
- The proposal has an adverse effect on the private amenity space of 1, 2 and 3 St. Joseph's Court as well as the daylight & sunlight levels as shown in the overshadowing analysis.
- With the Park Shopping Centre development to the north of St. Joseph's Place/Court and this proposal to the south, along with the TU Dublin's own master plan, the cumulative effect of these combined developments on the visual, environmental and residential amenity of the area is completely overbearing.
- The proposed scheme results in over-looking to the surrounding residents with windows & roof terraces looking directly into the residents' properties & gardens.
- With the approved student accommodation to the north, the current proposal and the TU Masterplan to the east, the existing residential dwellings are at complete risk of being engulfed by an accumulation of insensitive and inappropriate development. The current scheme in particular will have the most impact on the residents as it is blocking the south light.
- Although it is noted that effort have been made to stop overlooking into private gardens of St. Joseph's Court, the detailing and materiality of this will be important to ensure it success. The current proposal allows for angled fins however local residents are not confident this will give any privacy to the private gardens or bedroom windows of adjoining houses.
- Overlooking of 1-6 St. Joseph's Court from the proposed roof garden. Overlooking from balconies also a concern and these may also lead to noise pollution.
- The revised proposal remains insensitive to its surroundings due to its massing, height and subsequent impact on light and overshadowing to the surrounding properties.

### **Overdevelopment of site: (Design, Height, Density)**

- The proposal is overdeveloped and goes above the guidelines with regards to plot ratio.
- The proposal is up to 8 storeys (7 storeys above lower ground floor) and is out of context with its 2 storey neighbours.
- Over development of the site (density, scale and height).
- The cumulative impact of ongoing development in the area must be considered when reviewing this application. The numerous student accommodation developments, along with the consented layouts within the TU Dublin Grangegorman campus SDZ planning scheme, is allowing for a negative impact on environmental, residential and visual amenities within the area.

### **Construction phase:**

- Residents raised construction related concerns with regards to noise, vibrations & air pollution. It is hoped strict conditions with regards to; construction working hours, dust prevention, noise prevention, site safety, vehicular access, site personnel parking requirements etc. would be enforced in an attempt to mitigate the affect the development will have on existing residents. This is essential taking into consideration the number of large buildings in the vicinity due to start on site in the immediate future.
- Local residents highlight that enabling works commenced in December 2021 on the subject site and standard working hours were not adhered to, with works commencing before 7am. Dust control was also not implemented resulting in thick layers of dust and debris over the residents' cars and properties.

### **Operational Phase:**

- St. Joseph's Court & Place consists of longstanding home owners and families and it is important for the sustainability of the community that these home owners and occupiers are not overrun or deterred from living in the area as a result of over densification of one particular residential typology, i.e. student accommodation.

- Consideration must be placed on the requirement for diversity of accommodation within the area. It is hoped strict conditions with regards to; noise, security, public lighting, deliveries, vehicular access etc. would be enforced to ensure the longevity of this diverse neighbourhood and in an effort to secure its existing residents.

### **Environmental Impact Report:**

- Inadequate and deficient EIA Screening that does not permit an assessment of the potential environmental impacts of the proposed development.
- Public Participation. The public are deprived of the opportunity to view and consider relevant statutory reports (such as report from the Planning Authority/Chief Executive) and all other statutory consultees prior to making of observations/submissions on the proposed development – which reports contain relevant information in relation to EIAR.
- The scoping exercise carried out as part of the EIAR process is inadequate in that it does not clearly identify the statutory bodies consulted and their observations/submissions and whether these observations/submissions have been considered in the relevant EIAR chapters.
- The Board lacks ecological and scientific expertise and/or does not appear to have access to such ecological/scientific expertise in order to examine the EIA Screening Report.
- The EIA Screening report is insufficient and/or inadequate in that it does not assess or adequately address the likely impacts on environmental constraints as required under Schedule 7 and 7A of the Planning and Development Regulations.
- The EIA Screening report does not specifically address the likely level of impact on protected structures including 29 Prussia Street, the Grangegorman boundary wall and Prussia Street ACA.
- The Board should refuse permission as the application does not include a full EIAR.
- The criteria considered in the EIAR does not comply with the requirements of the Planning and Development Act 2000, the Planning and Development Regulations 2001 or the EIA Directive. Insufficient information submitted.

- The EIA Screening report fails to provide a comprehensive cumulative assessment of the project.

**Traffic:**

- The proposed development represents a traffic hazard for existing residents in the area and would contribute to traffic congestion – having regard to DMURS, the existing residential and commercial developments and the potential impact of the proposed development.

**Other:**

- Reference in modelling to developments that have not received planning permission (i.e No. 23-28 Prussia Street).
- The residents of St. Joseph's Place and St. Joseph's Court have received no communication with regards to this development from Prussia Properties.

## **8.0 Planning Authority Submission**

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 7<sup>th</sup> February 2022. The planning authority has not raised any serious concerns with regard to the proposed development submitted. The report may be summarised as follows:

### **8.1 Information Submitted by the Planning Authority**

The submission from the Chief Executive includes details in relation site location and description of proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

### **8.2 Summary of views of Elected Representatives - Meeting of the Central Area Committee (20<sup>th</sup> December 2021). The Minutes of the Meeting are included in Appendix B of the CE Report.**

Members questioned if the current application differed significantly from the previous application which was refused as there were still serious concerns in relation to height, density and overlooking of adjoining properties.



Views were mixed as to whether this was a suitable site for student accommodation. The fact that it is adjacent to Grangegorman campus and would require reduced provision for car parking and vehicular traffic is welcomed but it was also pointed out that there is already a large number of student type accommodation proposed for the area.

It was recommended that a planning condition should be inserted in any planning permission granted, requiring that the City Council have an input into the appropriate naming of this proposed development.

Concern was expressed about the impact of proposed development on the nearby protected dwelling and the proposed reduction in height of boundary wall with Grangegorman which is also protected.

Concerns were also raised in relation to access by local residents to Grangegorman from Prussia Street and possible change of use to short-term letting during summer recess.

Issues raised related to:

- Height/Density and Development Plan.
- Design/Layout and Aspect.
- Student Accommodation Model.
- Transportation Planning, Mobility and Access.
- Conservation and Heritage.
- SHD Process and criticism in delay in implementing new replacement legislation.

### **8.3 Planning Assessment**

#### **Principle of Development:**

- The site is zoned Z1 (Z1 “To protect, provide and improve residential amenities”) Residential uses, the definition of which includes student accommodation, is listed as a ‘permissible use’ on Z1 lands and is considered an appropriate use for the site.

#### **Provision of Student accommodation at this location:**

- The application states that the development is to be primarily occupied by students of TU Dublin and submits that there is a pressing need for additional student accommodation in Dublin City.

- The application includes a map indicating that there are 11 student accommodation developments within 1km of the development site, however, these developments are located to the east of the application site, and there are a limited number of student accommodation developments situated to the western side of the Grangegorman campus, most notably the Park Shopping Centre and 84-87 Prussia Street. Furthermore, it is noted that the inspector, under ABP. Ref. 307236/20, accepted that the previous application would not result in an over-concentration of student accommodations within the area. Accordingly, the Planning Authority would accept that the proposed development would not result in an over-concentration of student accommodations within the area.
- Section 16.10.7 provides that PART V does not apply to student accommodation.

#### **Plot Ratio & Site Coverage:**

- The indicative site coverage and plot ratio standards are set out in the Dublin City Development Plan 2016-2022. Site coverage standards are 45%- 60% for Z1 lands and the plot ratio standards are 0.5- 2.0. The site coverage for the proposed development is stated as 57% and the stated plot ratio for the development is 2.3:1.
- The 2016-2022 Dublin City Development Plan, therefore, sets no actual upper unit density limit for any zoned lands, including Z1, with each proposal to be assessed on its own merits as per the assessment criteria above. The Planning Authority note that the subject site is located adjacent to the TU Dublin campus that will accommodate up to 20,000 students. Furthermore, the application site has good levels of connectivity to public transport links to the Broadstone Bus and Luas stops as well as a number of bus stops along Prussia Street. Given the central location of the subject site combined with numerous public transport facilities, which are situated in close proximity, the Planning Authority considered that the subject property represents an underutilised site and therefore a higher plot ratio is deemed acceptable in this instance, subject to an appropriate design response.

#### **Building Height/Massing:**

- The proposed development would be laid out in three buildings, which range in height from 5 storeys adjacent Prussia Street to 7 storeys over partial basement level adjacent to the rear site. Block A, which is located adjacent Prussia Street would have a height of approx. 16 meters with Block B rising to approx. 20.7 m, while Block C would rise to approx. 22.7 m.

- While it is noted that SPPR1 of the Urban Development and Building Heights Guidelines 2018 states that a Planning Authority “shall not provide for blanket numerical limitations on building height”, Section 16.7.2 of the City Development Plan 2016, sets out building heights for the city and identifies building heights in the inner city to up to 28m (commercial) as being appropriate. Accordingly, the development proposal complies with the height standards pertaining to the site as identified within the City Development Plan. Notwithstanding the building height provisions set out in Section 16.7.2 of the City Development Plan 2016- 2022, a full assessment of the proposal against provisions of the building height guidelines has been set out in the CE Report.
- The planning authority supports the design move to reduce the number of blocks from 4 no. to 3 no, which in turn reduces the potential impact of the proposed development on the neighbouring properties, in particular. The application site is located within a conservation area and the Planning Authority welcome the significant design revision proposed by the applicant team in relation to Block A. The revised design would incorporate a clear, well-articulated vertical emphasis, which relates sympathetically to the historic streetscape and prevailing plot widths. The proposed use of two brick types is considered to be a successful design move, while the overall modulation of the façade relates more successfully to the historic plot widths and prevailing fenestration patterns of Prussia Street. Accordingly, no objections are raised to this element of the proposed development.
- In respect of the articulation and expression of the façade of Block B and C, serious concerns were previously raised in relation to the potential use of non-durable or non-traditional materials. The current application would propose the use of a mixture of brick and rain screen treatments. The proposed treatment is considered to result in a successful façade strategy and the proposed brick vernacular would be in keeping with the adjoining TU Dublin campus.
- It is noted however that the south elevation of Block B and C would propose the use of large expanses of render, directly adjoining the southern shared boundary. This is not an acceptable design solution and therefore it is recommended that a condition be imposed, requiring an articulated brick finish be incorporated on these elevations.
- The application site comprises a relatively small infill site and therefore does not have the scope to deliver significant changes to the wider public street network. It is noted however that the current application would seek to provide a pedestrian route leading from Prussia Street to the adjoining campus. The planning authority supports the principle of a connection and recognises the design revision to the proposed route.

- The planning authority accepts that the subject site is an under-utilised site, which is suitable for comprehensive redevelopment that is of a scale substantially more intensive than the existing site condition. The proposed development would be a considerable step change from the current situation, which is acceptable in principle and in line with the developing context along Prussia Street.
- The planning authority accepts that the subject site can accommodate a scale of development substantially more intensive than the existing development on site. The submitted Visual Impact Assessment demonstrates that the proposed development would not result in a significant visual impact when viewed from either Prussia Street or the Grangegorman campus. In particular, the articulation and façade modulation of the proposal would result in a contextual design response, which is also in keeping with recently permitted developments in the area.
- The proposed provision of a reception lobby and office space adjacent to the Prussia Street frontage is supported and would provide a good level of activation and passive surveillance. As part of the pre-application discussions, the planning authority also raised concerns in relation to the potentially circuitous nature of the proposed route and the level of activation and surveillance that would be provided. The applicant has sought to address these concerns and has provided a revised design that involves a straight route leading from Prussia Street into the Grangegorman campus, which would lead along the northern site boundary. This revision is strongly supported by the Planning Authority.
- The proposed plans detail that the primary internal communal amenity spaces would be located along, and set 1.6 meters below, the proposed route, while the access points for Block B and C would be accessed from the route. The Planning Authority considers that the route would have a good level of passive surveillance from the proposed development and is therefore considered to be acceptable.
- It is noted that the redesign of Block A has resulted in an increase in the level of sunlight to this area, with 27% of the proposed route now meeting the BRE Standard. Furthermore, the design revisions have created a very well-lit and inviting space to the rear of Block A, which also welcomed.
- It is acknowledged that the proposed orientation of the buildings, which has been selected to mitigate the overbearing impact on the residential properties to the north, clearly has a significant impact on the sunlight received by the proposed new route, however, the current design is considered to be acceptable and worthy of support.

- The proposal would create a new pedestrian link from Prussia Street to the TU Dublin Grangegorman campus, the principle of which is welcomed by the Planning Authority.
- The main use proposed use would be commercial, comprising a student accommodation development with associated administration and student welfare provisions. This is considered acceptable.

**Daylight, Sunlight and Overshadowing:**

- An updated Daylight, Sunlight and Overshadowing assessment, to address the shortcomings of the report previously submitted. (Second reason for refusal).
- The overshadowing impact of the proposed development on the properties situated to the north of the application site, located within St Joseph's Place and St Joseph's Court as well as the communal open spaces and public realm within the proposed development, has been assessed. In terms of shading on surrounding properties, an assessment of the Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) to the windows of the neighbouring properties has been carried out.
- The report details that all assessed windows would be in substantial compliance with the APSH standards, with the worst affected window (W65) falling just below the 80% standard. A number of the windows would however fail to meet the WPSH standard, with 10 of the assessed windows failing below the 5% standard. It is noted that due to the orientation of the application site, any development would likely impact neighbouring properties, however, it is considered that the revised design sought to reduce the potential impact on the neighbouring properties through the reduction in the number of proposed blocks and the siting of Block B and C adjacent to the southern side of the site, thereby maximising the separation distance between the proposed development and the sensitive receptors to the north. It is considered that, on balance, the proposed impacts are acceptable in this regard.

- The development also provides an assessment of private open space areas of St. Joseph's Place and St. Joseph's Court, which sets out that the majority of the adjoining private amenity areas would not be significantly negatively impacted as a result of the proposed development. The open spaces to No. 12 and 13 St Joseph's Court, which currently have small areas of private open space would experience the most significant levels overshadowing in a post development scenario. The applicant has set out within the submitted report that a "small amenity space of less than 3m in any direction with an average boundary wall of 1.8m will receive very little sunlight and any additional obstruction, no matter how modest will cause a reduction in available sunlight". The planning authority accepts the contention of the applicant in this regard. It is considered that the applicant has sought to minimise the impact on these properties, through the maximizing of separation distances. Accordingly, it is considered that the proposed level of impact is acceptable in this instance.
- In respect of the impact of the proposed development on the surrounding properties in terms of loss of daylight, the submitted report provides a comprehensive assessment of the surrounding areas within the immediate vicinity of the site. The planning authority would note that the proposed development would have the worst impacts on No's 29 and 31A Prussia Street, which are located on either side of the application site. In respect of No. 29, the majority of the affected windows would experience VSC reductions over 50% of the former values, however, VSC levels of over 15% would be retained by all but one of these windows. In respect of No. 31A Prussia Street, the proposed development would result in retained VSC levels of between 17.3 % and 21.3%. It is considered that owing to the vacant nature of the site and the orientation of the windows which adjoin the applicant site, these windows currently receive a level of daylight that is beyond that typically expected in an inner-city environment. Furthermore, any development on this site is likely to affect these windows. Accordingly, no objection is raised in this regard.
- The report has provided a sample assessment of the proposed rooms and has focused on the lower level rooms, which are likely to be worse performing. It would appear all assessed rooms meet the required Average Daylight Factors (ADF) value in line with BRE guidelines, which is strongly supported. The planning authority would note that there is a current SHD planning application on the lands to the south of the site at 23-28 Prussia Street, Dublin 7. While the proposal to the south does not have planning consent, it is noted that development on this site is likely to impact daylight and sunlight levels received by the proposed development. The applicant has stated that the assessment provided was undertaken with the adjacent developments in place, the permitted development in Park Shopping Centre, the TU masterplan and the proposed development to the South, and so represents the worst-case scenario. This is welcomed by the Planning Authority.

**Microclimate:**

- The proposed development at up to 8 storeys, is not considered to be of sufficient height as to result in significant microclimatic impacts.

**Impact on sensitive bird or bat areas:**

- The current application is accompanied by a survey of the existing building for roosting and feeding bats. The report concluded that no bat evidence was recorded during the assessment of the existing buildings onsite. It was concluded that there is little scope for roosting bats and less scope for foraging and commuting bats within the survey area and therefore the proposed development is unlikely to have an impact on local bat populations.

**Potential Impact on telecommunications channels and safe air navigation:**

- The proposal is not considered to have the potential to impact telecommunications channels or microwave links. As the proposed building is less than 45 meters in height, the proposed is not considered to potentially impact safe air navigation.

**Appearance, Architectural Design & Layout**

- The design of the proposed development, with Block A being significantly revised, relates successfully to the surrounding area and therefore, subject to conditions, no objections are raised to this element of the development.

**Quality of Student Accommodation:**

- Based upon the information provided by the applicant, the proposed student accommodation is considered to meet the minimum standards set out in the City Development Plan (section 16.10.7).

**Public Realm and Communal Amenity Provision:**

- Development Plan standards for student accommodation require the provision of adequate open space of suitable orientation within developments, which can include terraces, courtyards and roof gardens where appropriate. All proposals must provide appropriate indoor and outdoor communal and recreational facilities at a level of at least 5-7 sq.m. per bedspace.

- The planning authority notes that the submitted planning report states that 7.35 sqm of communal internal and external spaces areas per bedspace has been provided. As part of the planning authority's opinion previously issued, concerns were raised that areas of the communal open space (COS) were located adjacent to the new route. It is unclear from the submitted drawings, which areas are included within the outdoor open space calculations. Furthermore, while small 'pockets' of open space would be provided along the public route it is unclear how these areas would exclusively serve the residents of the development. If however, all areas of communal open space located along the pedestrian route were to be excluded from the communal open space calculations, a total combined area of approx. 1,226 sqm would be provided, which would result in 5.33 sqm of communal internal and external spaces areas per bedspace being provided, which would still comply with the minimum requirements of the City Development Plan. Furthermore, while the open spaces along the route could not be considered as communal open space, this area would provide a very high level of amenity for both residents and members of the public and is considered to be a significant planning gain that is strongly supported by the planning authority. Accordingly, no objections are raised in this regard.

