



An
Bord
Pleanála

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

Inspector's Report ABP-312358-22

Strategic Housing Development

Demolition of existing structures on site, including no. 23 Prussia Street and the remnants of the facades of no. 24 and no. 25 Prussia Street, construction of 162 no. Build To Rent apartments and associated site works.

Location

23-28 Prussia Street, Dublin 7.
(www.prussiastreetgatewayshd.ie)

Planning Authority

Dublin City Council

Applicant

Randalswood Construction Limited

Prescribed Bodies

Irish Water

Transport Infrastructure Ireland

Observer(s)

Alexandra Pickerill
Ciaran Mac Annraoi
Grangegorman Development Agency
Ivan O'Connell
Joe Costello
John Conway and The Louth
Environmental Group (BKC Solicitors)
Nessa Hourigan
Shane McAuley and Dara Cassidy

Date of Site Inspection

16th June 2022

Inspector

Elaine Power

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is located at 23 – 28 Prussia Street, in Dublin city centre. The site currently accommodates no. 23 Prussia Street which is a two-storey end-of terrace property with a ground floor commercial unit and the ground floor front facades of no.'s 24 and 25. To the rear, the site is generally under hard-standing and accommodates a number of poor-quality light industrial / commercial storage structures, while the open yard area is used for informal storage purposes.

- 2.2. The site has an area of c.0.38ha and is irregular in shape. It is bound to the north by no. 29 Prussia Street, comprises a three-storey building which is a protected structure. To the rear of no. 29 is a yard accommodating a car recovery and repairs business. To the south the site is bound by no. 22 Prussia Street, a 2-storey dwelling, and the rear gardens of no. 14 - 22 Prussia Street. To the east the site is bounded by the Grangegorman campus. The boundary with the institutional lands to the east is formed by a high stone wall, which is also a protected structure. To the west the site is bound by Prussia Street and its junction with St. Josephs Road. Opposite the subject site are 2 - 4 storey properties including 2 no. (no. 66 and 67) protected structures.

- 2.3. A section of Prussia Street is identified as a Conservation Area, which incorporates the north western corner of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of existing structures on site, including no. 23 Prussia Street, which is a 2-storey terraced house with commercial use on the ground floor and the remnants of the facades of no. 24 and 25 Prussia Street. The construction of 162 no. 'Build to Rent' apartments comprising 107 no. 1-

beds, 53 no. 2-beds, 2 no. 3-bed in 1 no. block, ranging in height from 3 storeys over basement fronting Prussia Street to 13 storeys over basement at the rear of the site at the boundary with the Grangegorman Campus.

- 3.2. The development will provide for a range of private balconies / terraces / winter gardens on all elevations, and 3 no communal roof terraces, in this regard one at 5th floor level and two at 8th floor level and a landscaped courtyard at ground floor level. At ground floor level the development will provide for a café and ancillary residential amenity facilities, including a gym, multi-purpose gym space, lobby, co-working spaces, meeting room and office/parcel storage area. A resident’s cinema will be provided at basement level.
- 3.3. The proposed scheme also includes works to the historic Grangegorman boundary wall (Protected Structure), including the removal of the existing concrete coping on top of the existing stone wall and the removal of a section of the wall to facilitate the provision of the primary pedestrian and cycle access route from TU Grangegorman Campus to Prussia Street via the Prussia Street gateway. The interface of this primary route with Prussia Street will be denoted by a proposed gatehouse.
- 3.4. The development also includes basement level storage and plant rooms, a bin store and 22 no. car-parking spaces, 4 no. motorcycle spaces and 336 no. bicycle spaces with access via Prussia Street, an ESB sub-station, landscaping including play equipment and hard and soft landscaping along the primary pedestrian route, public lighting, signage, boundary treatments and all associated site development infrastructure and site works.
- 3.5. Key Development Statistics are outlined below:

	Proposed
Site Area	0.38 ha
No. of Units	162 no.
Unit type	Build to Rent
Unit mix	107 no. (66%) 1-beds, 53 no. (33%) 2-beds, 2 no. (1%) 3-beds
Density	424 units per ha.

Plot Ratio	4.0
Site Coverage	55%
Height	3 storeys over basement to 13 storeys over basement
Dual Aspect	40% (64 no.)
Other Uses	165sqm café
Public Open Space	0.07 ha / 17% of the site area
Car Parking	22 no.
Bicycle Parking	336 no.

3.6. The application included the following:

- Planning Report
- Statement of Response to An Bord Pleanála Opinion
- Statement of Material Contravention
- Statement of Consistency with Planning Policy
- Urban Design Statement
- Landscape and Visual Impact Assessment
- Conceptual Strategy
- Materials and Finishes Report
- Daylight and Sunlight Assessment
- Pedestrian Level Wind Desk-Based Assessment
- Design Rationale – Landscape Architecture
- Heritage Impact Assessment
- Traffic Assessment
- Mobility Management Plan
- DMURS Compliance Statement
- Screening for Appropriate Assessment

- Environmental Impact Assessment Screening Report and Statement in Accordance with Article 299(1)(b)(ii)(II)(c) of the Planning and Development Regulations, 2001 (as amended)
- Engineering Services Report
- Flood Risk Assessment
- Childcare Assessment Report
- Community and Social Infrastructure Audit
- Archaeological Desktop Assessment
- Outline Construction Management Plan
- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Building Lifecycle Report
- Public Lighting Report
- Sustainability and Energy Report
- BTR Justification Report
- BRT Operational Management Plan
- Photomontages

4.0 Planning History

Subject site

Reg. Ref. 3327/05: Permission was refused in 2005 for the demolition of existing buildings and the construction of 123 no. apartments in 2 no. blocks ranging in height from 5-6 storeys. The 5 no. reasons for refusal related to (1) the poor quality design would negatively impact on the setting of the protected structure at 29 Prussia Street and on the amenities of the streetscape, (2) the demolition of no. 22-25 Prussia Street which are zoned Z2 residential conservation area and their replacement with a building of poor design would seriously injure the amenities of the area, (3) lack of a pedestrian link to Grangegorman, (4) poor quality open space and (5) the high proportion of single aspect units.

Grangegorman SDZ

ABP PL29N.ZD2005: The planning scheme for Grangegorman was approved by An Bord Pleanála, subject to modifications, in 2012. The proposed planning scheme provided for 280,000sqm of development based on healthcare, educational, public bodies (school, library and elderly housing) and other mixed uses. The Scheme includes for general heights of 4-6-storeys with provision for 3 no. taller buildings, with a maximum height of 50m. A main pedestrian and cycle entrance to the campus is identified from Prussia Street via the subject site. Amendments to the Grangegorman Planning Scheme were approved in 2017 under ABP ref. ZE29N.ZE0005 and there have been a number of applications within the Grangegorman site.

Surrounding Area

ABP-309657-20 Strategic Housing Development: Permission was granted in 2021 for the demolition of the existing Park Shopping Centre and no. 42-45 Prussia Street and the construction of 175no. Build to Rent units and 584 no. student bedspaces in a scheme with a maximum height of 8 storeys at a site c. 120m north of the subject site

ABP-312102-21 Strategic Housing Development: Permission was granted in 2022 for the demolition of industrial sheds and warehouses and the construction of 236 no. student bedspaces in 3 no. blocks ranging in height from 5 – 7 storeys at 29b, 30 and 31 Prussia Street, immediately north of the subject site.

Reg. Ref. 4035/16: Permission granted in 2017 for the demolition of existing structures and the construction of 203 no bedspace, student accommodation development with a maximum height of 4-storeys at 84-87 Prussia Street. There have been a number of minor amendments to this scheme. An extension of duration was granted in 2022. This site is located c. 110m southwest of the subject site. Construction on this site has commenced.

Reg. Ref. 3995/22: Current application for the demolition of the existing 2-storey building and the construction of 4 no. apartments in a 4-storey building at 68a Prussia Street directly opposite the subject site.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 21st July 2021 in respect of a development of the demolition of existing structures on site, including no. 23 Prussia Street and the construction of 166 no. Build To Rent residential units. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

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

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 26th July 2021 (ABP-310234) An Bord Pleanála stated that it was of the opinion that further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

Surrounding Streetscape and Heritage Impact Assessment

The design and delivery of a development that has due regard to the surrounding streetscape and historic context, and location within a Conservation Area, and to the setting of adjoining protected structures at no.'s 29, 66 and 67 Prussia St., with a high quality of design and finish. Particular regard should be had to the mass and scale of the proposed development and the prevailing height and grain of development in the surrounding area, and to the historic building lines and setbacks at this location as

documented in the submitted Heritage Impact Assessment. The design rationale should clearly address these matters. The application should be accompanied by detailed contextual elevation and section drawings which should illustrate the relationship with adjacent buildings, including buildings on the western side of Prussia Street.