#### **Impact on Adjoining Area:**

- The planning authority notes that the application site is located within the inner-city area and comprises an underdeveloped site. The existing low-rise and open nature of the site is untypical of such a central site and therefore any development, commensurate with its central and well-serviced character is likely to result in a significant change for the surrounding properties, in particular the neighbouring residential properties located to the north and south of the site.
- It is noted that as part of refusal reason no.2 of ABP ref. 307236-20 the Board found "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".
- The applicant has proposed a revised site layout, which has sought to mitigate the potential impact on the neighbouring properties to the north. The revised strategy has sought to introduce a cranked building footprint, thereby enabling setback distances from the northern boundary and blank rear and side elevations of the neighbouring properties to the north of between 11.7m and 12.1m. While the properties located at 1-10 St Joseph's Place have south-facing windows that would be located directly opposite the proposed development, would be provided with a separation distance of approx. 20 meters, which is also considered acceptable.



## **Heritage and Conservation:**

### Proposed Building:

- The proposed development has been reviewed by the planning authority's Conservation Officer who has raised a number of concerns in relation to the proposal.
- The concerns raised by the Conservation Officer have been taken into account, and while issues in respect of the visual impact of the proposed development have been addressed in the section above, the potential impact of the proposed development on the host protected structures must be carefully considered. A key concern raised is in respect of the requirement for a building to the rear of a protected structure to be subservient to the protected structure. This is a well-established principle, however, it is noted that the proposed development is positioned at a reasonable removal from the protected structure. Furthermore, it is considered that the immediate context of the application is less coherent than other areas of Prussia Street and is of a much wider variety in terms of architectural style and quality. It is in this context that the proposed development must be viewed and the planning authority would consider that the proposed development sits relatively comfortably with the historic structures.
- The planning authority does not concur that the proposed development represents an overdevelopment of the site and does not consider that the proposed development would detrimentally impact the existing protected structures. Based on the submitted information, it is considered that the building would be of high architectural quality and responds appropriately to its setting. Accordingly, the planning authority would recommend that the conditions suggested by the Conservation Section, which seek to increase the building setback from Prussia Street and reduce the proposed building height be omitted.

### Proposed works to the boundary wall:

- The Conservation Officer has set out that insufficient information has been provided in respect of the boundary works required. In order to ensure that the materials, coursing, joint details and method of repair will be sympathetic to the character and respect the curtilage of the protected structure, a full drawing survey including a photographic record of existing boundary walls and detailed schedules of any repair and reinstatement works to the original walls should be fully detailed.
- A Method Statement for the raking out and re-pointing of the stonework and associated repair details are to be provided. Details of the historic stone coursing, sizes of stone as well as mortar composition and colour are also required. Accordingly, it is recommended that conditions to secure this information be imposed, should planning permission be granted.

### **Landscaping & Open Space:**

- The planning authority supports the design intention to create a permeable link for pedestrians and cyclists to the campus, it is intended to facilitate access requirements for future building maintenance and emergency vehicles. The application would also propose the provision of shared communal open spaces for the proposed student accommodation, which would be located in three separate areas, between the buildings on the upper ground floor or first floor levels.
- In relation to the boundary treatments, it is noted that the application would propose the new treatments to both the Prussia Street and TU Dublin Grangegorman campus, all of which would be located within the redline boundary. The applicant would propose the use of high-quality hard landscaping materials, including durable paving materials.

### **Access:**

- Pedestrian and cyclist access to the site will be provided from Prussia Street to the west and from a link to the TU Dublin Grangegorman campus at the east of the site via a new shared surface street through the proposed site. The increased permeability between Prussia Street and the campus is welcomed by the Transportation Planning Division. The proposed development site will retain vehicular access from Prussia Street, which will be limited to refuse collection vehicles, fire tender/emergency vehicles and service and delivery vehicles. Removable bollards will be installed at the Grangegorman campus access points to prevent through traffic movements. Seasonal set down will be accommodated and managed during peak term arrivals/departures of student residents.

### **Parking:**

#### Car:

- No car parking proposed.
- Having regard to the nature of the development, the proximity to the city centre and the accessibility to high-quality public transport, the non-provision of car parking as part of this development is acceptable to the Transportation Planning Division.
- Temporary set-down spaces have been provided within the site between Block A and Block B and will be used for the purposes of drop-offs / collections associated with seasonal arrivals and departures, waste collection, deliveries etc.
- The TMP (Traffic Management Plan) states the generated traffic volumes arising from the development will be low and as result, the traffic impact on the surrounding road network arising from the development will not be significant.

### Bicycle:

- It is proposed to provide 136 no. cycle spaces at ground level comprising 120 no. enclosed long-stay spaces in a dedicated store at lower ground floor level of Block C and 8 no. short-stay parking spaces at grade level adjacent to Block A on Prussia Street. Complies with CDP requirements for no. of spaces.
- The Planning Authority required that all resident long-term cycle parking is accommodated within bicycle stores/compounds that are fully secure, covered, well lit and accessed by key/fob, and that security/sense of security of users is demonstrated. The functionality of the bicycle parking areas must be demonstrated in terms of design layout, height and lateral clearance and user friendly. In this regard, it is recommended that a condition be imposed requiring a redesign of the cycle store to demonstrate the functionality of this area.

### **Other:**

The planning authority notes that the following have been submitted with the application:

- A screening for Appropriate Assessment.
- An Architectural Design Statement.
- An Architectural Heritage Impact Assessment.

### **Appropriate Assessment:**

The planning authority notes that the project has been screened for Appropriate Assessment under the appropriate methodology and concurs that no significant effects are likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network.

### **EIA Screening:**

The Planning Authority notes that the project has been screened for EIA and the methodology applied. It is accepted that this sub-threshold development will not require the preparation of an EIAR.

## **8.4 Inter-Departmental Reports**

**Drainage Division:** No objection subject to conditions.

**City Archaeologist:** Recommended conditions to be attached in the event permission is granted.

**Parks, Biodiversity and Landscape Services:** No objection subject to conditions.

**Transportation Planning Division:** Concerns raised include inter alia service/refuse vehicles and refuse collection points, gate to adjoining lane, Mobility Management Plan, revised bicycle parking, Revised Servicing and Operational Management Plan, Construction Management Plan and recommended conditions attached to address said concerns.

**Conservation Section:** The Section notes the importance and development potential of the subject site and would, in principle, support sustainable development, provided the proposal avoid significant adverse impacts on, or serious loss to, the protected and historic heritage of the city.

Concerns raised relating to impact on no. 29 Prussia Street, the AHIA is incomplete (carried out by an archaeologist with no input from a Conservation Architect/Built Heritage Professional) and does not include a full assessment of the impact of the proposal on the immediate surrounding context. Proposed height (rear blocks c.15m higher than protected structure and other building along Prussia Street) would have a significant and detrimental impact on the architectural character of Prussia Street. Heights is also excessive when considered in the context of the historic Grangegorman campus.

When considering the development as a whole, the current proposal remains overbearing, especially when considered within the context of the historic streetscape (a conservation area), the adjoining Protected Structure and the historic Grangegorman campus and should be reduced in order to protect these historic elements.

The proposal as it is currently designed is too overbearing and the building line of the proposal (from ground to second floor) should be moved back in line with the building line of the protected structure, in order to protect its setting and the third floor moved further back accordingly. Request that the fourth floor of Block A is omitted in its entirety.

The elevational design is now more successful than the previously proposed schemes as the proposal had more consideration for the historic urban grain of this site. The applicant has used this subdivision to set up a more vertical rhythm in the articulation and expression of the façade of Block B, which is more appropriate.

Serious concerns that the proposal to “set back” the building at higher levels (third and fourth floor) which would not in reality have the assumed desired effect of sitting comfortably within its setting, particularly as the building at Block A currently sits too far forward on the streetscape at upper levels and remains too high. It would be preferable for the top floor to be omitted from the proposal in its entirety in order to avoid a cascading “set back” arrangement which does little for the overall composition of the building nor does it protect the urban design character of the historic streetscape.

The submitted visual assessment submitted clearly shows the significant detrimental impact of the proposal on the historic streetscapes, the historic Grangegorman campus and on the architectural character and legibility of the adjoining Protected Structure along Prussia Street - a conservation area.

Recommend that the building line of proposed building along Prussia Street is set back further in order to integrate more successfully with the building line of the Protected Structure in order to protect its special architectural character and setting.

Recommend that the height of the proposal in general, particularly to Block A is reduced to relate more sympathetically with the principle heights (eaves heights) of the Protected Structure and that the rear blocks are reduced in height in order to lessen its dominance on the historic setting of the Grangegorman campus and on the historic cottages along St. Joseph's Place.

Recommend that the top floor of block B is omitted in its entirety to avoid a cascading "setback" arrangement.

No information provided that sets out the site works and boundary works required. In order to ensure that the materials, coursing, joint details and method of repair will be sympathetic to the character and respect the curtilage of the protected structure, a full drawing survey including photographic record of existing boundary walls and detailed schedules of any repair and reinstatement works to the original walls should be fully detailed. A method statement for the raking out and re-pointing of the stonework and associated repair details are to be provided. Details of the historic stone coursing, sizes of stone as well as mortar composition and colour are to be provided. Full details of any proposed new element, such as tothing-in and repair work that shall be required. All new elements to repair any lost or damaged elements of historic wall will match the historic wall. Any stones that are proposed for removal to accommodate the new gateway to Grangegorman shall be carefully labelled, set aside and offered to the client at the Grangegorman campus to facilitate future repair works to the historic walls.

Recommend that the proposal is revised in order to address the concerns raised in the report and that an architectural conservation expert with proven and appropriate expertise is employed to update the Architectural Heritage Impact Assessment to accurately assess the impact of the revised proposal from an architectural conservation standpoint.

**Air Quality Monitoring & Noise Control Unit:** No objection subject to conditions relating to asbestos removal, acoustic requirements and Construction and Demolition.

**Environment & Transportation Department – Waster Regulation & Enforcement Unit:** List of requirements set out.

## 8.5 CE Report Conclusion

The current application is considered to represent a much-improved development that has sought to address the concerns of the planning authority, particularly in relation to the design of the proposed development and the associated visual and environmental impact. However, concerns remain in respect of the proposed cycle parking provisions, details of the works to the Grangegorman campus boundary wall and the use of large expenses of render on the southern elevation of Block B and C. It is considered that these concerns can be addressed by way of planning conditions, should the application be approved.

## **CE Recommendation**

On the basis of the above assessment, it is recommended that the Board GRANT the proposed development subject to the conditions set out.

A Schedule of 22 conditions is included.

Conditions of note include:

No. 2:

*The development shall be revised as follows:*

- a) *The southern elevation of Blocks B and C shall be revised to incorporate a brick finish, incorporating a simple articulated detailing at all levels below the setback upper floor levels.*

*Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*

*Reason: In the interests of orderly development and visual amenity.*

No. 3:

*The permitted development shall be used only as student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute, or tourist/visitor accommodation only during academic holiday periods. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, aparthotel or similar use without a prior grant of permission.*

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

No. 4:

*The student accommodation complex shall be operated and managed by an on-site management team on a 24hour full time basis. A detailed student management plan shall be submitted to and agreed in writing with the planning authority prior to the first occupation of the development. Any changes in the operation and management of the complex shall be the subject of a new planning application.*

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

No. 5:

*The external terraces shall not be occupied or used for any purposes between the hours of 10:00 PM and 07:00 AM.*

*Reason: In the interests of residential amenity.*

In addition, Appendix C contains the following recommended financial conditions:

- A bond condition in respect of a development of two units or more.
- A section 48 development contribution.
- A section 49 development contribution (Luas Cross City Scheme).

## 9.0 Prescribed Bodies

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed at Pre-Application Consultation stage 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: The Minister for Culture, Heritage and the Gaeltacht, The Heritage Council, An Taisce, An Chomhairle Ealaíon, Fáilte Ireland, Irish Water, Transport Infrastructure Ireland and National Transport Authority.

The following Prescribed Bodies have made a submission on the application:

### **Development Applications Unit, Department of Housing, Local Government & Heritage (DAU):**

#### Archaeology

The Department has examined the archaeological component of the Archaeological and Architectural Heritage Report (Archaeology Plan Heritage Solutions, 23 November 2021) submitted with the above planning application. On the basis of the information in the report and the proposed archaeological mitigation (Section 7.2, page 46) the Department recommend that a condition pertaining to Pre-development Testing be included in any grant of planning permission that may issue.

### **Transport Infrastructure Ireland (TII):**

Transport Infrastructure Ireland recommended the following condition:

*The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 Planning and Development Act 2000, as amended. If the above application is successful and is not exempt, please include a condition to apply the Section 49 Luas Line Levy.*

## **Irish Water (IW):**

Water made the following observations.

Water: New connection to the existing network is feasible without upgrade.

Wastewater: New connection to the existing network is feasible without upgrade.

Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is responsible for design and layout validation for water and/or wastewater infrastructure within their site redline boundary. The applicant has yet to provide designs and layouts to Irish Water for assessment and therefore has not been issued with a Statement of Design Acceptance for the proposed development.

A list of recommended conditions are included.

## **10.0 Assessment**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan and has full regard to the Chief Executive's report, third party observations and submissions by Prescribed Bodies.

The assessment considers and addresses the following issues:

- Principle of Development and Quantum of Development
- Design Strategy
- Architectural Heritage and Conservation
- Potential Impact on adjoining properties/land
- Residential Standards for future occupiers
- Traffic & Transportation
- Services & Drainage
- Other Matters



- Chief Executive Report

## 10.1 Principle of Development and Quantum of Development

### 10.1.1 Context

Having regard to the nature and scale of development proposed, namely an application for 236 student bedspaces in 47 no. apartments located on lands for which residential development is permitted in principle under the zoning objective Z1, I am of the opinion 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.

Previous uses on the site are associated with the vacated workshop/industrial units/sheds and yard area which are proposed to be demolished.

A common thread across submissions received relate to the principle of the development on this site, in particular the inclusion of the student accommodation, and the over proliferation of student accommodation in the area.

### 10.1.2 Zoning

The site is zoned 'Objective Z1 – Sustainable Residential Neighbourhoods' with an objective '*To protect, provide and improve residential amenities*'.

Student Accommodation falls under the definition of residential under Strategic Housing Development as per the Planning and Development (Residential Tenancies) Act 2016. I am satisfied that Student Accommodation is a residential use. Residential is permitted in principle under land use zoning objective Z1 and therefore I am satisfied that Student Accommodation is acceptable and does not contravene the land use zoning objective attached to the site.

The current statutory Development Plan contains specific Student Accommodation policies and objectives in Section 5.5.12 which offers guidance on suitable location for such proposal with section 16.10.7 containing relevant development management standards.

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

The planning authority concluded that the proposed development is acceptable in principle. The majority of third-party observers had no major objection to the development of the subject site but were more concerned with the nature of such (ie student accommodation), the height, scale and density associated with the scheme and the potential impact on their residential amenities which I address in the relevant sections of this report.

Having regard to the zoning objective on the site I consider the principle of residential development, consisting of student accommodation on this site is acceptable in principle subject to compliance with the relevant standards and other planning considerations which are addressed in this report.

### **10.1.3 Density**

The proposal is for 47 student apartments (236 bedspaces) on a site with a stated area of c.0.285 hectares, therefore a density of c.828 bedspaces per hectare is proposed.

There are no upper density limits set out in the current Dublin City Development Plan, with each proposal to be assessed on its own merits as per the assessment criteria contained in the Plan.

The proposed development is located adjacent to and would be directly linked to the TU Dublin Grangegorman campus which is one of the largest third level campuses in the country. In addition the site has good levels of connectivity to public transport links such as the Broadstone Bus and Luas stops as well as a number of bus stops along Prussia Street which facilitate access to other third level institutions. Prussia Street is currently serviced by numerous bus routes (37, 39, 39a, 39x and 70), the closest serviced stop c.140m north of the site. The North Circular Road, c. 200m north of the site, is also serviced by a wide range of bus services. The application includes a direct link from the site to the TU Dublin Grangegorman campus (section of wall to be removed). The site is situated c.700m (straight-line distance) from the nearest Luas stop, which is located on the opposite side of the Grangegorman campus and provides Luas Green Line services which run from Broombridge to Brides Glen. The proposed pedestrian link to the campus would facilitate links to this stop via the Grangegorman campus. Prussia Street is identified as a spine route in the Bus Connects network that is currently under review. The surrounding local centres and third level institutions are easily accessed by bike or by bus from the application site.

The location of the proposed student accommodation is on a site contiguous to one of the country's largest student campuses and provides direct linkages to this campus. This will also open up a direct access route to Boombridge and Grangegorman Luas for the wider community from the Prussia Street direction via the application site. In addition the development is ideally located to access other third level institutions by public transport and by foot. I am satisfied that the proposed density and quantum of development at this location is acceptable. The Board did not raise concerns in relation to proposed density in the previous application on this site under ABP-307236-20. The planning authority has not raised concerns relating to this matter. Furthermore, I note that that proposed density is reduced from the 1038 bedspaces per hectare previously proposed. Having regard to the foregoing I am satisfied that the density is acceptable.

#### **10.1.4 Student Accommodation**

Policy QH31 of the Dublin City Development Plan 2016-2022 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.

The NPF notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy 2017 supports these objectives. The site is bounded to the east by TU Dublin Grangegorman Campus.

Observers and DCC Elected Representatives raised concerns over the type of accommodation proposed which they consider would add to the already oversaturation of the area from student accommodation and have a negative impact on the community. I note that the 'over saturation' includes reference to private rental accommodation as well as PBSA. Variation No 3 of the current Development Plan amended the wording of Section 16.10.7, guidance for student accommodation, to require an applicant to submit evidence demonstrating no over-concentration of student accommodation within an area including a map showing all facilities within 1km of a proposal.

The application is accompanied by a Student Demand and Concentration Report. The report refers to The National Student Accommodation Strategy. The National Student Accommodation Strategy was launched in July 2017 and is described as an important action in the Government's overall plan to accelerate housing supply. Rebuilding Ireland sets a target to bring on-stream an additional 7,000 purpose built accommodation bed spaces by 2019. While there were 179,354 full-time enrolments in the 2015/2016 academic year, in terms of increased demand, the Department of Education and Skills (DES) has previously indicated there is potential for the number of full-time enrolments in DES aided HEIs (Higher Education Institutes) to increase by 27% by 2030. It is noted that the most recent progress report published in Q3 2019 concluded that at the end of Q3 a total of 21,254 bedspaces were either under construction, completed or with planning permission. Resulting in a shortfall of 4,500 bedspaces remaining to be provided.

The Student Demand and Concentration Report identifies a number of third level institutions located within a 1.8km radius of the subject site. These include the Grangegorman TU campus, TU Park House, Irish College of Osteopathic Medicine, IBAT College Dublin, TU Linenhall, TU Bolton Street, ICOT College Capel Street, TU Beresford Street, Griffith College City Centre, Dublin Institute of Design, Dublin College of Advanced Studies, Pulse College Halston Street, Warnborough College, Alpha College of English, and ICOT College Ormond Quay.

I note that not only is the application site located directly adjacent to and proposed to be connected to the TU Dublin Grangegorman campus, but it is also within walking distance of other third level institutions and is appropriately sited to cater for the needs of other third level institutions located to the north of Dublin and within the city centre. The proximity to Grangegorman Luas stop the Broadstone DIT Luas stop which as noted above, will be reduced if the proposed pedestrian link to the TU Dublin Campus is provided, along with a number of bus routes which includes Nos. 37, 39, 39A, 46A and 70. The bus and Luas service are approximately a 20-minute trip into the Dublin City Centre. Having regard to the foregoing I consider that the application site is appropriately located to support students attending third level institutions both within the city centre and to the north of the city in addition to the adjoining Grangegorman campus which is envisaged to cater for c. 20,000 students.

I consider based on the information provided by the applicant and a number of reports cited relating to student accommodation that it is clear that there is a need for this accommodation type both nationally and within Dublin City. I would be of the view that there is sufficient information to determine that there is demand for additional student accommodation. I regard this as a suitable location for such development and note the extant permission for PBSA (Purposed Built Student Accommodation) in the area. I address the potential impact on residential amenity in section 10.4 of this report.

As summarised above a Student Accommodation Concentration Report submitted with the application includes an assessment of and map of existing and permitted PBSA in the area. The Student Concentration Report notes there is not an overconcentration of student accommodation in PBSA to the northwest of the TU Dublin campus with PBSA to date being provided to the east of the campus. Particular reference is placed on the national student accommodation strategy which outlines the need for an additional 16,374 Purpose Built Student Accommodation (PBSA) spaces in Dublin. I do not consider that the addition of 236 bed spaces would constitute an overconcentration at this location.

I consider the provision of student accommodation at this location is acceptable in terms of sustainable planning and in particular given the location of the accommodation adjacent to one of Ireland's largest student campuses. I am satisfied that the location is appropriate in terms of providing sustainable means of transport in the forms of pedestrian/cycle links to the adjoining campus and opening up access to wider modes of public transport through the college campus for the wider community. I note that the planning authority do not consider that the proposed development will lead to an overconcentration of student accommodation. The additional of 236 bedspaces at this location will not represent an overconcentration of student accommodation at this location, in my opinion.

## **10.2 Design Strategy**

### **10.2.1 Context**

The Board refused permission for 296 No. student bedspaces arranged in 4 blocks on the application site in 2020 for 2 reasons. The first reason related to the *"...design, bulk and extent of Blocks B, C and D, being 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."*

I shall address the potential impact on Architectural Heritage and compliance with section 11.1.5.3 in section 10.3 of this report. In this section I propose to address the matter of height, scale and massing in the context of how the current application seeks to address the Board's previous reason for refusal having regard to the architectural response to the site and its context. The two issues are intrinsically linked and a degree of overlap can be expected.

### **10.2.2 Height/Scale/Massing**

Numerous observers have raised concerns with regards to the impact of the proposal on the visual amenity of the area and that it is out of character with the existing built environment. These concerns are interlinked with concerns regarding height, scale and massing of the proposal. There is a general consensus amongst third party observers that the proposal would negatively impact on the visual amenity of the area. The planning authority have not raised concerns in this regard.

The site wraps around No 29 Prussia Street, a three storey protected structure, located to the south and west. To the east is the TU Dublin Grangegorman Campus which is in the process of being developed and to the north is No. 31A Prussia Street a three storey property, and St. Joseph's Place (2 storey artisan cottages) and St. Joseph's Court (2 storey houses). Prussia Street forms the western boundary. The site is bounded to the south by a site which has a current application for a SHD development consisting of one block ranging from 4 to 14 storeys in height.

The CGIs of the proposed development illustrate the transition in heights between the proposed development and a selection of existing, proposed and permitted development immediately adjoining the site.

The proposed development comprises 3 blocks (A, B & C). The applicant has set out that the height strategy for the proposed development has sought to address the concerns raised under ABP 307236-20. Block A fronts onto Prussia Street is 5 storeys (c.16m) with height increasing as one moves eastwards across the site to Block B which is 6 storey over partial basement (c. 20.7m) and Block C which is 7 storeys over partial basement level (c. 22.7m) located on the eastern portion (rear) of the site adjacent to the TU Dublin Grangegorman campus. The documentation sets out that the height is distributed across the site with proposed heights lowest facing Prussia Street increasing to a maximum height at the east part of the block facing the campus. The height strategy seeks to justify the height of the proposed development in the context of the adjoining permitted SHD at the Park Shopping Centre and permitted height for the West Quad (GSDZ3536/19) in the Grangegorman SDZ which has a height of c.35m. Under GSDZ2088/20 a minor reduction in the parapet height was proposed.

Section 16.7 of the Dublin City Development Plan 2016-2022 has regard to 'Building Height in a Sustainable City'. The Development Plan defines Dublin City as 'low-rise', with the exception of those areas specifically designated as 'mid-rise' or 'high-rise'. The application site falls within the 'low-rise' area. Table 2.0 sets out heights for 'low-rise' in the Inner City as up to 24m in height for residential developments. The proposed heights of 5 storeys (16.25m) to 7 storeys (22.7m) over lower ground floor level and complies with the provisions of the Dublin City Council Development Plan 2016-2022 in respect of building heights.

I am of the view that the arrangement of the blocks and setback have ensured that the height is reduced along the site's southern boundary with No. 29 Prussia Street and is set back from the closest adjoining residential properties (2 storey cottages and 2 storey houses) to the north. This assists in differentiating between the blocks while also limiting overall impact. The height and form of Block A is also stepped to address No. 29 Prussia Street. When viewed in the context of the permitted development on the eastern side of the TU Dublin Grangegorman campus and that permitted on the western quad, I consider the current proposal and the height of Block C acceptable. I am of the view that the overall the height, location of blocks and their form deal with the scale and height of the adjoining properties and would not be visually dominant when viewed from the surrounding area.

The DCC Conservation Officer has highlighted concerns regarding the height of the proposed structures from an architectural heritage perspective and the potential impact on adjoining protected structures and the Prussia Street ACA which I address in section 10.3 of this report.

The emphasis on height is concentrated to the rear of the site (Block C) adjoining the TU Dublin campus. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The site is on serviced zoned lands in the inner city and I am of the opinion that the proposed development of these lands would be an appropriate intervention at this location.

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. The proposed development does not contravene the Dublin City Development Plan 2016-2022 in terms of building heights.

Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including photomontages and daylight/sunlight analysis. Applying section 3.2 of the Building Height Guidelines I consider the following:

At the scale of relevant city/town, the proposal will make a positive contribution to place-making introducing new street frontage and utilises massing and height to achieve the required densities. I consider there to be sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

At the scale of district/neighbourhood/street, I consider that the proposal responds satisfactorily to its built environment in this instance and will make a positive contribution to the urban neighbourhood at this location. The front of the site while located in a designated Architectural Conservation Area does not contribute to the character of the ACA in its current form and I am of the opinion that the proposal can be accommodated on this site without detriment to the visual amenities of the area given the existing built environment to the north and south. The proposal does not detract from the setting of No. 29 Prussia Street which at present is located in isolation surrounding by sites which have been the subject of historical site clearance and do not contribute to the character of the area in a positive manner. Furthermore No. 29 has been the subject of significant alterations and extensions over the years. The use of appropriate materials and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height, scale and massing of the development appropriate for the location and in accordance with guidance set out in the Architectural Heritage Protection Guidelines having regard to its proximity to protected structures and location within an Architectural Conservation Area which I address in Section 10.3 of this report.

At the scale of the site/building: The proposal includes new public realm, active frontages and fenestration that will passively survey the public road and pedestrian linkages. It will contribute to the legibility of the area, by establishing a positive addition. The addition of student accommodation will contribute to the mix and tenure at the location. Residential Amenities are addressed in section 10.4 and 10.5 Sunlight and daylight consideration are addressed in section 10.4.4,10.4.5 and 10.5.3 Flood Risk Assessment has been carried out and this is addressed in section 10.7. I therefore find that the proposed development satisfies the criteria described in section 3.2 of the Building Height Guidelines.



The issues of height, scale and massing of the proposal are inter-related. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the proposal. I am generally satisfied in this regard and consider that appropriate transitions in scale have been put forward in the design. I consider that the applicant has had regard in this current proposal to existing residential properties and to improving the public realm, streetscape and connectivity of the area. The proposed works to the public realm, communal open space layout, provision of linkages through the site to the adjoining college campus will ensure that the scheme is an attractive addition to the area. While, there is no doubt, it will bring a change to the character and context of the area, I am of the view that this will be a positive change and I consider the proposal to be in compliance with national guidance in this regard.

I note the concerns raised in the submissions, however I consider that the development has been designed to be respectful of the character of the area and provides a modern development that is respectful of its surroundings through appropriate heights, massing and scale. I am satisfied that the proposed development would not have so great an impact on the visual amenity of the area as to warrant a refusal of permission. The highest element is 7 storeys over lower ground floor and is located on the eastern portion of the site adjacent to the TU Dublin Campus.

I have inspected the site and surrounding area and I agree with observers that the blocks will be visible to residents in the vicinity. The closest occupied dwellings to the north are St. Joseph's Place, St. Joseph's Court and No. 29 Prussia Street to the south/west. There is a current application for SHD development on the site to the south. I am satisfied that the proposed development would not result in an overbearing or visually dominate development when viewed from the adjoining dwellings to the north given the set back from the boundary, the orientation and location of the proposed blocks and their relationship with the properties to the north. The same applies with regard to No. 29 Prussia Street located to the south/west of the proposed development. I am satisfied that the proposed development also has had regard to the permitted development to the east on the TU Dublin Campus and would not prejudice the potential development of lands to the south. I address these matters in more detail in section 10.4.

In an attempt to address concerns raised by DCC relating to the horizontal expression of the proposed Block A and its relationship with No. 29 Prussia Street. The applicant has revised the massing, articulation and fenestration proposed on Block A Prussia Street (western) façade which now provides more vertical emphasis. And reads as having 3 no. vertical brick elements of similar proportions to No. 29 Prussia Street. A greater variety of brick and mortar styles is proposed in the Prussia Street elevation to add variety to the streetscape. The ground floor of Block A is recessed from Prussia Street, with the southern-most bay recessed to match No. 29 Prussia Street's building line. At upper floor level, additional setbacks/stepping down is adopted along Block A's southern façade to provide greater separation distances from No. 29 Prussia Street. Block B has been reduced to have regard to No. 29 Prussia Street and St. Joseph's Place to the north. Block C is set back from the northern boundary and the gable of No. 1 St. Joseph's Court.

The proposed development has been reduced in height from that previously refused. I note the Block A was not referenced in the 2020 reasons for refusal which focused on the other 3 blocks proposed at that time. Block A has regard to and address the height and scale of both No. 29 Prussia Street and No. 31A along the Prussia Street frontage. Height increases as one moves eastwards across the site with Block C having due regard to the permitted heights on the western quad in the adjoining TU Dublin campus. The blocks have been set back from the two storey houses to the north, St. Joseph's Place and St. Joseph's Court, and pay due deference to their scale and height.

Overall I consider the range in height acceptable for this inner city setting. I consider the variation in height, scale and massing compliments the site. The set back from adjoining properties and proposed public realm treatment ensures the building is not overbearing on the surrounding area. I am of the view that the proposal will improve the architectural grain of the area, by bringing into use a zoned serviced site that is underutilised at present at this prime location. I have assessed potential impacts in terms of visual dominance when viewed from adjoining residential properties in detail in section 10.4 of this report. The Chief Executive Report noted that the scale of the proposed development responds well to its urban setting and raised no objection in this regard.

Having regard to the foregoing I am of the view given the context of the site adjoining the TU Dublin campus and its associated heights, its location along Prussia Street which is undergoing significant redevelopment, the proposed height, scale and massing is acceptable and that proposed scheme responds appropriately to the location and context of the surrounding environment.

### **10.2.3 Design, Finishes and Materials**

The applicant in this instance is proposing a contemporary intervention in an area characterised by commercial developments with a mixture of two storey artisan cottages and two storey houses to the north and apartments along the western side of Prussia Street, the Park Shopping Centre, Grangegorman Campus and the remnants of a former terrace along Prussia Street of which No. 29 is the last remaining occupied one along this section of Prussia Street. The area is one in transition and is undergoing significant redevelopment. The proposed design seeks to introduce a new element to this underutilised site at a prominent, accessible location within the inner city. The area is one in transition and therefore can accommodate different designs and styles when seeking to introduce new elements to the built environment.

The proposed layout and design of the development has been rooted in an attempt to address the 2020 reasons for refusal on the site. I note that mitigation through design is used to address potential impacts on the adjoining sensitive receptors which I address in sections 10.3 and 10.4 of this report.

The Architectural Design Statement submitted with the application sets out the design process that has been pursued to address the previous reasons for refusal under ABP 307236-20. In Block A the 3rd floor plane is retained, bringing it to ground at the northern end, and also retained the recessed 4th floor as per the ABP 307236-20 design. The current proposal replaces the horizontal concrete frame 1st & 2nd floors with 3 vertical brick elements rising from ground to parapet of 2nd floor but with the ground floors punched out to form an arcade between the brick piers and the façade line beyond which aligns with No. 29. The northern bay frames the entrance to the 'new street'. The northern and middle elements are 3 bay whilst the southern element is four bay to reflect the structure/width of the protected structure. The top right bay of this element is hollowed out as a balcony to ease the transition to No. 29. It is proposed that the 3 façade elements in the foreground and the backdrop plane will be detailed in a combination of subtly different brick and mortar types, the applicant's Architectural Design Statement has referenced Dorset Street Student Accommodation and the new ESB Headquarters on Fitzwilliam Street as an example of this approach. To address the building line of No. 29, the current proposal has removed a number of rooms in order to create a bay recessed to the same building line as No. 29. The line of this recessed bay then transits along the back wall of the arcade and leads into the 'new street' entrance. This leaves three equal width façade elements of three bays each. The parapet of these bays has been raised in order to allow a higher 2nd floor window proportion and to enhance verticality. A 'portal' type entrance to the complex and the campus is proposed utilising a 'Corten' type rusted steel that is stated to echo the material used at the other end of the street at the TU Dublin entry.

The planning authority concluded that the revised design (from that previously refused permission) incorporates a clear, well-articulated vertical emphasis, which relates sympathetically to the historic streetscape and prevailing plot widths. The proposed use of two brick types is considered to be a successful design move, while the overall modulation of the façade relates more successfully to the historic plot widths and prevailing fenestration patterns of Prussia Street. The planning authority raised no objections to this element of the proposed development.

I am satisfied that the proposed design intervention along Prussia Street offers a transition between the two building lines along Prussia Street of No. 29 to the south and No. 31A to the north. I note the Conservation Officer raised concerns in relation to the building line and relationship with No. 29 which I have addressed in section 10.3.

The proposed Blocks have been located on the site set back from the adjoining sensitive receptors. Block A is set back c 1.4 to 1.5m from the gable of No. 29 Prussia Street and its rear extensions. Block A is proposed to be built up to the boundary and gable of No. 31A to the north. Block B is set back c.1.5m in places and up to the boundary of No. 29 Prussia Street. Block B is set back c. 9.09m to 12.1m from the northern boundary with the rear of houses along St. Joseph's Place. The development is predominantly up to the southern boundary with Block C set back at its maximum point c.9.2m from the southern boundary and c.8.6 to 11.7m from the gable of No.1 St. Joseph's' Court and its rear garden and, c 0.8m from the eastern boundary with the TU Dublin Grangegorman campus. Potential overbearance is further mitigated by the arrangement of the blocks on the site and the cranked building footprint.

While I recognise that the proposal would have a visual impact when viewed from the surrounding area it is reflective of the evolving built environment in the general area and I consider it to be a positive one which enhances the architectural grain of the area. The proposal responds satisfactorily to the existing built environment in this instance and will make a positive contribution to the urban neighbourhood at this location.

The applicants have submitted photomontages showing the proposal in the context of the existing built environment. An Architectural Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides a Landscape Design Statement which should be read in tandem as they set out external building materials and landscape external materials. In my view, the use of high-quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location.

The proposed materials and finishes are as follows: The façade facing the campus is to be detailed with the same brick type as used on the student Residence Scheme at Rathdown Road (Ref:4262/16). The applicants have stated that they understand that the same brick is to be used on the newly permitted West Quad which is adjacent to the applicant site. There will be a greater variety of brick and mortar styles on the Prussia Street elevation to add movement and variety to the street. I consider the use of a mixture of brick and rain screen treatments is acceptable and the proposed brick vernacular would be in keeping with the adjoining TU Dublin campus.

The Conservation Officer raised concerns with regard to the use of brick panels and recommended that the use of real clay bricks be conditioned. I understand the rationale behind the Conservation Officers recommendation however I consider the requirement to use real clay bricks throughout the development as overly onerous on the applicant and that the use of brick panels is acceptable with the exception of the front façade of Block A which fronts on the ACA. I consider the proposed material strategy reasonable with Block A reflecting those of Prussia Street and Block C to the rear in line with permitted development on the western quad on the Grangegorman campus. I am satisfied that the proposed development proposes high quality material and finishes and subject to minor amendments are acceptable and can be conditioned accordingly.