Building Height

The proposed development would constitute a significant intervention in the urban landscape at this location and the application should be accompanied by a detailed Rationale / Justification for the range of building heights proposed. Regard should be had in particular to the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018 and Section 16.7 of the Dublin City Development Plan 2016-2022. Such rationale should address, in particular, the relationship and integration of the proposed development with development within Grangegorman Campus proposed to be undertaken in accordance with the permitted Grangegorman SDZ Planning Scheme.

Connectivity

Further detail in relation to the proposed connection through the site from Prussia Street to Grangegorman TU campus should be provided. In particular, the function and status of this route within the Grangegorman Planning scheme should be clearly described, including clarity with regard to the intended function of this route in the short and long-term as a construction or operational vehicular access to Grangegorman. Such vehicular use may have implications for the proposed development in terms of residential amenity and public safety and these matters should be clearly addressed in any application. The application should also provide clarity on responsibility for the satisfactory completion of the proposed works, including works to the historic boundary wall, and confirmation with regard to the operational management and maintenance arrangements for this route. Details of discussions with the relevant Grangegorman authorities and confirmation of their agreement to these arrangements should be provided.

Design and Layout with regard to adjoining protected structure

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

Relationship with Grangegorman boundary wall (protected structure)

The relationship of the proposed development with the boundary wall of Grangegorman campus, which is a protected structure, should be clearly described in the application. An accurate photographic and drawn survey of this wall should be provided, including details of conservation repairs to be carried out. The application should include detailed section drawings through the wall illustrating existing and proposed ground levels on either side, and detail of the use and treatment of the space between the proposed development and the wall. The rationale for any proposed interventions in the wall should be clearly set out and any necessary third-party consents to the proposed works should be provided as part of the planning application this relationship, should be provided in this regard

Operational service and delivery requirements

The application should clearly describe how the proposed operational service and delivery requirements of the proposed development will be met within the application site, having regard to the need to avoid on-street set-down or lay by areas. Where such requirements are to be met within the proposed basement car park, the application should clearly demonstrate that the design and layout can be accommodate such activity. A Servicing and Operations Management Plan should also be provided in this regard. The further consideration of these issues may require

an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

5.3. The following specific information was also requested: -

- a. Further clarification and justification for the type and level of communal residential facilities to be provided on the site.
- b. Further elaboration of the proposed construction methodology in order to obviate potential impacts on adjoining structures.
- c. Additional analysis of the visual impact of the development on the surrounding area.
- d. Further details of the proposed materials and finishes to the scheme.
- e. The design rationale for the proposed gateway feature on Prussia Street.
- f. The application should be accompanied by:
 - i. A Traffic Impact Assessment, a preliminary Construction Traffic Management Plan and a Mobility Management Plan.
 - ii. A Quality Audit.
 - iii. A detailed rationale for the quantum of car parking proposed.
- g. Address the additional matters identified in the Transportation Planning Division of Dublin City Council.
- h. A Construction and Demolition Management Plan and an Operational Waste Management.
- i. A Wind Microclimate assessment Plan.
- j. Demonstrate that there will be no conflict arising from the proposed development with emerging design proposals for Bus Connects in respect of Prussia Street.
- k. Identify the areas intended to be taken in charge.
- l. Demonstrate how the development will limit the potential for overlooking of adjoining residential properties.

m. A Daylight and Sunlight Assessment.

n. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

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

5.5. ***Applicant's Statement***

5.5.1. A statement of response to the Pre-Application Consultation Opinion was provided in Section 9 of the Planning Report and Statement of Consistency submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the items that required consideration and specific information to be submitted with the application.

5.5.2. The Items that required further consideration are summarised below: -

Surrounding Streetscape and Heritage Impact Assessment

The proposed scheme submitted to the Board, has been subject to a number of amendments. The design and layout of the proposed scheme alongside its interaction with the proposed Prussia Street Gateway Route, has been developed as a result of the collaborative work of the design team and the response to a number of issues raised during Pre-Application Consultations. The layout, scale and massing of the

scheme responds to the site's location and surrounding environment as well as the exploitation of its optimum orientation. The building heights gradually increase from 3 storeys to 13 storeys to visually connect with the height of the existing and emerging built environment.

Building Height

The submitted Architecture/ Urban Design Statement details the design rationale for the proposed development and provides a justification for its height. The design statement details the evolution of the proposed development in the context of the permitted planning scheme within the Grangegorman Campus and provides conceptual images of how the proposed development will merge with the GDA planning scheme. The material contravention statement details how the proposed development meets the criteria of the Urban Development and Building Height Guidelines for Planning Authorities, 2018. A Landscape and Visual Impact Assessment has been submitted with the application.

Connectivity

The applicant has liaised with GDA in this regard. Once fully completed, the route is intended to serve pedestrians and cyclists with access provided for emergency vehicle only. In the short term the GDA may consider the option to use the link as a temporary construction haul road serving the western part of the SDZ lands to facilitate the completion of strategic buildings and infrastructure. This temporary haul road will be separate from and will not conflict with the residential use of the BTR scheme. The GDA will be responsible for the completion of all works to the route and all operation and maintenance management of the route. Further details on the route are provided in the Heritage Impact Assessment, the Prussia Street Gateway Conceptual Strategy, the Prussia Street Gateway Landscape Design Rationale and the architectural pack and architectural/ urban design statement.

Design and Layout with regard to adjoining protected structure

The proposed scheme submitted to the Board, has been subject to a number of amendments. It is now proposed that the temporary hoarding adjacent to the boundary

of no. 29 Prussia Street and within the site be removed. A new permanent wall will be provided at this location and also along Prussia Street. This wall will be provided at the same height as the parapet level of no. 29 Prussia Street to close the building at this location and provide uniformity on the streetscape. Behind this wall the building will remain set back from the gable end of no. 29 Prussia Street to ensure that no negative impact will occur to the protected structure.

Relationship with Grangegorman boundary wall (protected structure)

The proposed development will be set back from the boundary wall to ensure its integrity and protection. The Heritage Impact Assessment includes a full assessment of this wall and a detailed list of proposed works. The only interventions now proposed are the removal of a portion of the wall to facilitate the Prussia Street Gateway pedestrian route and the removal of the concrete coping to the remainder of the wall within the site boundary. Further works will include the restoration and repair of the wall within the red line boundary. The rationale for the removal of a portion of the wall to facilitate the pedestrian route is detailed in the Design Rationale. A letter of consent has been provided by the GDA.

Operational service and delivery requirements

All service and delivery requirements for the proposed development to be facilitated within the basement of the scheme. It is understood that Dublin City Council want to avoid on-street set-down or lay by areas on Prussia Street, as a result these have not been provided for within the scheme. The GDA also advised that the use of the Prussia Street Gateway Route was not compatible with the planning scheme for the Grangegorman Campus. The applicants would not object to the use of this route, should An Bord Pleanála be minded to think otherwise.

- 5.5.3. The following specific information was also submitted with regard to the items outlined above: -
- a. A BTR Justification Report and a BTR Operational Management Report which details the quality and quantum of communal facilities within the scheme and how these facilities will be managed and operated has been submitted. The

justification report also provides a comparison table of the proposed development and other permitted BTR schemes. This highlights the quality and quantum of facilities provided for within the scheme. The Architectural /Urban Design Statement which also details the level of communal residential facilities within this development.

- b. An Outline Construction Management Plan, a Construction and Demolition Plan and a Heritage Impact Assessment have been submitted to ensure best practice construction and mitigation measures are put in place to protection all adjoining structures, including the protected structures to the north and east.
- c. A landscape and Visual Impact Assessment and photomontages have been submitted.
- d. An Architecture / Urban Design Statement and a Materials and Finishes report have been submitted.
- e. The design of the Prussia Street Gateway Route was commissioned by the GDA. A Prussia Street Gateway Conceptual Strategy has been submitted.
- f. A Traffic Impact Assessment, DMURS Compliance Statement, an Outline Construction Management Plan which includes a Traffic Management Plan and a Mobility Management Plan which includes a rationale for the quantum of car parking proposed on the site and a car-park management strategy have been submitted.
- g. A response to the issues raised by the Transportation Planning Division of Dublin City Council can be found in the Traffic Impact Assessment and the Mobility Management Plan submitted with the application.
- h. A Construction and Demolition Waste Management Plan and an Operational Waste Management Plan have been submitted.
- i. A Wind Microclimate assessment has been submitted.
- j. It is not anticipated that there will be any conflict between the very limited traffic movements of the proposed development and the proposed bus connects route when the B-spine is in operation. The applicants' engaged with Dublin City Council in relation to the provision of an east-west connection from the site

further west across Prussia Street. It was concluded that, it is not feasible for the applicants to provide this additional access point in the context of this application. The works would be provided for outside the site boundaries and the ownership of the applicants. The applicants are providing a 9m section of their site for the provision of a pedestrian and cycle route to the TU Dublin Grangegorman Campus within the context of the proposed application

- k. It is not proposed that any area of the development will be taken in charge by the Local Authority.
- l. Architectural drawings and supporting design reports indicate that the proposed development would not result in undue overlooking.
- m. A Daylight and Sunlight Assessment has been submitted.
- n. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 has been submitted.

6.0 Relevant Planning Policy

6.1. *Dublin City Council Development Plan 2016 - 2022*

The majority of the subject site is located on a site zoned Z1 – Sustainable Residential Neighbourhoods’: To protect, provide and improve residential amenities. The southwestern corner of the site, comprising no.’s 23-25 Prussia Street is zoned ‘Objective Z2 – Residential Neighbourhoods (Conservation Areas)’, which seeks to protect and/or improve the amenities of residential conservation areas.

Chapter 4 - Shape and Structure of the City emphasises the importance of high quality developments and reaffirms Dublin as a predominantly low rise city. Relevant policies include **SC13**: sustainable densities; **SC14**: variety of housing types; and **SC16, SC17** and **SC18** relating to height.

Chapter 5 – Quality Housing supports the delivery of quality homes in a compact city. Relevant policies include **QH5**: active land management; **QH6**: variety of housing; **QH7**: sustainable urban densities; **QH8**: development of under-utilised sites; **QH13**:

adaptable and flexible homes; **QH17**: private-rented accommodation; **QH18**: high-quality apartments.

Chapter 11: Built Heritage and Culture acknowledges that built heritage contributes significantly to the city's identity and richness and diversity of its urban fabric. Relevant policy includes **CHC1**: preservation of built heritage; and **CHC2** protected structures and their curtilage.

Chapter 16 sets out indicative standards including density, plot ratio and site coverage standards. Section 16.2.2.2 - Infill Development note that it is particularly important that infill developments respect and enhance its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Section 16.2.2.4 Boundary Walls and Railing notes that developments should not result in the loss or insensitive alteration of characteristic boundary walls or railings.

Section 16.7.2 sets out a 24m height restriction for residential developments in the inner-city. It also sets out assessment criteria for higher 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).

6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 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. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

6.5. **Applicants Statement of Consistency**

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

6.6. **Material Contravention Statement**

The applicant submitted a Material Contravention Statement. The statement provides a justification for 2 no. material contraventions of the Dublin City Development Plan 2016 - 2022 in relation to Building Height (Section 16.7.2) and Car Parking Provision. The statement is summarised below: -

Building Height

Section 16.7.2 of the current Dublin City Development Plan 2016-2022, permits a building height of up to 24m within the 'Low-rise' category of the Inner-City areas, such as where the subject site is located. The proposed development ranges in height from three storeys (10.85m) to thirteen storeys (41.3m) which means that the proposed height is in excess of the Development Plan height restrictions, and as such the

proposed development contravenes materially the Development Plan relating to the area.

Justification

In accordance with Section 37(2)(b)(i) this current proposed development is strategic in nature and therefore is of strategic national importance.

With regard to 37(2)(b)(iii) the applicant provides a summary of the Sustainable Residential Guidelines, the Apartment Guidelines and the Building Height Guidelines. It is National Policy to promote and encourage increased densities in excess of 50 units per hectare on zoned lands adjacent to public transport corridors. The proposed density of c.424 units per hectare can only be achieved through the provision of increased building heights. As such, it is considered that the proposed variation in building heights from 3 storeys to 13 storeys is appropriate for the subject site and in compliance with National Policy. It is considered that restricting the height of development at such a well-served location is a direct contravention of National Policy.

With regard to 37(2)(b)(iv) it is noted that the Grangegorman area will see a major redevelopment in the coming years given the quantum of permitted and future development in the area (some already under construction). The implementation of the Grangegorman SDZ is on-going and it is considered that the proposed development will assist and further support the overall vision for the area. This redevelopment will see an increase in building heights, density, and built-up footprint within the area, thus the proposed development is justified in this instance

Car Parking

The development plan sets out a maximum car parking standard of 1 no. space per residential unit in Zone 2. The proposed development will provide 22 No. car parking spaces. Thus, the overall car parking provision may be considered to potentially materially contravenes the Dublin City Development Plan 2016-2022.

Justification

In accordance with Section 37(2)(b)(i) this current proposed development is strategic in nature and therefore is of strategic national importance.

With regard to 37(2)(b)(iii) the applicant provides a summary of the National Planning Framework, Sustainable Residential Guidelines and the Apartment Guidelines. The proposed development is consistent with national policy guidance where it clearly shows the reduced provision of car parking spaces at accessible locations with access to public transport services.

7.0 Third Party Submissions

8 no. third party submissions were received. The submissions are generally supportive of the redevelopment of the site. The concerns raised are summarised below: -

Design Approach

- The proposed development is significantly taller than existing buildings and would have an overbearing impact on historic 2-storey dwellings
- The Daylight and Sunlight Assessment indicates that the proposed development would negatively impact on existing properties with no rationale provided.
- The proposed scheme would result in direct overlooking of existing rear gardens / windows. It is unclear what screening would be provided.
- The proposed development would be visually intrusive from the Grangegorman campus.
- This development would be highly visible and is not in keeping with the character of the area.
- A more appropriate access arrangement to Grangegorman would be to position the gatehouse at the location currently occupied by the remaining fragments of no. 24-25 Prussia Street. This would be more consistent with the SDZ masterplan vision. Locating the gate house in this position would for an axial relationship with St. Joseph's Road.
- No amenities are provided for the local community
- The cumulative impact of developments along Prussia Street and at Grangegorman on the visual, environmental, and residential amenity of the area would be overbearing.

- Details of the proposed boundary wall with existing properties on Prussia Street have not been agreed and there are concerns regarding the loss of planting and the negative impact due to the level differences between the sites.
- The photomontages are selective and misleading
- Concerns regarding the accuracy of the Daylight and Sunlight Assessment and the lack of compensatory measures provided.
- The public footpath on Prussia Street is too narrow outside the development. No soft landscaping, planting or trees have been provided on Prussia Street.
- Concerns regarding a lack of childcare facility within the development.
- The plot ratio exceeds the standard set out in the development plan.

Tenure / Unit Mix

- There is an overconcentration of Build to Rent units in Dublin City Centre.
- There is a requirement for more family home.
- The unit mix fails to encourage the creation of a sustainable residential community.

Built Heritage

- The height and scale are excessive for a Z2 conservation area and the character of the surrounding area.
- The building line is forward of the historic building line. The historic building line should be retained to protect the setting of no. 29 (protected structure).
- Existing buildings / facades should not be demolished, they should be restored and incorporated into the re-development of the site.
- The façade composition of 23 Prussia Street is substantially different to 21 and 22 Prussia Street. It is suggested that this building was a surviving late Georgian purpose building shop and residents and as such is a building of special significance.
- The complex geometry of the gable wall of no. 23 Prussia Street suggests the possibility of an earlier 18th century building fabric, as is indicated on Roque's map of Dublin 1756.

- 23 Prussia Street is a key part of an intact late Georgian Terrace and is inherent in the character of the street. Its demolition would materially affect the character of the terrace and Prussia Street as a whole.
- The Architectural Heritage Assessment is insufficient as does not include an assessment of the interior of the structure. It does not demonstrate that this building is of little or no special interest or merit having regard to the Architectural Heritage Guidelines.
- The scheme fails to acknowledge the historic streetscape.

Archeology

- Prussia Street is a historic part of the city and is located within a Zone of Archaeological Interest. The desktop study is insufficient. Trial trenches should have been excavated prior to the application being submitted.

Transportation / Car Parking

- Traffic Management is a huge issue in this area.
- Concerns regarding an under provision of car parking.
- The proposed development represents a traffic hazard and would contribute to traffic congestion.

Construction Phase

- Construction related concerns regarding noise, dust, air pollution etc.

Legal Issues

- Permission cannot be granted in circumstances, where it would be justified by the Building Height Guidelines 2018 and the Apartment Guidelines 2020. These Guidelines are not authorised by Section 28(1C) of the Planning and Development Act, 2000 (as amended). The Guidelines are also contrary to SEA Directive as they authorise contraventions of Development Plans / Local Area Plans without and SEA being conducted, or a screening for SEA being conducted on the variations being brought about to the Development Plan / Local Area Plans as a result of same.

- The proposed development materially contravenes the density, housing mix, public open space, building height and visual impact, car parking, childcare, Architectural Conservation Area, Local Area Plan / Masterplan / Urban Design Framework requirement / provision set out in the development plan and cannot be justified.
- The proposed development does not comply with the requirements of the Urban Height Guidelines.
- The proposed development is not of 'strategic or national importance' and the applicant has not provided any basis for asserting same.
- The application and associated documentation do not comply with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001(as amended).
- The applicant has not demonstrated that there is sufficient infrastructure to support the proposed development by reference to public transport, drainage, waster services and flood risk.
- Justification of non-compliance with the development plan would amount to unlawful breach of the requirements of SEA Directive.