The Chief Executive report raised concerns regarding the use of large expanses of render on the south elevation of Block B and C, directly adjoining the southern shared boundary. And recommended that a condition be imposed, requiring an articulated brick finish be incorporated on these elevations. I share the Planning Authority's concerns regarding the use of large expanses of render and long term maintenance of same. The applicant has stated that no render is used anywhere. I note however drawing PA-403 shows what resembles sections of render (not labelled on drawing) on the southern elevation of Block B and drawing PA-404 shows what resembles sections of render (not labelled on drawing) on the southern elevation of Block C. I acknowledge that the adjoining site to the south is the subject of a current application with An Bord Pleanála, the current proposal before the Board needs to consider elevations in the context of either the adjoining site being developed or not and ensure that southern elevations are finished accordingly. Regardless of any potential outcome of a planning application on the adjoining site I have serious concerns regarding the use of render in such vast amounts and should be replaced with a more suitable alternative. I recommend that this be conditioned accordingly.

The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. I consider the overall design of the development appropriate for the location and has due regard to the adjoining protected structure. I consider that the development has been designed to be respectful of the character of the area and provides a modern development that is respectful of its surroundings through appropriate design intervention at this location.

I have examined the potential visual impacts of the proposed development on nearby areas. My assessment has also been informed by my site visit, where I viewed the proposed development site from surrounding areas. I consider the proposed development provides an adequate design response to this infill site, is of good architectural quality and does not reflect a visually dominant feature in the wider cityscape.

#### **10.2.4 Layout and Open Space**

Central to the proposed design and layout is the provision of an east-west accessway leading from Prussia Street to the TU Dublin Grangegorman campus which bounds the site to the east. The proposed access/link runs along the northern side of the site and is laid out as a shared surface for use by pedestrians, cyclists and emergency/ services vehicles.

A Landscape Design Statement submitted with the application outlines the strategy for the proposed link/access as well as communal external terraces, situated at the ground and upper floor levels. I note that The Chief Executive report supports the design intention to create a permeable link for pedestrians and cyclists to the campus, it is intended to facilitate access requirements for future building maintenance and emergency vehicles.

The proposed development also includes the provision of shared communal open spaces for the proposed student accommodation, which would be located in three separate areas between the buildings on the upper ground floor or first floor levels. Observers have raised concerns regarding potential detrimental impact on their residential amenities arising from the use of these spaces. I address this in section 10.4.4.

At lower levels it is proposed to provide a split level arrangement, with the entrance/reception area as well as a lobby area located at grade level adjacent to Prussia Street. The lower ground floor level contains student facilities including a study area, laundry room, TV room, common room, gym and canteen area. With the communal open spaces situated at podium level and upper ground floor/ first floor level for use by the future residents. Overall I am satisfied that the development has maximised the potential of the site while also providing an acceptable level of amenity for future occupiers and respecting the built character of the area. The development relates successfully and integrates with the surrounding area. Planning gain in the form of new public realm and linkages through the site to the TU Dublin Grangegorman Campus are welcomed and will benefit the wider area.

The Chief Executive Report noted that while the open spaces along the route could not be considered as communal open space, this area would provide a very high level of amenity for both residents and members of the public and is considered to be a significant planning gain that is strongly supported by the planning authority.

Section 16.10.3 of the Dublin City Development Plan 2016-2022 sets out that in new residential developments, 10% of the site area shall be reserved as public open space. The proposed development does not include a designated area of Public Open Space. The site adjoins the Grangegorman Campus with which will have a direct link. In addition the site is located within the vicinity of a number of areas of public open spaces, including the Phoenix Park. Given the nature of the proposed development and its location I am of the view that a designated area of public open space is not required in this instance. The development provides for a publicly accessible link/route through the site for pedestrians and cyclist from Prussia Street to the Grangegorman Campus which is welcomed. I note that DCC have not included a condition requiring a payment in lieu. I am satisfied given the nature of the proposed development, student accommodation and its location immediately adjoining and linked to the TU Dublin Grangegorman campus that there is ample amenity space available and there is no requirement for a condition requiring a contribution in lieu of public open space.

Boundary treatment has been set out, this includes details for the interventions to the Grangegorman boundary wall which I have addressed in this report and find acceptable subject to appropriate conditions. Bollards are indicated on the plans submitted with no gates, implying 24 hour access to the Grangegorman campus. I note that the applicant has set out the development will not be taken in charge by DCC. It is not within the remit of this application to address hours of access to the campuses this is a matter between the applicant and the GDA.

### **10.3 Architectural Heritage and Conservation**

### 10.3.1 Context

Section 11.1.5.3 of the current City Plan refers to Protected Structures and Policy Application and is referred to in the Board's first reason for refusal for ABP 307236-20.

Policy CHC2 of the current City Development Plan seeks *"to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will: (a)Protect or, where appropriate, restore form, features and fabric which contribute to the special interest. (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances. (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure."*

An Archaeological and Architectural Heritage Assessment (AAHA) is submitted with the application, DCC Conservation Officer noted that the conservation report setting out the historical and architectural development of the adjoining protected structure, the historic Grangegorman site and the historic context of the village of Stoneybatter was carried out by an archaeologist rather than a conservation architect / built heritage professional. And she is of the view that the AAHA is not sufficiently complete and has not satisfactorily assessed the impact of the proposal on the immediate surrounding context, including the adjoining Protected Structure, the historical Grangegorman site and the Architectural Conservation Area (ACA) along this stretch of Prussia Street. I acknowledged that the Report was prepared by an archaeologist. I note that the planning authority has not raised this as a concern, notwithstanding the concerns raised by the Conservation Officer. 6 observer submissions were received of these 1 was from the owners of No. 29 Prussia Street in support of the proposed development and the only submission to raise concerns relating to Built Heritage was received from John Conway and the Louth Environmental Group and related to the lack of reference to protected structures in the EIA Screening and EIAR which I address in section 11 of this report. I note that the qualifications of the author of the Archaeological and Architectural Heritage Assessment was not raised by observers.



I note the DCC Conservation Officer concerns and I acknowledge that an Architectural Heritage Impact Assessment (AHIA) prepared by a Conservation architect would have been beneficial to the process. Notwithstanding I have considered all of the reports submitted with the application, which include inter alia an Architectural Design Statement prepared by qualified architects which addresses the impact on no. 29 Prussia Street, the ACA, the boundary wall and outlines that the design rationale for the site is rooted in addressing these sensitive receptors. Furthermore the Engineer report, VIA, CGIs and photomontages, the Report on Visual Survey of Site Boundary Walls, Landscape Design Statement have all been considered in my assessment. For the purposes to assessing the proposal I note the requirements set out in Appendix B of the Architectural Heritage Protections Guidelines and I am satisfied that I have sufficient information on file to make a robust assessment of the potential impacts arising from the proposed development on the architectural heritage of the area.

The DCC Conservation Officer recommend that a condition be attached requiring that an architectural conservation expert with proven and appropriate expertise is employed to update the Architectural Heritage Impact Assessment to accurately assess the impact from an architectural conservation standpoint. Having regard to the information submitted with application I do not consider such a condition appropriate given the details provided on file and my assessment set out below. I do however agree with the requirement for the submission of a Method Statement which can be addressed by condition.

The DCC Conservation Officer disagrees with the applicant's assertion that the proposal would have no impact on the adjoining protected structure, the historic Grangegorman site and the historic context of the village of Stoneybatter as the submitted drawings and visuals, she holds, show a significant, overbearing and detrimental impact on the historic streetscape along Prussia Street and the Grangegorman campus. I address these in turn in the sections below.

### **10.3.2 Impact on No. 29 Prussia Street.**

No. 29 Prussia Street is a detached four-bay three-storey former house was built c.1780, and according to the NIAH, *“consists of a three-storey returns to rear (east) elevation, Prussia Street, formerly known as Cabra Lane, is an ancient routeway from Dublin city and a continuation of Manor Street. The west side of Cabra Lane was largely developed by the time of Rocque's 1756 map of Dublin, and the east side developed from the 1760s. Formerly part of a terrace, no.29 Prussia Street now stands detached, with a yard to the north and south. The three-storey façade contributes positively to the streetscape. Though the house has been altered, with the applied render decorations probably dating from the late nineteenth century, the form and scale are reminders of the late eighteenth century character of this house.”*

The DCC Architectural Conservation Officer raised concerns that the proposed development would not be subservient to No. 29 Prussia Street and therefore would fail to protect the special architectural character and setting of the protected structure. A concern has also been raised that the proposed development would not respect or relate sensitively to the parapet heights and eave heights of immediately adjoining protected structure.

The DCC Conservation Officer in her report noted that the inclusion of the drawings and visuals highlight the impact that the current proposal on the application site along with the proposal at No's 23-28 Prussia Street would have on the protected structure at No. 29 Prussia Street is of concern. The Conservation Officer is of the view that the two developments would clearly subsume the protected structure, permanently altering its presence on the historic streetscape. The Conservation Officer recommended that the impacts of the proposed development are reduced – particularly along Prussia Street - by the reduction in height of the proposal in a manner that ensures that the parapet height of the new development relates to the historic parapet height of No. 29 Prussia Street.

To address the interface with No. 29 Prussia Street (protected structure) and previous reasons for refusal, Block A has been redesigned in elevation and aspect to No. 29 with a transition in scale. I consider the proposal before the Board, in particular Block A and B is an appropriate architectural intervention, provides a transition in scale, form and height and while not subservient to the protected structure has regard to its character and protected status. The proposal does not detract from the setting of No. 29 Prussia Street which itself has been the subject of numerous unsympathetic extensions/alterations in the past and its original setting and context extensively altered and compromised. With regard to the cumulative impact with the proposed development to the south, I note that there is no decision to date on this development.

When viewed in the context of the streetscape along Prussia Street I am of the view that the current proposal would enhance the setting of No. 29 Prussia Street by the design and reinstatement of a terrace along the eastern side of Prussia Street and the building line reinstated. The use of materials and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. I consider the design, height and massing of the development appropriate for the location and has due regard to the adjoining protected structure.

The Conservation Officer stated that the proposed building line does not take into account the historic building line along the street and recommended that the building line of the proposal is brought back to be in line with the historic building line of No. 29 Prussia Street. In this regard I note that the Architectural Design Statement submitted with the application sets out the design process that has been pursued to address the previous reasons for refusal under ABP 307236-20. In Block A the 3rd floor plane is retained, bringing it to ground at the northern end, and also retained the recessed 4th floor as per the ABP 307236-20 design. The current proposal replaces the horizontal concrete frame 1st & 2nd floors with 3 vertical brick elements rising from ground to parapet of 2nd floor but with the ground floors punched out to form an arcade between the brick piers and the façade line beyond which aligns with No. 29 Prussia Street. In effect Block A forms a transition and address the two different building lines of No. 29 to the south and No. 31A to the north. The current proposal before the Board in my view has addressed the two established building lines along Prussia Street in an appropriate manner and I do not consider it appropriate to include the recommendation of the Conservation Officer in this regard.

I have examined the proposal submitted and I am of the view that the current proposal is an appropriate architectural response for this site. The application has reduced the height of Block A and B, blocks closest to 29 Prussia Street, from that previously proposed on site, increased setback and reduced the overall form of the blocks to have regard to No. 29 Prussia Street. As noted above the eastern side of Prussia Street in the immediate vicinity offers little in its current condition to the streetscape along Prussia Street at this point or the character and setting of No. 29 Prussia Street. If anything it enhances the already significantly compromised setting of No. 29 by adding to the narrative of Prussia Street by providing a contemporary intervention to the street at this point, in my opinion.

I refer the Board to the fact that the planning authority concluded in the Chief Executive Report that it is considered that the immediate context of the application site is less coherent than other areas of Prussia Street and is of a much wider variety in terms of architectural style and quality. It is in this context that the proposed development must be viewed and the planning authority would consider that the proposed development sits relatively comfortably with the historic structures. And that based on the submitted information, it is considered that the building would be of high architectural quality and responds appropriately to its setting. Accordingly, the Planning Authority recommended that the conditions suggested by the Conservation Section, which seek to increase the building setback from Prussia Street and reduce the proposed building height be omitted, I agree with the planning authority's recommendation here.

In my view, the use of high-quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location. While I recognise that the proposal would have a visual impact when viewed from the surrounding area it is reflective of the evolving built environment in general area and I consider it to be a positive one which enhances the architectural grain of the area and has due regard to the adjoining protected structure.

Overall I am of the view that the proposed development will not have any significant negative impact on the character and setting No. 29 Prussia Street for reasons set out above.

### **10.3.3 Impact on Prussia Street Architectural Conservation Area & Stoneybatter Village**

Section 11.1.5.4 of the current City Plan refers to Architectural Conservation Areas and Conservation Areas. Policy CHC4 seeks to ensure that all development proposals within all Conservation Areas complement the character of the area, including the setting of Protected Structures and comply with development standards. Where new development would be considered appropriate, any new development should not harm buildings or other features that contribute positively to the Conservation Area.

The Boards reasons for refusal under ABP 307236-20 referred to the impact of Bocks B, C & D. The Inspector at the time noted that the design approach of Block A fronting Prussia Street including the recessed building line adjacent to No. 29 Prussia Street with upper levels cantilevered over was acceptable having regard to the immediately adjoining pattern of development and the general haphazard building line pattern along the road frontage and the recessed cantilevered entrance creates a welcoming entrance plaza.

The DCC Conservation Officer stated that the treatment of the façade in the current proposal has greater consideration for the prevailing fenestration patterns and proportions of the opaque and transparent elements of the existing and historic buildings within the immediate context in order to provide a proposal that sits sympathetically in the streetscape. And that the new proposal now has greater cognisance of the memory of the historic building plots and urban grain in order to stitch more effectively into the urban streetscape. The DCC Conservation Officer concluded the elevational design is now more successful than the previously proposed scheme as the proposal has more consideration for the historic urban grain of this site. I concur with the Conservation Officer in this regard. The applicant has used this subdivision to set up a more vertical rhythm in the articulation and expression of the façade of Block A, which is more appropriate.

I acknowledge that the front of the site is located in a designated Architectural Conservation Area, however I am of the view that the site in its current context (vacant workshop/sheds on a site which was the subject of historical site clearance) does not contribute to the character of the ACA in its current form and I am of the opinion that the proposal can be accommodated on this site without detriment to the character of the ACA given the existing built environment to the north and south. I am of the view that the proposal responds satisfactorily to the existing built environment in this instance and will make a positive contribution to the ACA.

CGIs and photomontages have been submitted showing the proposed development when viewed from the surrounding area. I am of the view that the proposal responds satisfactorily to its overall built environment in this instance and will make a positive contribution to the streetscape at this location. In my opinion, the proposed development in terms of design form and height contributes in a positive manner to the character of the area and I am of the view that the proposal can be accommodated on this site without detriment to the visual amenities of the area and would not have an overbearing impact when viewed from Stoneybatter village.

I note the concerns raised by the Conservation Officer relating to the proposed height and its overbearing impact when viewed from Stoneybatter village. The application has decreased the height of the proposed development and reduced the number of blocks from that previously refused in 2020. I am satisfied that the current proposal has regard to the character of the area and is an appropriate design response for this site. Furthermore I note the DCC Conservation Officer stated that the current elevational design is now more successful than the previously proposed schemes as the proposal had more consideration for the historic urban grain of this site and as stated previously Block A was not referenced in the Boards reasons for refusal under ABP 307236-20.

On balance I consider the current proposal addresses previous concerns raised by the Board in relation to the impact of the proposed development on the existing streetscape and character of the area, including potential impacts when viewed from Stoneybatter village through the appropriate reduction in height, number of blocks and arrangement of blocks on the site. The current proposal includes a revised Block A, and while no concerns had been raised previously pertaining to this Block, I consider the design and treatment of the current Block A more appropriate.

#### **10.3.4 Impact on Grangegorman boundary wall (protected structure) and adjoining campus.**

The subject site shares a boundary with the historic Grangegorman campus, which includes a number of protected structures which are mainly located on the eastern portion of the campus and removed from the site. The boundary wall marks the historic curtilage and is therefore itself considered as a protected structure.

Grangegorman boundary wall (RPS Ref. 1674 & 3281). RPS Ref. 1674 refers to St. Brendan's Hospital Complex: stone wall along Circular Road North. RPS Ref. 3281 refers to St. Brendan's Hospital Complex: Entrance Gates, piers and walls at Grangegorman Upper. The section of wall affected by this application refers to RPS Ref. 3281.

The proposed development includes the creation of a new internal street providing pedestrian and cycle access between Prussia Street and TU Dublin Grangegorman campus, through an opening (3.85m wide) for pedestrian and fire tender traffic in the Grangegorman boundary wall to the east (protected structure). Partial demolitions of the wall either side of the clear opening are proposed with signage and street furniture to be installed thereon. Works also include the removal of the existing concrete coping on top of the existing stone wall and the provision of new signage at this location. Overall c.11.25m of the wall will be affected by the proposed works

The 'Report on Visual Structural Survey of Site Boundary Walls' submitted by the applicant concluded that the existing wall does not appear to have any piers or buttresses supporting it and therefore it is considered a freestanding wall. And that the removal of the portion of the wall to create the access point would therefore not have any significant impact on the structural stability of the existing boundary wall.

The applicant's documentation sets out that the exposed ends of the boundary wall which have resulted from the removal of a section of the wall to allow access to the new street have been detailed in accordance with what is approved within the permitted GDA planning permit for the public Realm (Ref: 3373/12). This will be grey powder coated metal and will follow the GDA methodology for designated entrances to the campus. The DCC Conservation Officer has set out that insufficient information has been provided in respect of the boundary works required. In order to ensure that the materials, coursing, joint details and method of repair will be respect the heritage value of the wall, a full drawing survey including a photographic record of the existing boundary wall and detailed schedules of any repair and reinstatement works to the original wall should be fully detailed. Furthermore, a method statement for the raking out and re-pointing of the stonework and associated repair details are to be provided. Details of the historic stone coursing, sizes of stone as well as mortar composition and colour are also required. I am satisfied that outstanding matters raised in the Chief Executive Report can be addressed by appropriate condition if the Board is of a mind to grant permission

The DCC Conservation Officer considers the proposal to be overbearing, seriously out of scale and would cause serious injury to the legibility and character of the historic Grangegorman campus. And recommended that the heights of the buildings are reduced significantly- by two storeys at the least to the rear of the site. In her opinion when considering the development as a whole, the current proposal remains overbearing, especially when considered within the context of the historic Grangegorman campus and associated boundary wall.