Screening for EIA

- Although the proposed development is sub-threshold it should be subjected to a full EIA.
- The screening for EIAR and the Ecological Impact Assessment are inadequate and deficient and does not permit an assessment of the potential environmental impacts.
- Insufficient information has been submitted. It is envisioned that certain matters would be agreed by a contractor and with the planning authority, such an approach is contrary to the requirements, including public participation, of the EIA directive, in circumstances where there is no mechanism for the public to participate in the process leading to the agreement with the planning authority under the 2016 Act, and in circumstances where there is a distinct lack of detail in the information provided that would provide a clear criteria for matters to be so agreed. If the Board was minded to impose such a condition, in light of the

foregoing, it would effectively be abdicating its responsibilities under the EIA directive.

- The Board lacks ecological and scientific expertise and / or does not appear to have access to such expertise in order to examine the EIA Screening Report as required under Article 5(3)(b) of the EIA Directive.
- The information submitted is insufficient and contrary to the requirements of the EIA Directive and the provisions of national law.
- There is insufficient information on the impact on bird and bat flight lines / collision risks.
- The criteria in the EIA Screening Report does not comply with the Planning and Development Regulations
- The EIA Screening Report is insufficient and inadequate as it does not assess the likely impacts on environmental constraints as required under Schedules 7 and 7A of the Planning and Development Regulations.
- The EIA Screening failed to provide a comprehensive cumulative assessment of the project
- The EIAR Screening is inadequate with regard to population, human health and biodiversity.
- The development does not comply with the BRE guidelines

Screening for AA

- The Screening for AA is insufficient and not based on appropriate scientific expertise and as such does not comply with the Habitats Directive and the Planning and Development Act 2000 (as amended). The Board does not have sufficient and / or adequate information to carry out a complete AA Screening.
- The AA Screening Assessment does not provide sufficient reasons or findings. The conclusions / statements made do not identify a clear methodology and no analysis is offered in respect of sites screened out.
- Insufficient surveys regarding bird collision / flight risk.
- The Zone of Influence is not reasoned or explained.
- No regard or inadequate regard to the cumulative effects.

- The AA has regard to mitigation measures
- Insufficient site specific surveys for the purpose of AA.

Grangegorman Development Agency

- The GDA do not comment on the merits of any application, however, the submission clarifies that the applicants' images which represent future development sites within the SDZ were developed without the knowledge, consent or engagement with the GDA and do not warrant or represent the intents of the GDA or any of its stakeholders.
- The submission also notes that the gateway and cycle route has been designed for the GDA and co-ordination meetings with the applicant have taken place to integrate technical aspects only.

8.0 Planning Authority Submission

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 25th February 2022. The report includes a summary of the proposed development, site description, relevant planning history, pre-planning, third-party submissions and prescribed bodies. The views of the elected members at the Central Area Committee on the 1st February 2022 are summarised as follows: height and density and material contravention of the development plan; design and layout; unit mix; BTR model; impact on BusConnects; Conservation and Heritage; impact on local community and existing residential amenities. Appendix A includes Internal Reports from Transportation Planning Division; Engineering Department – Drainage Division; Environmental Health Officer; Housing Department; Parks, Biodiversity and Landscaping Services; and Archaeology Section; Conservation Officer; and Waste Regulation and Enforcement Units.

8.2. The key planning considerations of the Chief Executive's report are summarised below.

Zoning / Site Development Standards: The proposed plot ratio, site coverage and density could be considered acceptable in principle, however, the proposed development would need to comply with development plan standards and with

departmental guidelines in respect of residential amenity and height, including the need to integrate with the streetscape and surrounding context, and to avoid any adverse impacts on adjoining residential amenities in respect of overlooking or loss of light.

Sustainable Communities: Having regard to the inner city location, it would appear that the area is already well serviced with social and community infrastructure. In relation to the need to contribute to childcare it is contended that given the nature of the proposed development as a BTR facility, the high proportion of one-bedroomed dwellings proposed and the low proportion of pre-school children in the locality, a creche facility would not be required. While it is accepted it is in part due to the high proportion of 1 and 2 bed units and demonstrates that the proposal is unlikely to contribute to the development of a sustainable community in the area.

Tenure: It is accepted that the BTR model will help to meet a need for rented accommodation and can therefore be considered in principle.

Shared Facilities: The proposed co-working space has an entrance from the public walkway to the south and there are also two apartment core entrances off the walkway, which would help to animate the route, with access to the remaining cores being via the Prussia Street entrance between the café and vehicular/car park entrance.

Public Open Space: It is proposed to provide the 10% of public open space on the site, in the form of the proposed walkway in the southern area of the site, which provides a link through from Prussia Street to the TUD campus. It is stated that this area will be developed and management by the Grangegorman Development Agency (GDA) and that it will be developed as the second phase of the overall development, with possible use by GDA as a temporary construction haul road serving the western part of the TUD campus in the interim. In this regard, it would be preferable for the pedestrian route, which provides some planning gain to the site, to be completed and in use prior to, or simultaneously with, the residential units. Overall the proposed route would be welcome in allowing for permeability through the site in keeping with the objectives of the Grangegorman SDZ planning scheme.

Residential Standards: In general, the proposed apartments meet the standards for residential development as set out in the Apartment Guidelines. There is concern that

the proposal provides for five single aspect north facing apartments. It is noted that the applicant cannot fully meet all of the requirements of the daylight provisions and small number of units (i.e. unit 5, unit 11 (marginal) and unit 35 (marginal) have private open space below the minimum requirement. While some provision of smaller households is welcome, there is concern in relation to the lack of larger or family sized households. In this regard there is concern that the lack of provision for apartments with three or more bedrooms will not allow for the development of a sustainable community in the longer term.

GDA: While the rationale for the gateway is accepted in principle and the walkway is supported by the Grangegorman Development Agency, the proposed finish would need to be of a very high quality and public access would need to be maintained along the route.

Height: The proposal would reinstate the streetscape along this area of Prussia Street and provide an active use in the form of a café. The parapet level along Prussia Street would be three to four-storeys in height, which would respond to existing building heights including that of No. 29 Prussia Street which is a protected structure. The elevation at Prussia Street is broken down into elements to avoid an unduly horizontal emphasis. However, the rear elevation and the proposed thirteen-storey element facing the TUD/Grangegorman lands appear unduly bulky, with little attempt to mitigate or soften the impact of the proposed height.

It is not considered that the provision within the SDZ planning scheme for a single landmark building within the extensive campus is intended to provide a policy basis or precedent for a 13-storey building on an infill residential site on Prussia Street, outside the SDZ lands, or to set a precedent for such additional height. The remaining buildings shown in the planning scheme are modest in height, with the closest building to the subject site boundary being shown as up to two storeys in height. It is noted that the five storeys from eighth to eleventh floor have four apartments at this level and the proposed twelfth floor level has three apartments, of which two are one-bedroomed and one is two-bedroomed. While acknowledging that these apartments would benefit from extensive views over the city, there is concern that the policy context does not provide for a landmark building at this location and that the proposed height has not

been justified. In the event of permission being granted, a significant reduction in the height of this element of the development would be required.

Overlooking: Having regard to its height, the proposed thirteen-storey block could potentially overlook adjoining residential developments, including those on the opposite side of the walkway.

Conservation: The report of the Conservation Officer is noted, while some aspects of the proposal are welcome there are serious concerns that the proposal does not enhance the urban form and spatial structure of the city, is not appropriate to its surrounding context and thus contravenes policy SC13, does not achieve sufficiently high standards in relation to design, sustainability, amenity, impacts on the receiving environment or the protection or framing of important views and may cause harm to the special interest and curtilage of the adjacent protected structure as its design, form, scale, height, proportions, siting and materials do not relate to or complement the special character of the protected structure and contravene development plan policy CHC2 (d). Concern is also expressed that the proposed development will harm the setting, special interest, character and appearance of the adjacent conservation area and residential conservation area, contrary to policy CHC4 (4), and will constitute a visually obtrusive or dominant form contrary to CHC4 (5). There is also concern that the proposal does not respect and enhance its context or have regard to scale, orientation, height, massing, and plot width as set out in Section 16.2.1 3 of the development plan. It is therefore stated that the proposed development is not supported in its current form.

Conclusion: In principle, the regeneration of this brownfield site and provision of an active streetscape and new public pedestrian route through to the Grangegorman lands are welcome. While the proportion of one-bedroomed apartments is a cause for concern and is unlikely to result in the development of a sustainable community, the proposal complies with national policy which allows for BTR developments of this type in urban locations close to public transport. In general the proposed apartments are considered to provide for an acceptable standard of residential amenity, and to comply with the relevant standards.

However, serious concerns remain in relation to the height and scale of the proposed development. While the planning scheme on the adjoining Grangegorman SDZ site allows for a single landmark building of up to fifteen storeys in height, it is not considered that this justifies the height of the proposed development which is outside the SDZ area. There is serious concern in relation to the scale and overbearing visual impact of the proposed thirteen-storey block when viewed from a number of locations including Prussia Street, St. Joseph's Road and the interior of the TUD campus. It is considered that permission should be refused on this basis.

In the event of permission being considered by the Board, it is considered that the rear element of the proposal would need to be reduced in height by four storeys, while the section facing the public walkway should be a maximum of five storeys with two further setback storeys and the layout should be reconfigured to align with No. 29 Prussia Street.

Recommendation: It is recommended that permission be refused for the following reasons:

1. Having regard to the provisions of the current Dublin City Development Plan (2016- 22) and the 2018 Urban Development and Building Height Guidelines by the Department of Housing, Planning and Local Government, it is considered that the proposed development, by reason of its height, scale, bulk, massing and the monolithic nature of the rear section in particular, would fail to integrate into or enhance the character of the surrounding area, and would have an overbearing impact when viewed from the surrounding area, including the historic streetscape on Prussia Street which is a conservation area, the adjoining residential conservation area at St. Joseph's Road and the Grangegorman lands. The proposed development would be contrary to development plan policies CHC4 and SC7, would fail to comply with the assessment criteria set out in Section 3.2 of the above Guidelines, and would therefore be seriously injurious to the visual amenities and character of the area and contrary to the proper planning and sustainable development of the area.
2. The proposed development provides an inadequate design response to this sensitive infill site, which would fail to respect and complement the prevailing

scale and urban form, 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 the protected structure at No. 29 Prussia Street. The proposal would therefore be contrary to Section 16.2.2.2 of the development plan in relation to infill development, and to the proper planning and sustainable development of the area

If permission is being contemplated the planning authority have provided 23 no. standard conditions. Of note are conditions 5, which is outlined below: -

5. The development hereby permitted shall incorporate the following amendments:

- a) Four storeys shall be omitted from the thirteen-storey section of the building.
- b) The parapet level of the section facing the public walkway shall be reduced to no more than five storeys.
- c) The block facing Prussia Street shall be amended to align with the front building line of No. 29 Prussia Street.

Revised drawings shall be submitted to the planning authority and written agreement obtained prior to commencement of development. REASON: In the interest of visual amenity, and to ensure that the proposed development is in keeping with the character and streetscape of the surrounding area.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

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

- Transport Infrastructure Ireland
- National Transport Authority

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 23rd December 2021. A summary of the comments received are summarised below:

Irish Water:

Water: In order to accommodate a connection to the network approx. 25 metres of 200mm ID new main is required from the site to the existing 9" Cast-Iron watermain. Irish Water currently does not have any plans to extend its network in this area. Should the applicant wish to progress with the connection they will be required to fund this network extension which will be delivered by Irish Water. It is expected that these works will be within the public domain.

Wastewater: New connection to the existing network is feasible without upgrade. The development must incorporate Sustainable Drainage Systems/ Attenuation in the management of stormwater and to reduce surface water inflow into the receiving combined sewer. Full details of these must be agreed with Dublin City Council Drainage Division.

Transport Infrastructure Ireland

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.

No comments were received from The Minister for Culture, Heritage and the Gaeltacht, The Heritage Council, An Taisce, An Chomhairle Ealaíon, Fáilte Ireland or the National Transport Authority.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and 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 executives report and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Quantum of Development
- Design and Layout
- Building Height
- Built Heritage
- Prussia Street Gateway
- Housing Tenure and Unit Mix
- Open Space
- Residential Amenity
- Transportation and Car Parking
- Water Services and Flood Risk
- Archaeology
- Material Contravention
- Chief Executives Recommendation

10.2. ***Principle of Development***

10.2.1. The vast majority of the site is zoned Z1 with the associated land use objective to protect, provide and improve residential amenities. Section 14.8.1 of the development plan further states that the vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities. The south

western portion of the site which currently accommodates no. 23 Prussia Street and the facades of no. 24 and 25 Prussia Street is Zoned Z2 with the associated land use objective to protect and / or improve the amenities of residential conservation areas. The principle of residential development with a café use is considered in accordance with the zoning objectives for the site.

10.3. ***Quantum of Development***

10.3.1. The scheme has a density of 424 units per ha. The development plan does not set out density standards, however, Section 16.4 states that an urban design and quality-led approach to creating urban densities will be promoted. To control the scale and mass of a development and to prevent overdevelopment of a site the development plan does set out indicative plot ratio and site coverage standards. In this regard an indicative plot ratio of 0.5 – 2.0 is envisioned for Z1 and Z2 lands. An indicative site coverage of 45% - 60% is envisioned for Z1 lands and an indicative site coverage of 45% is envisioned for Z2 lands. The proposed scheme has a plot ratio of 4.0 and a site coverage of 55%. As the vast majority of the site is zoned Z1 the proposed site coverage is considered to be in accordance with the indicative standard set out in the development plan. The proposed plot ratio is approximately double the indicative standard set out in the development plan. However, the development plan states that higher plot ratio may be permitted in certain circumstances such as adjoining public transport; comprehensive re-development in areas in need of urban renewal; maintaining streetscapes; or where a site already benefits from a higher plot ratio. As the subject site is located within the city centre, in close proximity to public transport in the form of bus and luas, and the scheme would result in the redevelopment of an infill site which would re-instate the streetscape a higher plot ratio may be considered acceptable in this instance. In my opinion the proposed quantum of development is also in accordance with Policy SC13 of the development plan to promote sustainable densities at appropriate locations. It is noted that the planning authority raised no objection to the proposed quantum of development.

10.3.2. The National Planning Framework and the Regional Spatial and Economic Strategy also support increased densities at appropriate locations. The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a

range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. National Policy Objective 35 states that increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

10.3.3. The Regional Spatial and Economic Strategy (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. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in. The site is located within the 'Dublin Metropolitan Area'. Regional Policy Objective 5.4 states that future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'. Regional Policy Objective 5.5 states that future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

10.3.4. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the site's urban location, proximity to high frequency and capacity public transport and

proximity to employment centres and significant urban amenities, it is my opinion that the proposed development complies with national guidance and, therefore, is suitable for higher density.

10.3.5. While it is acknowledged that the quantum of development is significantly denser than the adjacent housing it is my view that the wider environs of the site is in transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile and significantly contribute towards consolidating the urban environment which is in accordance with Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, which support higher density developments in appropriate locations.

10.3.6. In conclusion, while the principle of the density, plot ratio and site coverage may be acceptable and in accordance with local, regional and national policy I have serious concerns regarding how the quantum of development is expressed within the scheme with particular regard to the height, scale and bulk of the block and the potential negative impact on the visual and residential amenities of the area. These issues are addressed in detail below.

10.4. ***Design and Layout***

10.4.1. The subject site is located within the city centre. It is bound to the north by no. 29 Prussia Street, which is a three-storey protected structure and by the recently approved student accommodation scheme (ABP-312102-21) at 29b, 30 and 31 Prussia Street, which comprises the demolition of industrial sheds and warehouses and the construction of 236 no. student bedspaces in 3 no. blocks ranging in height from 5 – 7 storeys. To the south the site is bound by no. 22 Prussia Street and the rear gardens of a number of two-storey terraced properties on Prussia Street. To the east the site is bounded by the Grangegorman campus. The boundary with the institutional lands to the east is formed by a high stone wall, which is also a protected structure. To the west the site is bound by Prussia Street, on the opposite side of the street is

the junction with St. Joseph's Road. St. Joseph's Road comprises a terrace of 2 storey dwelling while Prussia Street comprises terrace of properties ranging in height from 2-4 storeys, including 2 no. protected structures (66 and 67 Prussia Street). A section of Prussia Street is identified as an Architectural Conservation Area, which incorporates the north western corner of the subject site. Prussia Street is a mixed use street with residential, commercial and retail uses and is a heavily traffic thoroughfare in the city. The carriageway is c. 9m in width and accommodates two-way traffic with footpaths on both sides of the street. There is a delineated cycle lane on the northbound / western side of the carriageway and limited areas on on-street car parking on the eastern side of the carriageway.