With regard to the potential detrimental impact on Grangegorman campus I am satisfied that the proposed development has been designed to have regard to existing development on the wider Grangegorman campus and permitted development on the Western Quad which has a permitted height higher than Block C. Overall I am satisfied that the proposed development when viewed in the context of the development of the TU Dublin Grangegorman campus reflects the modern idiom, heights, scale and materials and does not have a detrimental impact on the historical campus.

I am of the view that the proposed development will not detract from the character of the adjoining Grangegorman campus and that the proposed interventions to the Grangegorman boundary wall are acceptable subject to appropriate conditions.

## **10.4 Potential Impact on adjoining properties/land**

### **10.4.1 Context**

Observer submissions raised concerns in relation to the impact on surrounding residential amenity. DCC Elected Representatives have also raised concern in relation to same. Potential impacts on residential amenity relate to overbearance, overlooking and overshadowing. Issues or potential impacts as a result of traffic or physical infrastructure are dealt with under separate specific headings dealing with these issues. This section considers overbearance, overlooking and overshadowing/access to daylight/sunlight.

The application site is located within the inner-city and its low-rise and open nature is not typical of such a central site and therefore any development that reflects its development potential and context is likely to result in a significant change for the surrounding properties, in particular the neighbouring residential properties located to the north and south of the site.

The development site is bounded to the immediate north by St. Joseph's Place and St. Joseph's Court. To the south by No. 29 Prussia Street (protected structure) and site which is the subject of a current SHD Application. Prussia Street forms the western boundary with apartments on the opposite side of the street. To the east is TU Dublin Grangegorman campus, which is in the process of being developed. I note in relation to a current Strategic Housing Development application lodged on lands to the south for 162 BTR apartments (ABP 312358-21) the applicant has outlined that the respective design teams have liaised.

Opposite the site is an apartment scheme on the western side of Prussia Street. I am satisfied that the proposed development will not have a detrimental impact on properties on the western side of Prussia Street in terms of overbearance and overlooking. To the east the site is bounded by the TU Dublin Grangegorman campus which has been the subject of a permitted SDZ scheme. The development will not have a detrimental impact on the potential development of the portion of the campus adjoining the application site.

The gable of No. 31A Prussia Street bounds the application site to the north, this building has a commercial use at the ground floor level, the use of upper floors are not known. A blank gable faces the site, therefore overlooking is not an issue. There is no apparent external amenity area (or residential use) associated with No. 31A.

The closest sensitive receptors are the residential properties located to the north of the site, St. Joseph's Place and St. Joseph's Court where 4 of the observers reside and No. 29 Prussia Street to the south, the owners of which have submitted a letter of support for the application.

#### **10.4.2 Overbearance**

A reoccurring theme raised in the observer submissions highlights concerns that the proposed development is overbearing and would have a significant adverse impact of the visual amenities of the area. I have inspected the site and surrounding area and I agree with observers that the blocks will be visible to residents in the vicinity. The closest dwellings bound the site to the north.

Permission was refused in 2020 under ABP 307236-20 for 296 student bedspaces in 43 no. apartments arranged in 4 no. blocks for reasons relating to architectural heritage and residential amenities of adjoining residential properties. The current proposal seeks to address the reason for refusal by reducing the number of student bedspaces, reducing the number blocks, rearranging the blocks on site, reducing the height of the blocks.



As noted in section 10.2 the siting, scale, form and height of the blocks have been designed to have regard to the adjoining residential properties. The cranked nature and stepped heights of the blocks offers a transition between the proposed development and the modest two storey houses to the north (St. Joseph's Place and St. Joseph's Court) and No. 29 Prussia Street to the south and west.

The proposed blocks have been located on the site set back from the adjoining sensitive receptors. Block A is set back c 1.4 to 1.5m from the gable of No. 29 Prussia Street and its rear extensions. Block A is proposed to be built up to the boundary and gable of No. 31A to the north. Block B is set back c.1.5m in places and up to the boundary of No. 29 Prussia Street. Block B is set back c. 9.09m to 12.1m from the northern boundary with the rear of houses along St. Joseph's Place. The development is predominantly up to the southern boundary with Block C set back at its maximum point c.9.2m from the southern boundary and c.8.6 to 11.7m from the gable of No. 1 St. Joseph's Court and its rear garden and c 0.8m from the eastern boundary with the TU Dublin Grangegorman campus. Potential overbearance is mitigated by the arrangement of the blocks on the site and the cranked building footprint, in my opinion.

The Chief Executive Report acknowledged that the proposed orientation of the buildings, which has been selected to mitigate the potential of overbearing impact on the residential properties to the north, has an impact on the sunlight received by the proposed pedestrian route, however, the current design is considered to be acceptable and worthy of support. I address this matter in more detail in section 10.5.3.

Given the current condition of the application site and that of the adjoining lands I acknowledge that any development (regardless of scale and height) will have an visual impact on adjoining lands. However, I am satisfied that the proposed development would not result in an overbearing or visually dominate development when viewed from St. Joseph's Place and St. Joseph's Court given the orientation of these houses and the relationship with the application site. I am satisfied that the height of Block A and its set back from No. 29 Prussia Street does not result in an overbearing impact when viewed from this property which currently is bounded by c. 3m high walls along its northern elevation. The proposed development would be an appropriate sustainable use of this zoned serviced underutilised site. I am satisfied that the proposed design of the current development before the Board would not prejudice the development potential of the adjoining site to the south in terms of potential overbearance.

I note the concerns raised in the submissions, however I consider that the development has been designed to be respectful of the character of the area and provides a modern development that is respectful of its surroundings through appropriate heights, massing and scale. I am satisfied that setbacks from the nearest residential properties are adequate to address any potential concerns regarding visual dominance or overbearance. The range in heights takes account of the surrounding context of development including protected structures and residential development on adjacent sites and recently permitted development in the wider area. Overall the proposed development has been designed to minimise impacts on existing residential development

Having regard to the foregoing I am satisfied that the reduction in the number of blocks, their reduced height and the rearrangement of block on site by setting the blocks back from the houses to the north in St. Joseph's Place and St. Joseph's Court and No. 29 Prussia Street to the south has result in a development that is not overbearing when viewed from the adjoining properties

### **10.4.3 Overlooking**

Residential dwellings bounding the application site to the north (St. Joseph's Place and St. Joseph's Court) are a mixture of artisan two storey cottages and later infill development (houses). I have set out the set back from the proposed development to the nearest sensitive receptors in section 10.4.1 above.

Where setbacks are limited angled windows are used to mitigate against potential overlooking. To address No.1-10 St Joseph's Place which face the site and have south-facing windows located directly opposite the proposed development, there is a separation distance of c 20m which is acceptable in this urban environment. The houses along the northern boundary (St. Joseph's Place) are built up to the boundary with the application site and have no windows facing the application site, therefore overlooking does not arise. With regard to the houses comprising St. Joseph's Court, the gable of No.1 bounds the application site and has rear gardens with an eastern orientation. Block C is set back from the southern elevation of No. 1 and separated by the proposed pedestrian/cyclist access to Grangegorm campus. All north facing bedrooms in Block C have been designed to provide lateral views to the campus rather than directly overlooking the back gardens of St Joseph's Court. And north facing windows of the living rooms have been fitted with opaque glass 'vanes' that give directional views to the campus as well as adequate light to the interiors. Given the setback, design and mitigation measures to address potential overlooking I do not consider that the perceived overlooking of these private amenity areas, in particular No. 1, 2 & 3 St. Joseph's Court, warrants a reason for refusal.

The site effectively wraps around No. 29 Prussia Street and occupies most of its original curtilage. No. 29 has been the subject of extensive interventions over the years and from my observations at the time of inspections it appears to be occupied and in residential use. The later extensions/additions to the rear occupy the majority of the plot associated with No. 29. I note that the owners of this building have submitted an observation outlining their support for the proposed development. In order to protect the amenity of No. 29, the proposed communal open space at upper ground floor level of Block B has been reduced in size and its western boundary set back from the rear boundary of No. 29. The proposed development no longer includes steps or the pedestrian/cycle link immediately adjacent to the shared boundary with No. 29 Prussia Street further reduces potential overlooking impacts. Having regard to the foregoing I am satisfied that no undue impact in the form of overlooking occurs.

#### **10.4.4 Access to daylight**

A common thread raised in observer submissions relates to the impact of the proposed development on the residential amenities of adjoining properties. The development site is bounded to the immediate north by St. Joseph's Place and St. Joseph's Court. To the south by No. 29 Prussia Street and a brownfield site which is the subject of a current SHD application for apartments, to the east by the TU Dublin Grangegorman campus and to the west by Prussia Street. The planning authority raised no concerns in relating to overshadowing or access to sunlight/daylight from any of the residential properties within the immediately vicinity of the application site.

The Building Height Guidelines seeks appropriate and reasonable regard with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards. The submitted Daylight and Sunlight Assessment examines the development with regard to BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. This is in accordance with the most relevant S.28 Ministerial Guidelines including Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments 2020, and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018). However, the applicant's report notes a new European standard, BS EN 17037:2018, however this is not currently enforced until such time as confirmed by a government circular, or as an update to the Development Plan or the relevant S. 28 Ministerial Guidelines.' For loss of daylight and sunlight to existing buildings BRE guidance document (2011) "Site layout planning for daylight and sunlight" is used and BS8206 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.

I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines 2018 and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020.

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance in assessment of adjoining dwellings where daylight is required, focuses on living rooms, kitchens and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment, to this end, I have used the guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The assessment submitted with the application highlights that neighbouring property model development is based on information available from architectural and survey drawings, Local Authority planning records, Google Earth and on site observation. Window locations are represented as accurately as possible and are determined based on available information. The assessment also highlighted that access to private rear gardens was not possible and any omissions or inaccurate window locations are unintentional and they could not be verified. I note the concerns raised by the observers related to the loss of daylight/sunlight to certain windows and rooms but did not question the methodology employed in the assessment submitted or the location of the windows assessed. I consider the approach taken by the applicant in their assessment reasonable and I am satisfied that I have sufficient information to carry out a full assessment.

The site is a brownfield site with a mixture of single storey buildings and surface parking. It shares a boundary with the TU Dublin Grangegorman campus to the east. No. 29 Prussia Street to the south (its current use is uncertain, but it has been assessed here to the highest standard of residential use). The terrace of buildings on the opposite side of Prussia Street, No. 62 - 68, from the junction of St. Joseph's Road to Stanley Court have been considered (they are a mix of houses and apartments, some with a commercial use at ground floor). To the north is No. 31A Prussia Street, a 3 storey building with a commercial use on the ground floor (the use above is not known but it has been assessed by both the applicant and myself to the standard residential use). The 2 storey houses on both sides of St. Joseph's Place and St. Joseph's Court have been assessed in the report submitted with the application.

Following the preliminary analysis the relevant windows in St. Joseph's Place, St. Joseph's Court and Prussia Street were assessed. No.68 Prussia Street is derelict. The applicant's assessment highlights that as the site is essentially devoid of buildings, particularly in the street frontage, the existing values of VSC are quite high. The development on the Park Shopping Centre has been permitted and to illustrate the worst case scenario the calculation of VSC has been undertaken with this permitted development in place; this is in the calculation of the existing, proposed and cumulative values.

#### Residential Properties on western side of Prussia Street:

I note that no submissions have been received from residents on the western side of Prussia Street.

No. 66-67 Prussia Street (on western side of Prussia Street) have existing VSC values ranging from 33.38 to 36.13, proposed VSC values ranging from 30.87 to 34.15 and cumulative 2 applications VSC values ranging from 17.41 to 26.23. For the Cumulative to Existing ratio range from 55.4% to 72.7% and proposed to existing range from 90.8 to 94.5%. The development meets the required >27% or where < than 27% but <80% existing. This is acceptable.

No. 64-65 Prussia Street (opposite site on western side of Prussia Street) have existing VSC values ranging from 11.63 to 37.30, proposed VSC values ranging from 7.43 to 35.37 and cumulative 2 applications VSC values ranging from 7.30 to 33.36, For the Cumulative to Existing ratio range from 62.8% to 90.4% and proposed to existing range from 73.8 to 94.8% The development meets the required >27% or where < than 27% but <80% existing in most instances, 2 living rooms have been identified for 'minor impact', these correlate with rooms that did not meet VSC required in the 'existing' scenario. I consider this acceptable.

Stanley Court - 62-63 Prussia Street (western side of Prussia Street) have existing VSC values ranging from 29.62 to 36.9, proposed VSC values ranging from 17.91 to 31.05 and cumulative 2 applications VSC values ranging from 17.32 to 29.17. For the Cumulative to Existing ratio range from 57.1% to 80.8% and proposed to existing range from 58.7% to 86.0% The development meets the required >27% or where < than 27% but <80% apart from 'moderate impact' identified for 4 no. living rooms and 5 no. bedrooms, and 1 no. living room and 1 no. bedroom have been identified for 'minor impact'. I consider this acceptable given the location of the site in the inner city. I am satisfied that adequate regard has been had to the potential impact on these properties when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area

The assessment submitted by the applicant identified and assessed for potential impact 52 windows facing the proposed development, on the western side of Prussia Street. A 'minor impact' would be noted in 4 rooms and a 'moderate impact' would be noted in 8 rooms. The Assessment highlights that application site has no structures along the building line and so the VSC of the windows are high in the existing scenario. I consider the impact acceptable as it arises due to the new building line along the eastern side of the street which reinstates the former terrace streetscape. The enhancement of the street scape and sustainable use of this underutilised site in the inner city is appropriate.

Given the context of the site a minor and at times moderate impact to the VSC of surrounding buildings is to be expected for any substantial development in such an area due to these buildings' relative heights, proximity to the site and the nature of the structures on site at present. I am of the view that in this instance consideration should be given to the fact that the comparison being made is between an existing, under-utilised site and the proposed development, which is inevitably going to have some form of an impact given the circumstances and flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration with any potential impacts.

Properties bounding the application site (No.29 Prussia Street, St. Joseph's Place, St. Josephs' Court & No. 31A Prussia Street):

Five of the submissions received are from residents of St. Joseph's Place and St. Joseph's Court. I consider the houses at St. Joseph's Place and St. Josephs' Court, No. 29 Prussia Street and No. 31A Prussia Street are the most sensitive receptors adjoining the site.

No. 29 Prussia Street (adjoining the site to the south and west) has existing VSC values ranging from 17.86 to 34.92, proposed VSC values ranging from 9.40 to 24.26 and cumulative 2 applications VSC values ranging from 9.36 to 22.01. For the Cumulative to Existing ratio range from 49.8% to 66.5% and proposed to existing range from 50.0 to 68.6% A 'moderate' impact has been identified for all 10 windows. I note that the assessment has outlined that the uses of these rooms are unknown. From my inspection it would appear that the structure is occupied and appears to be used for residential purposes, the tenure type or if used as one residential unit or multiple is however unknown. I note that DCC have not raised concerns regarding the impact of the proposed development on adjoining residential properties. I also note that the windows on the northern elevation of No. 29 Prussia Street face a c.3m high wall at present and in particular windows no. 56 and 57 do not meet the VSC requirement in the 'existing scenario'. Given the context of the site and the inner city location I consider the impacts acceptable.

The assessment identified and assessed for potential impacts on 53 windows in St. Joseph's Place, St. Joseph's Court and to the rear of No. 31A Prussia Street. The roof-lights to No.11 & 14 St. Joseph's Place are itemised in Table 7 of the applicant's assessment. St. Joseph's Place and St. Joseph's Court are 2 storey houses. The exact use of the rooms in St. Joseph's Place are not known. All ground floor rooms have been noted as a livingroom, which encompasses Living / Kitchen/ Dining rooms, all rooms on the first floor have been noted as bedrooms. All windows meet the BRE guidelines with the exception of W76. This is on the first floor of No.2 St. Joseph's Place and indicates a Minor Impact. The proposed value VSC of 24.36% would be reasonable for a bedroom. The BRE guidelines notes that bedrooms would have a lesser requirement for access to daylight, through its use.

St. Josephs Place (adjoining site to the north with rear elevations with no upper floor windows immediately bounding the site, upper floors were assessed for houses facing the site on the northern side of the lane) existing VSC values range from 30.94 to 35.68, proposed VSC values range from 17.04 to 21.32 and cumulative 2 applications VSC values range from 17.03 to 21.33. For the Cumulative to Existing ratio range from 55.0% to 59.8% and proposed to existing range from 55.1 to 59.8% A 'minor' impact has been identified for 1 bedroom window (W76) assessed. This is acceptable given the context of the site.

There are roof-lights in No.11 & 14 St. Joseph's Place. The use of the rooms served by these roof-lights are unknown, they have been assessed in case they serve a living space. Existing HSC (Horizontal Sky Component) values ranging from 65.85 to 78.74, proposed HSC values ranging from 61.11 to 68.43 and cumulative 2 applications HSC values ranging from 61.05 to 68.08. For the Cumulative to Existing ratio range from 79.2% to 96.3% and proposed to existing range from 80.0 to 96.3%. A negligible impact is identified. This is acceptable.

St. Josephs Court (adjoining site to the north with the gable of the closest house facing the site and rear gardens having an eastern orientation) existing VSC values range from 24.40 to 33.57, proposed VSC values range from 22.72 to 31.93 and cumulative 2 applications VSC values range from 22.75 to 31.94. For the Cumulative to Existing ratio range from 83.4% to 99.1% and proposed to existing range from 84.6 to 99.1%. The development meets the required >27% or where < than 27% but <80% existing.

No.31A Prussia Street is a 3 storey building, with a commercial use on the ground floor. The use of the upper floors are unknown, but it has been assessed as residential use. There are 2 windows to the rear elevation, W70 & W71, a Moderate Impact would be noted to both. It should be noted that No.31a stands alone in the building line currently and has quite high VSC in the existing scenario. The impact noted to W70, W71 & W76 would be largely due to reinstating the street line with Block A.