10.4.2. The proposed development comprises the demolition of all existing structures on site, including no. 23 Prussia Street, which is a vacant 2-storey terraced house with commercial use on the ground floor and the remnants of the front facades of no. 24 and 25 Prussia Street. The impact of the loss of these structures is addressed below in Section 10.6 Built Heritage. The scheme also comprises the construction of 162 no. 'Build to Rent' apartments in a single block, ranging in height from 3 storeys over basement fronting onto Prussia Street to 13 storeys over basement at the rear of the site at the boundary with the Grangegorman Campus. The proposed singular block is generally U-shaped with an area of communal open space provided at the site's northern boundary with the previously approved student accommodation scheme (ABP-312102-21). A proposed public pedestrian / cycle link to the Grangegorman campus is located along the site's southern boundary with no. 22 Prussia Street and the rear gardens of no. 14 -22 Prussia Street. Direct access from the proposed building is provided onto this public walkway. A vehicular access ramp to the basement level is proposed at the site's northern boundary with no. 29 Prussia Street (protected structure) and it would appear that emergency access to the site would be available from the site's southern boundary via the walkway to Grangegorman. The proposed block has a contemporary design approach with high quality external finishes including a variety of brick and stone and large sections of glazing.

10.4.1. A Housing Quality Assessment was submitted with the application. It is noted that the proposed units reach and exceed the minimum standards for room sizes as set out in

the Apartment Guidelines. The scheme provides for 58 no. (36%) of the proposed units exceed the minimum floor area by 10%. SPPR 8 (iv) of the Apartment Guidelines notes that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes. Therefore, it is considered that the floor areas of the apartments are in accordance with SPPR 8 of the Apartment Guidelines. Having regard to the BTR nature of the scheme I have no objection to the room sizes and consider them appropriate at this urban location.

10.4.2. SPPR4(i) of the Apartment Guidelines allows for a minimum of 33% of units to be dual aspect in more central and accessible urban locations. 40% of the units proposed are dual aspect, which is in accordance with the Apartment Guidelines. I have no objection to the percentage of dual aspect units and consider them appropriate at a city centre site. The scheme includes 5 no. north facing single aspect units. The Apartment Guidelines state that north facing single aspect apartments may be considered, where they overlook a significant amenity. While it is acknowledged that the single aspect north facing units do not front onto an area of significant amenity, they do front onto the area of communal open space. Having regard to the internal layout of the scheme it is considered that these units cannot be easily incorporated into adjacent units or fully omitted without significant alterations to the internal layout or alterations of stair / lift cores and in my view is unreasonable to request by way of condition. I would also note that in such urban schemes there can be challenges to achieve all recommended standards, and to do so would unduly compromise the design / streetscape.

10.4.3. SPPR 7(b) of the Apartment Guidelines provides that BTR developments must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. The proposed development includes 492sqm of internal residential amenity spaces including a gym (156sqm), a lobby / co-working area (139sqm), a meeting room (33sqm) and a cinema (133sqm). The residential services provided include a management office (24sqm) and general store room (133 sqm). I have no objection to the mix of uses proposed and consider them appropriate for a scheme of this scale. The provision of these non-residential uses at ground floor level

immediately adjacent to the proposed café and providing frontage on to the proposed public walkway are welcomed.

- 10.4.4. Concerns are raised by third parties regarding a lack of childcare provision within the scheme. The applicant submitted a Childcare Provisions Assessment Report which concludes that having regard to the demographics of the area, the BTR nature of the scheme and the proposed unit mix the scheme would not generate a sufficient demand for a childcare facility within the site and that there is sufficient capacity within existing facilities in the surrounding area. Having regard to the information submitted with the application this is considered reasonable. It is noted that the planning authority also considered that a creche facility would not be required to serve the proposed development.
- 10.4.5. Section 16.2.2.2 of the development plan sets out guidance for the development of infill sites and notes that it is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. It further states that in areas of varied cityscape of significant quality, infill development will demonstrate a positive response to context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area. Concerns are raised by third parties and the planning authority that the design approach for the site is inappropriate at this historically sensitive infill site and would result in overdevelopment and would have a negative impact on the visual amenities of the area.
- 10.4.6. The western section of the building fronting onto Prussia Street is described by the applicant as 3 – 4 storeys. A 3-storey element is provided at the site's northern boundary with no. 29 Prussia Street. However, the drawings submitted indicate that this is generally a 5-storey element with setbacks at 3rd and 4th floor levels. The 3-storey element on the western elevation is achieved by recessing balconies above by 1.5m and the 4-storey element on the western elevation is also achieved by recessing balconies above by 1.5m. Elements of the 3rd floor and the 4th floor are finished in a metal cladding while the floors below are finished in brick. The planning authority's conservation officer considers that the proposed scheme is 5 storeys fronting onto

Prussia Street and states that the new facades onto Prussia Street appear somewhat flat, plain and severe, which in turn accentuates the increase in height and bulk, compared with the finer grain of the terraced houses adjacent to the subject site. While it is acknowledged that the bulk and scale of the building is greater than the existing terrace dwellings it is my view that the elevation treatment, which has a vertical emphasis with the use of differing brick and materials, creates an elevation that is reflective of the original plot widths on the site. It is my view that on balance this is an appropriate contemporary design approach for this inner city site, which is in accordance with Section 16.2.2.2 of the development plan. I am also satisfied that the provision of the café would provide an appropriate active frontage at this location. Potential concerns regarding the impact of the western elevation of the proposed building on the setting and character of no. 29 Prussia Street (protected structure) and the historic streetscape are addressed in Section 10.6 Built Heritage below.

10.4.7. The schemes southern elevation at the proposed walkway has a stepped approach to height. It ranges from 5 storeys at its boundary with Prussia Street to 13 storeys at its boundary with the Grangegorman campus. This is a single block that runs the entire c. 80m length of the site and is generally 8-storeys in height. The western elevation at the boundary with the Grangegorman Campus also has a stepped approach to height, ranging from 5 – 13 storeys. This is also a single block with a width of 42m that runs from the northern site boundary to the proposed public walkway and is predominately 8-storeys in height. I agree with the concerns raised by the planning authority and the third parties and consider that the combination of the height, scale, bulk and the monolithic nature of the southern and eastern elevations of the block would not contribute positively to the character and appearance of the area and would not be in accordance with the provisions of Section 16.2.2.2 of the development plan.

10.4.8. A Landscape and Visual Impact Assessment was submitted with the application. It states that 19 no. photomontages have been prepared. It is noted that the booklet of photomontages includes 20 no images. The additional image is taken from the junction of Prussia Street and Josephs Road, directly opposite the subject site. The images provide a comparison of the existing site, the proposed development and the proposed development and the outline of the previously approved student accommodation

development to the north of the subject site (ABP 312012-22). Concerns were raised by third parties that the photomontages are misleading. I am satisfied that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear.

- 10.4.9. With regard to visual impact there are 7 no. classifications of significance, these are imperceptible, not significant, slight, moderate, significant, very significant and profound. The terms used to describe the quality of the change are Positive, Neutral or Negative. The duration of the impact is categorised as temporary, short-term, medium term, long term or permanent. Table 7.3 of the applicants LVIA assesses the impact of each view in detail.
- 10.4.10. In my opinion the short distance views are from the immediate environs of the site and include views 1 and 2 from within the Grangegorman campus, views 5, 6, 9 and 10 from Prussia Street and view 20 from Joseph's Road.
- 10.4.11. The LVIA considers that the impact during the operation phase from short distance views within Grangegorman (Views 1 and 2) would be slight, neutral and long term. It is noted that the planning authority and third parties raised concerns regarding a potential overbearing impact on Grangegorman campus and the report of the planning authority's conservation officer notes that the submitted visual assessment and elevation drawings clearly demonstrate the significant detrimental impact of the proposed development on the receiving context of the historic Grangegorman site to the rear.
- 10.4.12. The subject site is currently bound by open space within the Grangegorman campus. Figure 4.2 of the Grangegorman SDZ planning scheme indicates the provision of linear building with a stepped approach to height to the east of the subject site, with heights ranging from 4-6 storeys to 6-8 storeys with a landmark building with a height of 10-15 located c. 150m east of the subject site. The applicants Urban Design Statement also includes indicative CGI's for the potential buildings within Grangegorman campus. It is noted that the submission from the GDA clarifies that the applicants' images which represent future development sites within the SDZ were developed without the knowledge, consent or engagement with the GDA and do not warrant or represent the

intents of the GDA or any of its stakeholders. The CGI's indicate that when the Grangegorman campus is fully developed the proposed 13-storey tower would be clearly visible within the skyline when viewed from within Campus. While it is acknowledge that the proposed development would introduce a significantly taller feature in the skyline, having regard to the urban location and the recently approved developments at the western boundary of the Grangegorman campus, which are up to c. 8 storeys in height, and the potential future development within the Grangegorman campus, I agree with the LVIA that the quality of change would be neutral and I consider that having regard to the changing nature of this area that the proposed development would not be visually dominant, overbearing or out of character when viewed from within the existing or proposed Grangegorman campus.

10.4.13. Views 5 and 6 are taken on Prussia Street to the north of the site. The LVIA considers that view 5 would have an imperceptible, neutral, and long-term impact. I disagree with this assessment as the proposed development would be clearly visible from this view. Therefore, the significance of change is not, in my view, imperceptible and would be significant. I also disagree that the change would be neutral. As it would reinstate the streetscape it is my opinion the impact would be the same as from view 6, which the LVIA considers to have a slight positive, long-term impact. I agree with this assessment and consider that the redevelopment of this vacant site with an active street front ranging from 3-5 storeys is appropriate at this city centre location. Notwithstanding this I have some specific concerns regarding the impact of the scheme no. 29 Prussia Street (protected structure) which are addressed below in Section 10.6 Built Heritage.

10.4.14. Views 9 and 10 are taken from the south of the site on Prussia Street. With regard to view 9 the LVIA considers the impact to be slightly negative to imperceptible and long term. The impact from view 10 is considered to be imperceptible, neutral, and long term. The LVIA does not include an assessment of the view from St. Joseph's Road, immediately opposite the subject site. I strongly disagree with the findings of the LVIA. Views 9 and 10 and the photomontage from St. Joseph's Road clearly indicate that the scheme would be highly visible. In my opinion the combination of the height, scale, bulk, and monolithic nature of the southern and eastern portion of the scheme would

overwhelm the historic streetscape. While the site's location within the city centre and the benefit of increased housing supply are acknowledged it is my view that due to the sub-standard form of the building it would result in a development that is visually dominant, overbearing and out of character with the historic streetscape. It is my view that the visual impact from the southern portion of Prussia Street and St. Joseph's Road is very significant and negative.

- 10.4.15. Overall, I generally agree with the assessment of the planning authority and third parties and consider that having regard to the combined scale, bulk, height, and monolithic nature of the block, which introduces a significantly taller feature in the skyline of this historic street that the proposed development would be visually overbearing when viewed from short term views. However, I disagree that it would negatively impact on the historic setting of the Grangegorman campus.
- 10.4.16. I consider the medium distance views to be 3, 4, 7, 8, 11 and 12, which are taken from the surrounding road network. The planning authority and third parties also raise concerns regarding the impact of the scheme on the architectural character of the urban area and on the Grangegorman campus. I agree with the LVIA's assessment that views from 3, 4 and 7 would be imperceptible, neutral and long term. However, I disagree with the assessment with regard to views 8 which the LIVA considers to be slight negative to imperceptible. View 8 is taken from St. Joseph's Road. The submitted photomontages clearly indicate that the development is highly visible and would result in a development that is visually dominant, overbearing and out of character with the historic streetscape. It is my view that the visual impact is very significant and negative when viewed from St. Joseph's Road.
- 10.4.17. Views 11 and 12 are taken from within the Grangegorman campus. As outlined above, it is acknowledged that the proposed development would be clearly visible from within the campus. However, having regard to the urban location and the recently approved developments at the western boundary of the Grangegorman campus, which are c. 7 storeys at the boundary with Grangegorman, and the potential future development within the Grangegorman campus it is my opinion that the proposed scheme would not be visually dominant and would create scheme which is reflective of the previously approved developments at the western boundary of the campus.

- 10.4.18. Overall, having regard to the combined scale, bulk, height, and monolithic nature of the block, which introduces a significantly taller feature in the skyline of this historic street, I agree with the assessment of the planning authority and consider that the proposed development would have a significant detrimental impact on the architectural character of the area and would be visually obtrusive when viewed from medium-term views. However, I disagree that the proposed development would negatively impact on the historic setting of the Grangegorman campus.
- 10.4.19. With regard to the potential impact on long-distance views (views 13, 14, 15a, 15b, 16, 17, 18 and 19), I agree with the findings of the LVIA that the operational phase of the significance would be imperceptible and neutral impact. It is my view that the proposed development would have a minimal impact on the visual amenity of the city when viewed from long distance views. It is also noted that the proposed buildings do not impact or impede any protected views within the city.
- 10.4.20. In addition to the above, the Urban Design Manual and the Sustainable Residential Development in Urban Areas, promote innovative and qualitative design solutions and strong visual connections to support the creation of sustainable neighbourhoods which include key principles such as context, efficiency, layout, public realm, privacy and amenity. Having regard to the above, it is my view that the combined scale, bulk, height and monolithic nature of the scheme, in particular the southern and eastern elevations of the block, does not accord with the criteria set out in the Urban Design Manual as the form, architecture and landscaping have not been informed by the context of this sensitive infill site. As outlined in below in Section 10.10 the buildings and open spaces have not been laid out to exploit the best solar orientation and in my view the proposed development does not positively contribute to the character or identity of the neighbourhood. While the internal layout may accord with the standards set out in the Apartment Guidelines it is my opinion that the proposed scheme would be overbearing and have a significant and seriously adverse impact on the character of the wider historic streetscape and the local area.
- 10.4.21. Overall, while it is acknowledged that the subject site can absorb significant development and additional height, and that there is a planning benefit to be gained

by the redevelopment of the site including the reinstatement of the streetscape and the connectivity between Prussia Street and the Grangegorman Campus. I am not satisfied that the proposed scheme is the most appropriate design response to this sensitive site and consider that it requires significant redesign to reduce its visual scale and bulk and provide a greater variation in height, which would also allow for daylight / sunlight penetration into the scheme. Having regard to the level of intervention and redesign required it is recommended that permission be refused.

10.5. ***Building Height***

10.5.1. The development plan acknowledges the intrinsic quality of Dublin as a low-rise city and states that it is policy that it should predominantly remain so. Section 16.7.2 of the development plan sets out maximum building heights which restricts the height of a residential development in the inner-city to 24m. The scheme ranges in height from 3 storeys (c. 11m) to 13 storeys (c.41m) with a transition in height from the western boundary with Prussia Street to the eastern boundary with the Grangegorman Campus. However, the majority of the southern and eastern portions of the block are 8 storeys (c. 25m) in height with a 13-storey feature in the south eastern corner. Therefore, the height of a significant portion of the proposed block does not accord with the height strategy as set out in the development plan, as it exceeds 24m in height. The applicant submitted a material contravention statement in this regard. The issue of material contravention is further addressed in Section 10.14.

10.5.2. I have no objection in principle to increased height at the subject site and I am of the opinion that this particular area can accommodate increased height over and above the prevailing context of 2 -3 storeys and that additional housing units would assist in achieving national policy objectives for significantly increased housing delivery in an urban area, particularly having regard to the with substantial amenities provided within the city centre location and proximity to public transport accessibility. It is also noted that developments in the immediate vicinity of the site have recently been granted for increased height, including the proposed student accommodation scheme (ABP-309657-20) immediately north of the subject site at 29b, 30 and 31 Prussia Street which ranges in height from 5 - 7 storeys and the redevelopment of the Park Shopping Centre Site and no. 42-45 Prussia Street to provide 175no. Build to Rent units and

584 no. student bedspaces has a maximum height of 8 storeys. In addition, Figure 4.2 of the Grangegorman SDZ Planning Scheme illustrates indicative minimum and maximum building heights for the campus. It is noted that the prevailing building height is 4-6 storeys with a landmark building with a height of 10-15 located c. 150m east of the subject site.

10.5.3. Section 3 of the Building Height Guidelines refers to the Development Management Process. It is noted that 'building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise development is not an option in this location, simply because the prevailing heights are 2/3-storeys. The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building.

10.5.4. As outlined above in Section 10.4, I have serious regarding the combination of the proposed height, scale, bulk and monolithic design of the scheme. I am not satisfied that the proposed height is not in accordance with the provisions of section 3.2. In the interest of clarity the criteria are assessed below.

Scale of Relevant city/town:

- Site is well served by high capacity and high frequency public transport. Full details of the sites accessibility by public transport are provided the submitted Mobility Management Plan. In particular the site is located c. 1km north east of Heuston Station, with associated intercity and commuter rail links and the Heuston Red Line Stop Luas, c.700m north of the Museum Red Line Luas stop and 600m east of the Grangegorman Green Line Luas stop. Luas is a high capacity mode of public transport (408 no. passengers per tram) and operates at a frequency of 3-4 minutes in the peak. There is a Dublin Bus stop within c. 200m of the site on Prussia Street serving Routes 39, 39A and 70 and an additional bus stop on Aughrim Street c. 250m from the subject site serving route 37. These are high frequency routes operating every 10 min in the peak period and each bus has a capacity of 125 no. passengers.

- A Landscape and Visual Impact Assessment was submitted. At the scale of the city, I am satisfied that there will not be an unacceptable visual impact on long distance views.
- The provision of a new pedestrian / cycle route along the southern boundary of the site to link Prussia Street to the Grangegorman campus would make a positive contribution to placemaking and legibility.
- I am not satisfied that the massing, scale, and height of the scheme have been appropriately balanced to achieve increased densities. In my view there is insufficient variety in the design and height, in particular at the southern and eastern boundaries. The scheme does not respond well to the scale of adjoining developments.