No. 31A Prussia Street (adjoining site to the north) has existing VSC values ranging from 12.35 to 32.90, proposed VSC values ranging from 12.28 to 28.49 and cumulative 2 applications VSC values ranging from 12.28 to 27.85. For the Cumulative to Existing ratio range from 82.5% to 99.4% and proposed to existing range from 77.8 to 99.9% A 'moderate' impact has been identified for the 2 windows assessed. This is acceptable given the context of the site.



The layout of the proposed development has been designed to address the second reason for refusal under ABP 307236-20 in terms of potential impacts on properties to the north and south as addressed in my assessment above. I am satisfied that the proposed layout has had regard to the adjoining sensitive receptors and has been designed to mitigate potential impacts.

Of the 118 windows assessed (and summarised above) I note that 26 (c.22%) would have what the applicant has labelled 'minor' or 'moderate' impacts. In other words no impact was noted on 78% of windows serving adjoining or adjacent existing properties included in the assessment. The 26 windows affected relate to windows in 64-65 Prussia Street, 62-63 Prussia Street directly opposite the site on the western side of Prussia Street, No. 29 Prussia Street to the south, No. 31A Prussia Street to the north and No. 2 St. Joseph's Place (which facing the site on the opposite side of the lane serving St. Joseph's Place and St. Joseph's Court). The impact on these windows primarily would be due to re-instating the building line along Prussia Street.

The Planning Authority noted that the worst impacts would be on No. 29 Prussia Street and No. 31A Prussia Street. The owners of these properties have not raised concerns regarding the proposed development. I note that the Planning Authority considered that owing to the vacant nature of the site and the orientation of the windows which adjoin the application site, these windows currently receive a level of daylight that is beyond that typically expected in an inner-city environments and that any development on the site is likely to affect these windows, therefore no objection is raised, I concur with the planning authority in this regard.

#### Daylight Conclusion:

The assessment submitted with the application concluded that while some impact is noted to the available daylight and sunlight in adjacent properties it is consistent with development on a largely vacant site, in a tight urban environment. The applicant has argued that the site is in an urban environment, between the canals and that the recommended value of 27% VSC is based on a suburban model where buildings are typically set back from boundaries. As the site is currently vacant, particularly along the street line, many of the existing values of VSC in neighbouring buildings are high, which has an effect on the scale of the proposed to existing ratio.

I acknowledge the difference in the VSC values from the pre and post development assessment on the existing cottages and houses to the south and north. However in this instance I am of the view that consideration should be given to the fact that the comparison being made is between an existing, under-utilised site (workshops/sheds) and the proposed development, which will inevitably have some form of an impact. Flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration with any potential impacts. I am satisfied that adequate regard has been had to the potential impact on adjoining lands and properties, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area

Adjoining site to the south:

There is a current application on the adjoining site to the south which is currently going through the planning process (ABP-312358-21 application for BTR apartments in one block ranging in height from 4 to 14 storeys). The applicant has included a cumulative impact with the scheme permitted at The Park to the north of St, Joseph's Place and St Joseph's Court. While I acknowledge that ABP 312358-21 is currently being assessed and its outcome unknown, the development of the application site should not prejudice the development potential of adjoining lands. The proposed development is located to the north of this adjoining site therefore will have limited impacts on the proposed development located to the south.

Grangegorman campus:

There are no existing residential properties or building located proximate to the application site on the western portion of the TU Dublin Grangegorman campus that require assessment in relation to access to daylight.

**10.4.5 Overshadowing:**

The assessment submitted with the application includes existing and proposed radiation maps. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). Shadow Diagrams for 21<sup>st</sup> March are also include in the assessment.

St. Joseph's Place and St. Josephs Court:

To the north the private amenity spaces of the houses on St. Joseph's Court and St. Joseph's Place were assessed for the availability of sunlight on the ground. The Assessment submitted found that most of the gardens in St. Joseph's Court will not be impacted by the proposed development and none have a reduction in sunlight hours on the 21st March below 80% of their existing value.

The amenity space of the houses on the south side of St. Joseph's Place is to the side of the houses. The amenity space of No.12 is narrow and has limited sun on the ground on 21st March. The area beside No.13 St. Joseph's Place is very small and has low levels of sun on the ground in the existing scenario, which would note a reduction of 66.4% from their existing value. The applicant has argued that small amenity spaces of less than 3m in any direction with an average boundary wall of 1.8m will receive very little sunlight and any additional obstruction no matter how modest will cause a reduction in available sunlight.

The planning authority accepted this contention. I am satisfied that the applicant has sought to minimise the impact on these properties by siting the proposed blocks away from these properties and increasing the separation distance from that submitted under the previous application on this site. A degree of overshadowing is to be expected in urban areas and I consider the level of impact is acceptable in this instance given the context of the site and its location in Dublin inner city in an area the subject of regeneration.

#### No. 29 Prussia Street & 31A Prussia Street:

There is no private amenity space associated with No. 29 Prussia Street as the structure occupies most of the site. No. 31A does not appear to have amenity area and I note that the ground floor use is commercial.

#### Grangegorman Campus

To the east is TU Dublin Grangegorman campus. Given its location to the east of the site, the proposed development has the potential to impact in terms of the level of overshadowing. Overshadowing is limited to late evening and complies with BRE guidance. I am satisfied that in respect of overshadowing given its use (noting inter alia the provision of section 2.2.2 of the BRE Guidelines) and in respect of permitted developments their reliance on artificial lighting, hours of use/operation and relationship with the proposed development that there is no potential adverse impact as a result of overshadowing.

#### Site to the South

There is a brownfield site bounding the proposed development to the south. There is a current SHD application for BTR apartments on this site in one block that ranges from 4 to 14 storeys. Given the location of this site to the south of the proposed development it is not considered to cause an obstruction to sunlight, and as such no further tests in respect of overshadowing is required.

#### **10.4.6 Potential Impacts during Construction Phase/Operational Phase.**

##### **Construction Phase:**

Third parties have raised concerns that the amenities of local residents would be impacted by noise and dust during the construction phase of the proposed development.

The Construction Management Plan (CMP) addresses how it is proposed to manage impacts arising at the construction phase to ensure the construction is undertaken in a controlled and appropriately engineered manner to minimise intrusion. The CMP addresses construction traffic and management of same. Includes phasing for works, methodologies, and mitigation measures and address working hours, site security, dust, noise, visual impact and traffic, etc . I have examined the CMP and CDWMP and I consider the proposal robust and reasonable. I note that the impacts associated with the demolition, construction works and construction traffic would be temporary and of a limited duration. I recommend that the applicant be required to submit and agree a final CMP and CDWMP with the Planning Authority prior to the commencement of development.

An Asbestos Refurbishment/Demolition Survey dated 26<sup>th</sup> May 2021 is submitted with the application. The survey found Chrysotile (type of Asbestos) in the roof sheet and textured coated paint. The report recommended that an Asbestos Contractor should be appointed before any refurbishment or demolition takes place. I am satisfied that the safe removal of asbestos can be addressed by appropriate condition.

A Ground Investigation Report concluded that the soils from the site are suitable for disposal as Inert waste to an appropriate licenced facility.

The above mentioned surveys should be read in conjunction with the Construction and Demolition Waste Management Plan and the Construction Management Plan.

A Construction & Demolition Waste Management Plan submitted with the application deals with matters of waste management amongst other matters. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on the health of adjoining residents.

Construction related matters can be adequately dealt with by means of condition. However, if the Board is disposed towards a grant of permission, I recommend that a final Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works

##### **Operational Phase:**

Observations from residents of St. Joseph's Place and St. Joseph's Court have raised concerns regarding the use of roof terraces and noise associated with their use which would detract from the residential amenities of the properties to the north.

The planning authority have recommended that a condition be attached requiring that the external terraces shall not be occupied or used for any purposes between the hours of 10:00 PM and 07:00 AM. I acknowledge the rationale for this condition and I note that the Student Accommodation Estate Management Plan has addressed this matter in the code of conduct and contracts covering student behaviour on site. I note that this condition was not included by the Board for ABP 309657-21 granted permission in 2021 for Student accommodation/BTR at the Park Shopping Centre to the north of St. Joseph's Place/St. Joseph's Court. However, the current proposal with communal terraces at first floor level adjacent houses to the north can not be considered in the same context. I have no objection to such a condition in the current context.

In order to protect the amenity of No. 29 Prussia Street the proposed communal open space at upper ground floor level of Block B has been reduced in size and its western boundary set back from the rear boundary of No. 29. Potential noise impacts on No. 29 Prussia Street will be reduced by the incorporation of an acoustic barrier along the westernmost boundary of the open space area. And the proposed development no longer includes steps or the pedestrian/cycle link immediately adjacent to the shared boundary with No. 29 Prussia Street, further reducing potential noise impacts.

Observers have raised concerns regarding the potential anti-social behaviour given the nature of the proposed development. While I acknowledge the concerns raised, I have no reason to believe that this would be an issue. Any matters relating to law enforcement are a matter for An Garda Siochana, outside the remit of this planning application.

As noted above a Student Accommodation Estate Management Plan is submitted with the application. This sets out that the proposed purpose-built student accommodation will be professionally managed and all occupiers will be students registered with third-level institutions. The proposed development will benefit from a 24/7 Management Strategy. The scheme will be provided with a comprehensive CCTV installation to enable management staff to monitor the site security and activities which I consider sufficient management of the site.

Having regard to the foregoing and subject to conditions I am satisfied that impacts at operational stage to the north and south can be controlled

## **10.5 Residential Standards for future occupiers**

### 10.5.1 Standard of Accommodation

The proposed development comprises 236 no. student bedspaces provided in 47 no. apartments, Block A provides 12 student apartments in studio, 4 and 6 bedroom configurations. Block B includes 14 student apartments in studio, 5 and 8 bedroom configuration and Block C provides 21 student apartments in arrangement of studio, 7 and 8 bedroom configurations. I consider the range/mix of student accommodation acceptable.

There are no national design standards for student accommodation other than the standards in the Guidelines on Residential Development for 3<sup>rd</sup> Level Students issued by the Department of Education and Science under Section 50 of the 1999 Finance Act.

The guidelines set out the following general standards:

- Student accommodation should be grouped as 'house' units, with a minimum of three and maximum of eight bed spaces.
- GFA's should range from 55 sqm to 160 sqm.
- Shared kitchen/dining/living room space is to be based on a minimum of 4 sq. m per bed space in the unit.
- The minimum areas for bedrooms are: 8sq.m for a single study bedroom; 12 sq.m for a single study bedroom with ensuite; 15 sq.m for a twin study bedroom; 18 sq.m for a twin study bedroom with ensuite; and 15 sq.m for a single disabled study bedroom with ensuite.
- Bathrooms shall serve a maximum of 3 bed spaces.

In terms of the provision of acceptable accommodation for students, it is noted that there are no national design standards other than those issued under Section 50 of the 1999 Finance Act. The current application has had regard to Guidelines on Residential Development for 3<sup>rd</sup> Level Students published by the Department of Education and Science.

Section 16.10.7 of the City Development Plan set out the following guidance for student accommodation:

- Student accommodation should be grouped as 'house' units between 3-8 bedspaces, from 55 sq.m. - 160 sq.m.
- Single / double occupancy studio units with bathroom and cooking facilities, GFA of 25 sq.m. - 35 sq.m.
- Shared kitchen facilities shall be provided at a minimum of 4 sq.m. / bedspace.
- Minimum bedrooms shall be single study bedroom 8 sq.m. with bathroom 12 sq.m., twin study bedroom 15 sq.m. with bathroom 18 sq.m., single disabled study bedroom with bathroom 15 sq.m.
- Bathrooms shall serve a maximum of 3 bed spaces.

- Communal facilities shall include laundry, caretaker / security and refuse facilities.

The application is accompanied by a Material Contravention Statement to address section 16.10.7 which sets out:

“Student accommodation to generally be provided by grouping study bedrooms in ‘house’ units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.”

The proposed development provides for a minimum of 4 no. bed spaces per unit (with a minimum area of 84.3sq.m) and 8 no. bed spaces per unit (with a maximum floor area of 171.1sq.m). The proposed 7 no. bed unit similarly exceeds the maximum gross floor area of 160sqm as outlined within the Dublin City Development Plan 2016-2022, providing for a total floor area of 171.1sq.m. The maximum floor area proposed for the 7 and 8-bed units are in excess of the recommended maximum gross floor area of 160sq.m.

The Chief Executive report concluded based upon the information provided by the applicant, the proposed student accommodation is considered to meet the minimum standards set out in the City Development Plan.

I have examined section 16.10.7 and I note the wording “to generally be provided”, I am of the view that this offers a degree of flexibility, furthermore the proposed development exceeds to the maximum requirements set out in the current City Plan which is welcomed as it offers a higher level of amenity for future occupiers. I do not consider the exceedance to be such to be considered a Material Contravention of section 16.10.7 given the flexibility within the wording. Furthermore DCC Chief Executive report has not raised the issue of material contravention. I also note that no observers raised this as an issue nor are concerned regarding the size of the units.

The proposed development comprises 47 no. student apartments containing a total of 236 no. student bed spaces. The accommodation includes a mix of studio, 1 bed and twin rooms (236 bedspaces in 232 bedrooms) in an arrangement of studio, 4, 5, 6, 7 and 8 bed apartments. The bedrooms are all en-suite. Units and individual rooms exceed the requirement set out in the Department of Education and Science Guidelines and the Development Plan. The application includes a Student Accommodation Management Plan which addresses the use and management of the scheme.

The student accommodation includes a number of support services. Student amenities and management facilities will be provided at basement, ground and lower ground floor levels and include: a management office, reception area, 2 no. internal communal amenity areas, an auditorium, gym, laundry room, meeting room, 2 no. study rooms and communal W.C facilities.

The development will be served external communal open space areas at lower ground floor, ground floor, upper ground floor levels with a roof terrace proposed at fifth floor level of Block B (totalling 968sqm).

The applicant has stated that 7.35 sqm of communal internal and external spaces areas per bedspace has been provided. Planning Authority raised concerns that it is unclear if the small 'pockets' of open space proposed provided along the public route would exclusively serve the residents of the development.

If all areas of communal open space located along the pedestrian route were to be excluded from the communal open space calculations, a total combined area of c. 1,226 sqm would be provided, resulting in c.5.33 sqm of communal internal and external spaces areas per bedspace which complies with the minimum requirements of the City Development Plan. I concur with the Planning Authority and consider that even if the areas of open space along the proposed route are not considered communal areas, the overall area provides an acceptable level of amenity for both residents and members of the public which is welcomed. I note that the Planning Authority have raised no objections and consider the level of amenity to be a significant planning gain that is strongly supported by the planning authority.

### **10.5.2 Overlooking**

Overlooking within the proposed development is not an issue given the layout of the buildings, separation distances and their relationship to each other.

### **10.5.3 Access to daylight/sunlight/overshadowing**



Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The Daylight & Sunlight Assessment (dated 24/11/2021) submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment is read as before in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines and the Apartment Guidelines

In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout.

The applicant's assessment includes an analysis of the proposed apartments with regard to amenity (daylight) available to future residents within the proposed scheme. All residential habitable rooms in each block were assessed. This assessment was undertaken with the adjacent developments in place, the permitted development in Park Shopping Centre, the TU masterplan and the proposed development to the south, and so represents the worst case scenario. Room numbering follows that of the architectural drawings.

The applicant's assessment noted that the higher target value of 2% is selected for all the main living rooms because they contain a kitchen and the BRE guide and BS 8602:2 recommend that the higher value should be used where there are multiple uses in a room. All habitable rooms in the development were assessed. 100% of the units meet the recommended ADF levels and will be well daylit. The assessment was carried out with the proposed development to the south in place and the results given are with the inclusion of this development and all rooms meet the target levels. I am satisfied that the proposed development complies with the BRE guidance and will provide an appropriate standard of residential amenity regarding access to daylight.

The Planning Authority raised no objections on the grounds of ADF, noted that the assessment focused on the lower level rooms which are likely to be the worst performing and that the assessment was undertaken having regard to the proposed development submitted for the adjoining site to the south. However this does not appear to be the case as the application appears to include an assessment of all the rooms. No third party raised concerns regarding the quality of student accommodation including quality of ADF.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. The applicant has argued that the proposed development is on a restricted site in an inner city location along an east - west axis. The development's design was optimised to maximise the private amenity space to the residential areas and minimise any reduction to the daylight and sunlight availability to the houses to the north by locating the main mass of the development to the south. The Private amenity space within the development will receive in excess of 2 hours sunlight over 50% of the open space and meets the recommendations of the BRE guidelines for Gardens and Open Spaces. Level 1 (pedestrian link and associated amenity space along northern portion of site) does not meet the recommendations but this area is mostly circulation space with the landscaping developed to provide shade where appropriate for activities and visual relief.

The Parks, Biodiversity and Landscape Services Report contained in the Chief Executive report noted that some open space areas will have light reduction but raised no objections overall subject to conditions.

Based on the assessment submitted and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21<sup>st</sup> March), I am satisfied that the majority of the proposed amenity areas will meet sunlight standards. The planning authority has not raised any concerns in this regard.

I am satisfied that the target ADF for the new residential units and minimum sunlight exposure for the open spaces are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation between the units, relevant to the scale of the development. As such, I am content that daylight and sunlight conditions for the residential units within the proposed development will be within an acceptable range. I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and dual aspect of units. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines. I consider the proposed development to be in accordance with the BRE guidelines.

## **10.6 Traffic & Transportation**

Pedestrian and cyclist access is proposed off Prussia Street, the development will provide access from Prussia Street to the TU Dublin Grangegorman campus via a new shared surface street through the proposed site. DCC Transportation Planning Division have welcomed the increased permeability between Prussia Street and the campus. Vehicular access is retained off Prussia Street, this will be limited to refuse collection vehicles, fire tender/emergency vehicles and service and delivery vehicles. It is proposed to install removable bollards at the Grangegorman campus access points to prevent through traffic movements. Seasonal set down will be accommodated and managed during peak term arrivals/departures of student residents.

The proposed internal shared pedestrian and cyclist street is welcomed, I am satisfied that it enhances permeability and connectivity within the area between Prussia Street and the adjacent TU Dublin Grangegorman campus by offering links that benefit from passive surveillance through the site.

The car parking standards set out in Table 16.1 of the Dublin City Development Plan 2016-2022 includes requirements for student accommodation developments. The application site is located within Zone 2, which requires a maximum of 1 no. car-parking space per 20 bed-spaces. No parking is proposed as part of the current application before the Board. DCC have raised no objections. I welcome the proposal for no parking at this central accessible location that has direct linkages to the TU Dublin Grangegorman campus and links to other third level institutions that are located with reasonable distances from the proposed development.

The proposed car-free development provides access to the development's internal street for emergency vehicles and servicing vehicles (deliveries, refuse collection, emergency vehicles etc.). I consider this acceptable.

Section 16.39 of the Dublin City Development Plan 2016-2022 has regard to cycle parking and states that secure bicycle racks shall be provided in all cases where bicycle parking is deemed to be necessary by the planning authority. Table 16.2 of the Dublin City Development Plan 2016-2022 set out that 1 cycle space per 2 pupil is required for Student Accommodation Schemes. The Chief Executive Report have raised concerns relating to the functionality of the cycle store and have recommended that a condition be attached requiring its redesign. I am satisfied that this can be addressed by condition if the Board is of a mind to grant permission.

Temporary set-down spaces have been provided within the site between Block A and Block B and will be used for the purposes of drop-offs / collections associated with seasonal arrivals and departures, waste collection, deliveries etc.

A Traffic Management Plan (TMP) and Mobility Management Plan (MMP) is contained in Appendix G of the Civil Engineering Report. The TMP states the generated traffic volumes arising from the development will be low and as result, the traffic impact on the surrounding road network arising from the development will not be significant.

Neither DCC nor TII raised concerns regard the development, however DCC recommended that conditions relating to a) no part of the development should overhang the public footpath, b) the pedestrian lane between No. 29 and Block A should be gated, c) revised bicycle plan/storage, d) revised Mobility Management Plan, e) revised Servicing and Operations Management Plan, f) final CMP, g) materials for public realm, h) cost incurred and i) code of practice.

With regard to the development overhanging the public footpath, the design element of Block has regard to the design of the public realm and is not considered an 'overhang', I do not consider it appropriate to include this condition. I do not consider that a gate is required between Block A and No. 29 Prussia Street and therefore am not recommending that this be conditioned. The remainder relate to standard conditions and I consider them acceptable.

TII recommended that a section 49 Supplementary Contribution be attached (see section 10.8.4 of this report)

Having regard to the foregoing I have no objection on the grounds of traffic management subject to appropriate conditions.

## **10.7 Services & Drainage**

Irish Water have outlined in their submission on file that the applicant (including any designers/contractors or other related parties appointed by the applicant) is responsible for design and layout validation for water and wastewater infrastructure within their site redline boundary. A Statement of Design Acceptance has not been issued as IW noted that the applicant has yet to provide designs and layouts to Irish Water for assessment. IW noted no objection subject to condition.

The Civil Engineering Report submitted by the applicant outlines that at present the existing buildings drain to an existing public drainage network in Prussia Street. Dublin City Council's drainage records indicate a 1000mm brick combined sewer flowing north to south on Prussia Street. The proposed development will be serviced by a new drainage system with separate sewers for both foul and storm water within the sites boundary but with a combined manhole for both foul and storm water at the sites boundary with the provision of a 'dead-leg' spur for future separation of the public drainage system by the Local Authority.

The proposed new foul network will collect foul effluent from the new buildings by gravity and discharge to the existing combined culvert beneath Prussia Street. The existing culvert is relatively shallow and the new foul network will need to be shallow also in order to maintain gravity discharge from the site and connect at a high level into the culvert. Concrete surrounding of the main pipe runs will be required in order to provide protection to the service. It is proposed that all foul effluent generated from the proposed development from the upper floors shall be collected in separate foul pipes and flow under gravity, via a new 225mm sewer, to the existing 1000mm brick combined sewer on Prussia Street via a new connection. IW in their submission have stated that new connection to the existing network is feasible without upgrade. I note the requirements of Irish Water which are recommended to be addressed by condition and consider them acceptable.

There is an existing 4" uPVC and a 9" cast public watermain adjacent to the development site on Prussia Street. It is proposed to make a new connection off the existing watermain on Prussia Street to the development site and supply a 100mm internal diameter watermain to the proposed site. IW in their submission have stated that new connection to the existing network is feasible without upgrade. I note the requirements of Irish Water which are recommended to be addressed by condition and consider them acceptable.

The Civil Engineering Report submitted with the application has outlined that due to the ground conditions identified in the site investigation it is considered that infiltration of surface water to ground will not be possible on this site, therefore discharge of run-off to the public network is required. Permeable areas cover the majority of the site and consist of new roofs, internal road and landscaped outdoor amenity space located above the podium slabs. It is proposed to provide a new dedicated surface water drainage network to serve the proposed development that consists of the following key features:

- The proposed new SW network will provide complete separation of foul and surface water systems on the site.
- A flow control device (Hydrobrake) will be included in the system to protect the public network by limiting stormwater run-off to  $Q_{bar}$  rates of 2.0 l/s.
- Attenuation of Surface Water run-off will be provided to store run-off volumes in excess of  $Q_{bar}$  rates up to the 1% AEP storm event as required by GDSDS by the inclusion of both Blue Roofs on the buildings and underground storage of run-off from ground level areas. (Total Attenuation Volume = 115.7 m<sup>3</sup>)
- The site will discharge the surface water to a manhole at the entrance to the site off Prussia Street. This manhole will connect into the on-site foul system and discharge to the combined culvert beneath Prussia Street. A dead-leg will be included in the last SW manhole for future separation of Foul and SW runoff.

In line with the recommendations of the Greater Dublin Strategic Drainage Study Sustainable Urban Drainage System (SuDS) and the Dublin City Council Development Plan, it is proposed to provide a two stage treatment system aimed at enhancing the quality of surface water from the development which will be achieved by intercepting rainfall and other run off, treating the surface water by two stages of filtration through natural material and conveying this water to storage facilities.

DCC Drainage have no objection subject to conditions.

I have examined the reports on file and surface water drainage proposals, including attenuation. Based on the information before me I am generally satisfied in relation to the matter of surface water disposal and attenuation subject to standard conditions. Notwithstanding, a condition should be attached that final drainage proposals are to be agreed with the Planning Authority. The site can be facilitated by water services infrastructure and the Planning Authority and Irish Water have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

## **Flood risk**

The Civil Engineering Report submitted with the application includes Appendix F Site Specific Flood Risk Assessment (November 2021). The site is located in Flood Zone C. DCC Drainage have raised no objections on the grounds of flood risk.

The SSFRA concluded the site historically has no recorded flood events as noted in the OPW's historical flood maps. Dublin City Council Strategic Flood Risk Assessment has indicated that the subject site is located outside the 0.1% AEP Zone. Predicted flood mapping for pluvial/ tidal & fluvial flood events will not affect the subject site. The likelihood of onsite flooding for the hydrological ground conditions are deemed to be minor and within acceptable levels. The proposed development will have a stormwater attenuation system to address a 1 in 100- year extreme storm event increased by 20% for predicted climate change values. This will significantly reduce the volume of storm water leaving the site during extreme storms which in turn will have the effect of reducing the pressure on the existing public drainage system. The application site is located c.950m north of the River Liffey. There is no record of historical flooding at the site. The risk of fluvial flooding is not an issue and no mitigation measures are required. The site's location is such that it is not affected by tidal water bodies and as such the risk of today's flooding is negligible. The subject site is not located in a zone predicted to be at unacceptable risk from pluvial flood events. The proposed development will require approximately 27 cubic metres of underground storage to be provided. The proposed attenuation will be sized for a 1 in 100 year extreme storm event increased by 20% for the predicted effects of climate change. The attenuation will release the stormwater in a controlled manner after the peak storm duration has passed. By restricting the flow, the likely hood of the proposed development adversely affecting the public drainage system or contributing to downstream flooding is mitigated. The subject site will only discharge a restricted flow into the public system thereby reducing the hydraulic pressure on the public network during extreme rainfall events. The groundwater vulnerability assessment of the site shows that the vulnerability of groundwater in the area is low. The proposed development will not increase the potential for groundwater flooding as such the risk is deemed acceptable.

Based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of drainage and flood risk.

## **10.8 Other Matters:**

### **10.8.1 Bats**

A Bat Assessment is submitted with the application. A survey of the existing building for roosting and feeding bat was carried out February 2020 and June 2021. Dusk Emergence Survey was completed on the 17<sup>th</sup> June 2021. The report concluded that two species of bats were recorded commuting through the survey area. No bat evidence was recorded during the assessment of the existing buildings on site (February 2020 or June 2021) and that there is little scope for roosting bats and less scope for foraging and commuting bats within the survey area and therefore the proposed development is unlikely to have an impact on local bat populations. No bat mitigation measures required.

### **10.8.2 Part V:**

The application is for student accommodation, therefore the provisions of Part V of the Planning and Development Act 2000 (as amended) do not apply.

### **10.8.3 Archaeology**

The western portion of the site is located within an identified Zone of Archaeological Interest as per the current Dublin City Development Plan. A portion of the site is within the 'Zone of Constraint of the Historic City of Dublin' (DU018-20).

A report entitled Archaeological and Architectural Heritage Assessment submitted with the application comprises a desktop assessment, demonstrates that archaeological remains of 18<sup>th</sup> and 19<sup>th</sup> century structures are likely to survive at a subsurface level within the western section of the proposed development area. These will be impacted upon by the proposed development. The mitigation strategy proposed in this report is archaeological test trenching in order to assess the nature of the archaeological deposits on the site, followed, if necessary by archaeological excavation.



The boundary wall of the mid-19th century Grangegorman institutional listed on the DCC Record of Protected Structure (RPS Refs. 1674 & 3281), forms the eastern boundary of the site for a distance of 30m. The proposed development includes creating access into the TU DUBLIN Grangegorman campus by demolishing a small section (c. 3.8m) of the boundary wall. DCC City Archaeologist concurs with the archaeological mitigation as recommended in the archaeological report submitted i.e. archaeological assessment including test trenching and has included conditions that should be attached to a grant of permission.

The DAU noted the archaeological component of the Archaeological and Architectural Heritage Report (Archaeology Plan Heritage Solutions, 23 November 2021) submitted with the application. On the basis of the information in the report and the proposed archaeological mitigation (Section 7.2, page 46) the Department recommend that a condition pertaining to Pre-development Testing be included in any grant of planning permission that may issue.

I have examined the documentation submitted with the application, submissions and issues raised by DCC, I am of the view that any outstanding matters relating to archaeology can be addressed by appropriate condition if the Board is of a mind to grant permission

#### **10.8.4 Section 49 Supplementary Development Contribution.**

The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City (St. Stephen's Green to Broombridge Line) under Section 49 Planning and Development Act 2000 (as amended). I consider this appropriate and recommend that a condition be attached accordingly.

#### **10.8.5 Naming of Development**

DCC Elected Representatives raised that they should be involved in the naming of the proposed development if permission is granted. In this regard I recommend to the Board that a condition be attached requiring that the applicant agree the naming of the development with the planning authority prior to the commencement of development.

#### **10.9 Chief Executive Report**

As previously referred to in this report the planning authority are recommending a grant of planning permission subject to conditions. I note the conditions recommended, I consider these broadly acceptable subject to minor amendments. Where I do not consider a condition appropriate, I have addressed this in my assessment.

I have addressed issues raised in the Chief Executive Report in my assessment above.

## **11.0 Environmental Impact Assessment (EIA) Screening**

The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an 'Environmental Impact Assessment Screening Statement' (Appendix A of the Statement of Consistency & Planning Report) and section 4 (Appendix A) contains a 'Screening Statement' pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C)' and I have had regard to same in this screening assessment. These reports contain information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

It is proposed to demolish existing industrial sheds/warehouses and workshop (c.1605 sq.m) and construct 236 student bedspaces in 47 apartments on a site with a stated area of c.0.285ha. The site is located on a brownfield site within the urban footprint of Dublin city. Part of the site is located in Prussia Street ACA and Archaeology zone of Interest. The site is, therefore, below the applicable threshold of 10ha. The site currently contains disused industrial warehouses/workshops/sheds, all of which are to be demolished/removed as part of the proposed development. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dublin City Council, upon which its effects would be marginal. A CMP and CDWMP have also been submitted with the applicant and an Appropriate Assessment Screening Report.

Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It is my view that sufficient information has been provided within the Environmental Report and the 'Statement pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C)' (which should be read in conjunction with each other) and other documentation to determine whether there would or would not be likely to have a significant effect on the environment.

Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Architects Design Statement.
- Landscape Plan and Design Statement.
- Archaeological and Architectural Heritage Report.
- Report on Visual Structural Survey of Boundary Walls.

- Civil Engineering Report, including Flood Risk Assessment; Traffic and Transport Impact Assessment Report and Travel Plan; A current/valid Confirmation of Feasibility Statement from Irish Water; and Statement of Consistency with DMURS
- Ground Investigation Report
- Operational Waste Management Plan.
- Construction Management Plan
- Construction and Demolition Waste Management Plan
- Asbestos Refurbishment/Demolition Survey
- Appropriate Assessment Screening report.
- Bat Assessment.
- Daylight and Sunlight Assessment.
- Acoustic Design Statement.
- Archaeological and Architectural Heritage Report.
- Lighting Report & iEnna lighting detail.
- Energy and Sustainability Statement
- Student Accommodation Estate Management Plan.
- Statement on EIA Screening Process Pursuant to Article Section 299B of the Planning and Development Regulations 2001

Article 299B (1)(b)(ii)(II)(C), requires the applicant to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard the applicant submitted a Section 299B Statement.

The list below relates to assessment that I have taken account of -

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Appropriate Assessment Screening, Bat Assessment and CMP.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The EIA Screening statement AA Screening Report and Civil Engineering Report have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (FRA) and the implementation of the Dublin City Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (SFRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for Z1 Sustainable Neighbourhoods in accordance with the Dublin City Development Plan 2016-2022 which was subject to SEA.

- The Waste Framework Directive 2008/98/EC through the design of the proposed development and the mitigation measures set out in the Construction Management Plan, the Construction & Demolition Waste Management Plan, Construction Management Plan, The Ground Investigation Survey, the Asbestos Refurbishment/Demolition Survey and the Operational Waste Management Plan.
- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed site is not located within the consultation zones, therefore, this does not form a constraint to the proposed development at this location.

The applicants Environmental Report under the relevant themed headings and the EIA Screening Report, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I have also taken into account the SEA and AA of the Dublin City Development Plan 2016-2022.

John Conway and Louth Environmental Group in their submission also raised concerns that the EIA Screening report does not specifically address the likely level of impact on protected structures including 29 Prussia Street, the Grangegorman boundary wall and Prussia Street ACA. I have fully considered the potential impacts on adjacent protected structure (No. 29 Prussia Street), impact on Prussia Street ACA and on the Grangegorman boundary wall and the Board is referred to section 10.3 in this report where I have addressed this. I am satisfied that the proposed development will not a significant impact on the receiving environment in this regard.

I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **12.0 Appropriate Assessment**

### **12.1 Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at 29b, 30 & 31 Prussia Street, Dublin 9, a residential development comprising the demolition of industrial sheds and workshops and the construction of 236 no. student bedspaces and all associated works is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The Appropriate Assessment Screening report submitted with the application concluded that there are no significant impacts on Natura 2000 sites arising from this planned development and that a Natura Impact Statement (NIS) is not required.

### **12.2 Screening for Appropriate Assessment (Stage 1)**

#### **Description of Development**

The applicant provides a description of the project in section 1.1 of the Appropriate Assessment Screening Report. I refer the Board to section 3 of this report.

#### **Description of the Site Characteristics**

The applicant provides a description of the project in section 3.5 of the Appropriate Assessment Screening Report. The site has a stated area of c.285ha in Dublin inner city. The site currently contains disused industrial warehouses/workshops/sheds, all of which are to be demolished/removed as part of the proposed development. The site is almost entirely hard paved or under buildings. There are no watercourses on the site and the closest watercourse is the River Liffey, c. 0.95km south of the site. There are no European sites in the immediate vicinity of the site.

### **Relevant prescribed bodies consulted:**

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

The application was referred to the following prescribed bodies: The Minister for Culture, Heritage and the Gaeltacht, The Heritage Council, An Taisce, An Chomhairle Ealaíon, Fáilte Ireland, Irish Water, Transport Infrastructure Ireland and National Transport Authority.

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

### **Test of likely significant effects**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- 'In combination' effects arising from the development.

An AA Screening Report is submitted with the application. No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, potential pathways / connections between the application site and European sites in Dublin Bay are identified via wastewater discharge from Ringsend Wastewater Treatment Plant and via potential contamination of surface waters discharging to the River Liffey.

### **Designated sites within Zone of Influence**

There 14 Natura 2000 sites within 15km of the application site and are referred to in the applicant's Appropriate Assessment Screening Report. For completeness I have included a summary of the European Sites that occur within 15km of the site of the proposed development is set out below:

#### **SACs:**

- South Dublin Bay SAC (site code: 000210).
- North Dublin Bay SAC (site code: 000206)
- Baldoyle Bay SAC (site code: 000199)
- Glenasmole Valley SAC (site code 001209)
- Howth Head SAC (site code: 00202)
- Wicklow Mountains SAC (site code: 002122)
- Rockabill to Dalkey Island SAC (site code: 003000)
- Rye Water Valley/Carlton SAC (site code: 001398)
- Malahide Estuary SAC (site code: 000205)

#### **SPAs:**

- South Dublin Bay & River Tolka SPA (site code: 004024).
- North Bull Island SPA (site code: 004006)
- Baldoyle Bay SPA (site code: 004016)
- Wicklow Mountains SPA (site code: 004040)
- Malahide Estuary SPA (site code: 004025)

The submitted AA screening report identifies all sites within a 15km radius of the site, however, a number of these sites do not have a connection or pathway to/from the subject site and are therefore not within the extended zone of influence of the site. Four sites in the inner Dublin Bay with qualifying interests, identified as being potentially affected by the development arising from drainage from the site, both foul and surface water, during construction and occupation, which are considered as external outputs from the site that could potentially extend the development's Zol.



I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, including observations made by third parties and I have also visited the site.

The development site is not located in or immediately adjacent to a European site. There is no direct hydrological connection between the site and any European site.

All foul effluent is proposed to be collected in separate foul pipes and flow under gravity via a new 250mm sewer to existing 1000mm combined sewer on Prussia Street via a new connection. Therefore there is an indirect connection to the Dublin Bay European sites via the surface water and foul networks via Ringsend Wastewater Treatment Plant (WWTP).

Using the source-pathway-receptor model, surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact.

Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006).

Given the scale of the proposed development, the lack of a hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration in this screening.

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
<b>SAC:</b>	
<p>South Dublin Bay SAC (site code: 000210).</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.5.4km to the south east of the site
<p>North Dublin Bay SAC (site code: 000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.7km to the east of the site
<b>SPA:</b>	

<p>South Dublin Bay &amp; River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.3.9km to the east of the site</p>
<p>North Bull Island SPA (site code: 004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.7km to the east of the site</p>

## Potential Effects on Designated Sites

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

- Potential impact has been identified from surface water run-off during construction.
- Potential impact has been identified from surface water run-off during operation.
- Potential impact from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower.

### **Assessment of Likely Significant Effects on Designated Sites**

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site is dominated by buildings and artificial surfaces, which do not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

The River Liffey, which flows into Dublin Bay, is located c. 950m to the south at its closest point to the site. There are no watercourses on the site or flowing in an immediate proximity to the site that could hydrologically link the site to any European site. The river Bradogue is a subterranean stream that rises in Cabra and flows through the grounds of Grangegorman, greater than 100m to the east of the site, and ultimately discharging into the River Liffey at Ormond Quay. There is no evidence of hydrological connectivity between this culverted river and the site.

In relation to the operational phase of the development, I note the development includes attenuation proposals whereby it is intended that surface water discharge from the subject site will be limited to 2l/s and discharged to local authority sewers. Foul water will be discharged to a local authority combined sewer. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

Permission was granted by An Bord Pleanála in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives. Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

### **In Combination/Cumulative Impacts**

The application site adjoins the Grangegorman SDZ Planning Scheme. An Appropriate Assessment screening of the SDZ concluded there was no requirements for a Stage 2 Appropriate Assessment. Similarly, the Park Shopping Centre (permitted DCC Reg. Ref. 2038/17) was assessed by the Planning Authority and it was concluded that there was no requirement for a Stage 2 Appropriate Assessment. Permission was granted in 2021 for 175 residential units at Park Shopping Centre to the north of the site (ABP 309657-21). Where no requirement for Stage 2. I am satisfied that 'in-combination' effects arising from this development and others, will not result in significant effects on any European site arising from the level of discharge envisaged.

Therefore, having regard to the scale and nature of the proposed student accommodation and its location within the built up area of the city which can be serviced, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

### **Mitigation measures**

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

## **12.3 Screening Determination**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) and 004006 (North Bull Island SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

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

## **13.0 Conclusion**

The proposed development is acceptable in principle on the site and is generally in accordance with national, regional and local planning policy to achieve consolidation and intensification of development in urban areas. There is a precedent for this land use in the wider area. The development achieves acceptable levels of residential amenity within the site, does not detract from the residential amenities of houses in St. Joseph's Court and St. Joseph's Place which bound the site to the north and does not detract from the character of the adjoining protected structure (29 Prussia Street) which has been the subject of significant intervention/alterations to date and does not detract from the character of the ACA as this portion of Prussia Street has been the subject of extensive site clearance and bears little resemblance to the historical streetscape for which the ACA was designated. The interventions to the Grangegorman boundary wall (protected structure) are acceptable and do not have a detrimental impact on the protected structure. Furthermore, I am of the view that the development will result in overall improvements to streetscape along this section of Prussia Street and the linkages to Grangegorman campus will achieve a significant gain in terms of permeability in the area.

Redevelopment of this site will result in change to the setting of adjoining properties. In general the proposed development will not have an adverse impact on the

residential amenities of these properties. The proposed development does not propose car parking, with designated delivery setdown/refuse collection points, therefore significant impacts on the surrounding road network are not anticipated.

## 14.0 Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area and I recommend that permission is GRANTED, under section 9(4) of the Act subject to conditions set out below.

## 15.0 Reasons and Considerations

Having regard to the following:

- (a) The site's location within Dublin city adjoining the TU Dublin Grangegorman Campus) and in close proximity to other third level institutions, public transport infrastructure and accessible to the city centre
- (b) The provisions of the Dublin City Development Plan 2016-2022 including the zoning objective Z1 – Sustainable Residential Neighbourhoods 'To protect, provide and improve residential amenities'.
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) Housing for All – A New Housing Plan for Ireland (2021)
- (e) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) National Student Accommodation Strategy (2017),
- (k) Architectural Heritage Protection Guidelines (2011)
- (l) The nature, scale and design of the proposed development,
- (m) The availability in the area of a wide range of social, community and transport infrastructure,

- (n) The pattern of existing and permitted development in the area,
- (o) The planning history within the area,
- (p) The submissions and observations received,
- (q) The report of the Chief Executive and associated appendices, and
- (r) The report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not detract from the architectural heritage of the area, would constitute an acceptable residential density for this location, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **16.0 Recommended Board Order**

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 3<sup>rd</sup> day of January 2022 by Viridis Real Estate Services Limited and Prussia Properties Ltd care of Hughes planning and Development Consultants, 85 Merrion Square, Dublin 2 .

#### **Proposed Development:**

Permission for a strategic housing development at Nos. 29b, 30 and 31 Prussia Street, Dublin 7 (D07 WK52, D07 XD80 and D07 H273).



The development will consist of: (i) Demolition of existing industrial sheds/workshops (comprising c. 1,605sq.m); (ii) Construction of a student accommodation development, providing a total of 236 no. student bedspaces (comprising 232 no. bedrooms as follows: 18 no. studio units, 21 no. 8-bedroom units, 1 no. 7-bedroom unit, 5 no. 6-bedroom units, 1 no. 5-bedroom unit and 1 no. 4-bedroom unit) in 3 no. blocks ranging in height from 5-storeys fronting Prussia Street to 7-storeys over lower ground floor level, towards the rear boundary adjoining the TU Dublin Grangegorman Campus. More specifically, Block A comprises a 5-storey block fronting Prussia Street, featuring 12 no. student accommodation units (6 no. studio units, 5 no. 6-bedroom units and 1 no. 4-bedroom unit) from first to fourth floor levels; Block B comprises a 6-storey block over basement level, featuring 14 no. student accommodation units (4 no. studio units, 9 no. 8-bedroom units and 1 no. 5-bedroom units) from upper ground floor to fifth floor levels; and Block C comprises a 7-storey block over lower ground floor level, featuring 21 no. student accommodation units (8 no. studio units, 12 no. 8-bedroom units and 1 no. 7-bedroom unit) from lower ground floor to sixth floor levels. Student amenities and management facilities will be provided at basement, ground and lower ground floor levels and include: a management office, reception area, 2 no. internal communal amenity areas, an auditorium, gym, laundry room, meeting room, 2 no. study rooms and communal W.C facilities. A bicycle store will be provided at lower ground floor level (120 no. bicycle parking spaces) of Block C with 8 no. bicycle stands (16 no. bicycle parking spaces) also provided at ground floor level to the front of Block A. The development will be served external communal open space areas at lower ground floor, ground floor, upper ground floor levels with a roof terrace proposed at fifth floor level of Block B (totalling 968sqm); (iii) Vehicular access to the site will be provided from Prussia Street for restricted student drop-off/pick-up, servicing and emergency vehicles; (iv) Creation of a new internal street providing pedestrian and cycle access between Prussia Street and TU Dublin Grangegorman Campus, through an opening (3.85m wide) in the Grangegorman boundary wall to the east (Protected Structure). Works to the Grangegorman Boundary wall also include the removal of the existing concrete coping on top of the existing stone wall and the provision of new signage at this location; and (v) Landscaping, boundary treatments, lighting, signage, bin storage, ESB substation, switchroom, plant rooms and all associated site and infrastructural works including foul and surface water drainage, necessary to facilitate the development.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes the Dublin City Development Plan 2016-2022.

## **Decision**

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

## **Matters Considered**

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

### **17.0 Reasons and Considerations**

Having regard to the following:

(a) The site's location within Dublin city adjoining the TU Dublin Grangegorman Campus) and in close proximity to other third level institutions, public transport infrastructure and accessible to the city centre

(b) The provisions of the Dublin City Development Plan 2016-2022 including the zoning objective Z1 – Sustainable Residential Neighbourhoods 'To protect, provide and improve residential amenities'.

(c) The Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

(d) Housing for All – A New Housing Plan for Ireland (2021)

(e) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

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

(g) The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020

(h) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009

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

(j) National Student Accommodation Strategy (2017),

(k) Architectural Heritage Protection Guidelines (2011)

(l) The nature, scale and design of the proposed development,

(m) The availability in the area of a wide range of social, community and transport infrastructure,

(n) The pattern of existing and permitted development in the area,

(o) The planning history within the area,

(p) The submissions and observations received,

(q) The report of the Chief Executive and associated appendices, and

(r) The report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not detract from the architectural heritage of the area, would constitute an acceptable residential density for this location, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on

any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment Screening**

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

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands zoned "Z1" where residential development is permitted in principle and the results of the Strategic Environmental Assessment of the Plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan (CDWMP), Construction Management Plan (CMP), Ground Investigation Report, Asbestos Survey (RDAS), the Operational Waste Management Plan and the Civil Engineering Report, the Archaeological and Architectural Heritage Report and Architectural Design Statement.

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

## Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and its architectural heritage, would constitute an acceptable residential density for this suburban location, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

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

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

2. The 47 student accommodation apartments (236 bedspaces) hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and shall not be used for any other purpose without a prior grant of planning permission for change of use.

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

3. (a) The student accommodation and complex shall be operated and managed in accordance with the measures identified in a finalised Student Accommodation Management Plan which shall be submitted to and agreed in writing with the

planning authority prior to first occupation of the development.

(b) Student Housing Units shall not be amalgamated or combined.

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

4. Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority revised plans and particulars that show:
- a) The southern elevation of Blocks B and C shall be revised to incorporate a brick finish, incorporating a simple articulated detailing at all levels below the setback upper floor levels.
  - b) Revised bicycle parking plan to include details of the type of bicycle parking proposed and demonstrate functionality and accessibility of the store area and access. The revised plan shall demonstrate parking capacity for a minimum of 136 no. bicycle. Resident cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access shall be required to resident bicycle stores

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

5. Subject to condition 4(a) above, details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

6. a) Prior to commencement of works, the developer shall make a record of the existing boundary wall of the Grangegorman institutional complex located within the application site boundaries which is a protected structure (RPS Ref.3281). This shall include a full set of survey drawings to a scale to be agreed with the planning authority, to include elevations, plans and sections of the structure. This record shall be submitted to the planning authority prior to commencement of development and one copy each shall be submitted to the Grangegorman Development Authority, the Dublin City Archives and the Irish Architectural Archive.

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

authority prior to the commencement of development.

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

7. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority drawings and documentation as follows:
- i. A method statement for the raking out and re-pointing of the stonework and associated repair details shall be provided.
  - ii. Details of the historic stone coursing, sizes of stone as well as mortar composition and colour shall be provided.
  - iii. Full details of any proposed new element, such as toothing-in and repair work that shall be required. All new elements to repair any lost or damaged elements of historic wall will match the historic wall. Any stones that are proposed for removal to accommodate the new gateway to Grangegorman shall be carefully labelled, set aside and offered to facilitate future repair works to the historic walls.
  - iv. All works to the protected structure (wall) shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
  - v. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
  - vi. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
  - vii. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

**Reason:** To protect the fabric, character and integrity of this protected structure.

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

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

9. The external terraces shall not be occupied or used for any purposes between the hours of 10:00 PM and 07:00 AM.

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

10. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details for the maintenance and management of the pedestrian/cycle link between the application site and the TU Dublin Grangegorman campus. This shall include details of boundary treatment, and access arrangements to the campus.

**Reason:** In the interest of residential amenity and orderly development.

12. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

(a) The roads and traffic arrangements serving the site, including road improvements, signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

(c) All works to public roads/footpaths shall be completed to the satisfaction of the planning authority.

(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for



construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity

13. Prior to commencement of the development, details of all areas of boundary treatment and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Strategy, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interests of amenity and public safety.

15. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

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

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

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

17. All service cables associated with the proposed development (such as electrical,

telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

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

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

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

22. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who monitor all site investigations and other excavation works,

(c) should archaeological material be found during the course of archaeological monitoring, all work which might affect that material will cease pending agreement with the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht to how it is to be dealt with,

(d) all archaeological deposits/features, within the area where groundworks will occur, which were recorded during previous test excavations, shall be fully archaeologically planned, photographed and excavated by a suitably qualified archaeologist, all necessary licences or consents under the National Monuments Acts 1930 to 2014 having been obtained,

(e) all costs of archaeological work necessitated by, or arising from, the development shall be borne by the developer.

In default of agreement on any of these requirements, the matter shall be referred to

An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site .

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

**Reason:** In the interest of visual amenity and orderly development

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

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

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

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

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Dáire McDevitt  
Senior Planning Inspector

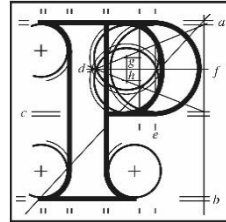
22<sup>nd</sup> March 2022

**Appendix 1 List of documentation submitted with the application**  
**Appendix 2 EIA Screening Form**

**Appendix 1 List of documentation submitted with the application included inter alia:**

- Statement of Consistency and Planning Report.
- Statement of the response to pre-planning opinion.
- Student Accommodation Concentration Report.
- Material Contravention Statement
- Copy of Public Notices.
- Copy of Letters to Prescribed Bodies and DCC.
- GDA Consent Letter.
- Architectural Drawing Set, including Schedule of Accommodation.
- Architectural Design Statement, including Housing Quality Assessment.
- CGIs & Photomontages (Prussia Street VIA)
- Daylight & Sunlight Assessment
- Landscape Drawings and Design Statement
- Engineering Drawing Set.
- Civil Engineering Report, including Flood Risk Assessment; Traffic and Transport Impact Assessment Report and Travel Plan; A current/valid Confirmation of Feasibility Statement from Irish Water; and Statement of Consistency with DMURS.
- Copy of Statement of Design Acceptance submitted to IW.
- Construction Management Plan.
- Report on Visual Structural Survey of Site Boundary Walls.
- Student Accommodation Management Plan, including details re servicing and management.
- Construction and Demolition Waste Management Plan.
- Acoustic Design Statement.
- Operational Waste Management Plan.
- Archaeological and Architectural Heritage Report.
- Lighting Report & iEnna lighting detail.
- Energy and Sustainability Statement.
- M& E Drawings.
- Appropriate Assessment Screening Report.
- Bat Assessment.
- Asbestos Refurbishment/Demolition Report.
- Ground Investigation Report.

## Appendix 2 EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Applications

#### A. CASE DETAILS

<b>An Bord Pleanála Case Reference</b>		ABP-312102-21
<b>Summary</b>		
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	A Screening for Appropriate Assessment report was submitted with the application
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

<p><b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b></p>	<p>Yes</p>	<p>SEA and AA undertaken in respect of the Dublin City Development Plan 2016-2022 and see also Inspectors Report section 11 in relation to Article 299 B(1)(b)(2)(c)</p>
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<p><b>B. EXAMINATION</b></p>	<p>Yes/ No/ Uncertain</p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p>Yes/ No/ Uncertain</p>
<p><b>1. Characteristics of proposed (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p>No</p>	<p>The development comprises the construction of student accommodation (236 bedspaces) on lands where residential is permitted in principle.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p>Yes</p>	<p>The proposal includes construction of an Student accommodation residential complex which are not considered to be out of character with the pattern of in the surrounding area.</p>	<p>No</p>



<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development . The loss of natural resources or local biodiversity as a result of the of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. And the removal of asbestos</p> <p>Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan, Construction Management Plan and Asbestos Refurbishment/Demolition Report. will satisfactorily mitigate potential impacts.</p>	<p>No</p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p>	<p>No</p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of the development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units (236 student bedspaces in 47apartments) which is considered commensurate with the development of a residentially zoned site in north Dublin City.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Standalone development, with small and medium scale developments in the immediately surrounding area.	No
2. Location of proposed			
<p>2.1 Is the proposed located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> <li>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a plan/ LAP/ draft plan or variation of a plan</li> </ol>	No	<p>There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are:</p> <p>South Dublin Bay SAC 5.4km south-east of the site.</p> <p>North Dublin Bay SAC 7km east of the site. North Bull Island 7km east of the site.</p> <p>South Dublin Bay &amp; River Tolka SPA 3.9km east of the site.</p> <p>The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 12 of this report</p>	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No such uses on the site and no impacts on such species are anticipated.	No

<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>Yes</b></p>	<p>The front portion of the site is located in a Zone of Archaeological interest and the Prussia Street ACA. The site is partially located within the Zone of Constraint of the Historic City of Dublin (DU18-20). Works are proposed to the boundary wall with Grangegorman which is a protected structure. The site includes the rear (original curtilage of No. 29 Prussia Street a protected structure) (see also section 10.3 in the Inspectors Report in relation to Architectural Heritage and Section 10.8.3 regarding Archaeology)</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water runoff. The site is not at risk of flooding. (see also section 10.7 in the Inspectors Report in relation to services and drainage)</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There are no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

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

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
Having regard to: -			
a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, (b) The location of the site on lands zoned "Z1" where residential development is permitted in principle and the results of the Strategic Environmental Assessment of the Plan; (c) The existing use on the site and pattern of development in surrounding area; (d) The planning history relating to the site (e) The availability of mains water and wastewater services to serve the proposed development,			

- (f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan (CDWMP), Construction Management Plan (CMP), Ground Investigation Report, Asbestos Survey (RDAS), the Operational Waste Management Plan and the Civil Engineering Report, the Archaeological and Architectural Heritage and the Architectural Design Statement.

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

\_\_\_\_\_ 22<sup>nd</sup> March 2022

**Daire McDevitt**  
**Senior Planning Inspector**

**Date**