Scale of district/neighbourhood/street:

- Design does not responded to its overall natural and built environment and does not make a positive contribution to the urban environment.
- I do not agree with the conclusions of the LVIA and it is my opinion that having regard to the combined scale, bulk, height and monolithic nature of the block, which introduces a significantly taller feature (c.41m) in the skyline of this historic street, that the proposed development would have a significant detrimental impact on the character of the area and would be visually obtrusive when viewed from short- and medium-term views on Prussia Street and St. Joseph's Road.
- It is monolithic – the vast majority of the scheme is 8-storeys with a 13 storey feature at the south eastern corner. There is not a sufficient variation in height or scale.
- It does not provide a sense of scale or enclosure and in my view would be overbearing when viewed from the surrounding historic streets and from within the area of communal open space.
- The provision of a pedestrian link from Prussia Street to the Grangegorman campus would enhance legibility and aid with placemaking and is welcomed.
- The western façade onto Prussia Street would positively contribute to the mix of uses on the street, with a café at ground floor level.
- There is a sufficient mix of typology for this BTR scheme.

Scale of site/building:

- The Daylight and Sunlight Analysis submitted demonstrates that there would be no access to natural daylight for the ground floor level communal open space at the site's northern boundary and that the scheme would unduly overshadow no. 66 and 67 Prussia Street (protected structures) to the west of the site and the approved student accommodation scheme to the north of the site.
- The Pedestrian Level Wind Desk Based Assessment indicates that the 3 no. communal areas at rooftop level and some upper level balconies would not be suitable for sitting.

10.5.5. Having regard to the above, I am not satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3 of the Building Height Guidelines. It is my view that the proposed height combined with the scale and monolithic design of the scheme would have a significant negative impact on the visual amenities of the surrounding historic area and, therefore, is not justified in this instance.

10.5.6. Overall, I am of the opinion that this particular area can accommodate increased height over and above that prescribed in the development plan and that schemes should not be subject to a 'blanket numerical limitation'. The changing context of the surrounding area is also noted. However, having regard to the relatively limited size (0.38ha) of the site and historic context of the surrounding area, it is my view that the proposed design has not taken full account of the sensitive setting of this infill site. I agree with the assessment of the planning authority that the scale, bulk, massing and the monolithic nature of the rear section of the scheme would fail to integrate into or enhance the character of the surrounding area and would have an overbearing impact when viewed from the surrounding area, including the historic streetscape on Prussia Street which is a conservation area and the adjoining residential conservation area at St. Joseph's Road and would be contrary to Section 3.2 of the Building Height Guidelines and Section 16.2.2.2 of the Development Plan.

10.6. ***Built Heritage***

- 10.6.1. The applicants Architectural Heritage Impact Assessment and Archaeological Desktop Assessment demonstrate the early origins and significance of Prussia Street (formerly known as Cabra Lane) and the surrounding environs. The report of the planning authority's Conservation Officer states that the survival of this important early route is part of the special significance of the existing streetscape within this 'urban village', in which several of the earliest buildings survive. It is noted that the original houses were built on long narrow plots. These backlands were amalgamated over the 20th Century for light industrial use and as such the original plot widths have been lost.
- 10.6.2. The subject site accommodates no. 23 Prussia Street which is a vacant two-storey rendered house with a shopfront at ground floor level, and the remnants of the brick facades of nos. 24 and 25 Prussia Street. The remainder of these two, original red-brick houses fronting onto Prussia Street have been removed. The area to the rear of these structures is currently hard standing. This portion of the subject site and the terraced houses to the south and on the opposite side of the street at the junction with St. Joseph's Road on Zoned Z2, with the associated land use objective to protect and/or improve the amenities of residential conservation areas.
- 10.6.3. The northwest corner of the site is located within an Conservation Area. This Conservation Area includes a section of Prussia Street extending from the subject site northwards to No. 55 Prussia Street, which is a Protected Structure (RPS Ref. No. 6874). 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 site and is itself also a Protected Structure.
- 10.6.4. The predominant scale of the remaining historic environment on Prussia Street is 2/3-storey terraced houses. There are 14 no. buildings on Prussia Street listed on the NIAH. Full details are available on www.buildingsofireland.ie and 5 no. protected structures. Section 4.1 of the development plan states that new development will be required to respect the unique character of the city by taking account of the intrinsic value of the built heritage, landscape and natural environment. The subject site is located on an infill site surrounded by fine grain historic streetscapes and protected

structures. It is proposed to construct a single U-shaped block ranging in height from 3 – 13 storeys (over basement). The proposed building is located a minimum c. 1.6m south of no. 29 Prussia Street (protected structure), c. 9m north of no. 22 Prussia Street and c. 15 east of no. 66 and 67 Prussia Street (protected structures) (RPS Ref. Nos. 6875 and 6876). No. 67, is a 3-storey house constructed c.1750, is included in the NIAH Reg. Ref. No. 50070056, with a Regional Rating. No. 66 is a 2-storey house.

10.6.5. The proposed works include the demolition of no. 23 Prussia Street and the remaining front facades of no. 24 and 25. Concerns are raised by third parties regarding the demolition of no. 23 Prussia Street and it is noted that the applicants Architectural Heritage Impact Assessment does not include an internal survey of no. 23. The report of the planning authority's conservation officer states that the demolition of the two-storey, albeit modest, terraced house at No. 23 Prussia Street is regrettable, as its demolition contributes to the insidious incremental erosion of the architectural character of the streetscape. It further states that it is acknowledged that this building has been significantly altered and retains no internal fabric of particular interest, other than its modest contribution to the scale, character and grain of the historic streetscape.

10.6.6. The historical context of no. 23 and front facades of no. 24 and 25 and their relationship to the streetscape of Prussia Street and their location within a Z2 'conservation area' is acknowledged, however, they are not protected structures and No. 24 and 25 are significantly damaged. While concerns are raised by a third party regarding the potential significance of no. 23 no evidence has been submitted in this regard. The conservation officer of the planning authority and the applicants Architectural Heritage Impact Assessment note that no. 23 has been significantly altered and retains no internal fabric of particular interest. Having regard to the current state of the buildings on site and the structural and functional issues of potentially incorporating these structures into a modern residential development I have no objection to their demolition. It is my view that the proposed western façade of the proposed building is appropriately designed to reflect the historical grain and character of the street and the redevelopment of this site would constitute an appropriate and sustainable use of the zoned lands within the city centre.

- 10.6.7. The proposed scheme also includes works to the site's eastern boundary wall with Grangegorman which is a protected structure. The works include the removal of the existing concrete capping on top of the existing stone wall and the removal of a 7m section of the wall to facilitate the provision of the primary pedestrian and cycle access route from Grangegorman Campus to Prussia Street via the proposed Prussia Street gateway. The provision of this access is in accordance with the Grangegorman SDZ Plan (Ref: ZE29N.ZE0005). Drawing no. PL-400 indicates that the existing wall is c. 5m - 6m in height with 1.5m – 2m being modern concrete. I have no objection to the removal of the concrete extension to the historic stone wall and consider that it would have a positive impact on the visual amenity of this boundary wall. With regard to the removal of a c.7m section of the wall to facilitate a pedestrian / cycle access. It is my opinion that the proposed intervention would not result in a significant change or loss to the fabric of the protected structure and would result in a wider planning gain for the area by way of improved connectivity to the Grangegorman campus. It is noted that the planning authority consider that the proposed arrangement of the opening in the boundary wall acceptable in principle. No concerns were raised by third parties regarding the alteration to the protected structure.
- 10.6.8. As outlined in Section 10.4 above, I agree with the concerns raised by the planning authority and third parties that the scale, form and massing of the proposed development is inappropriate for this context and it is considered that the proposed development does not respect the unique character of this site or take account of the intrinsic value of the built heritage. Therefore, it is my view that the proposed development would have an adverse and injurious impact on the receiving environment. I have particular concerns regarding the impact on no. 29 (protected structure) which are outlined below.
- 10.6.9. Policy CHC2 requires that all development should ensure that the special interest of Protected Structures is protected and development should conserve and enhance Protected Structures and their curtilages and should 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. In addition, Policy CHC4 aims to protect the special interest

and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible

- 10.6.10. The subject site does not contain any protected structures. However, it is bound to the north by No. 29 Prussia Street, a protected structure (RPS.6873), which is also included in the National Inventory of Architectural Heritage (reference 50070061), with Categories of Special Interest cited as Architectural and Artistic interest and it has a Regional Rating. As noted in the NIAH this is a detached four-bay three-storey former house with three-storey returns to the rear was constructed c.1780. It originally formed part of a terrace. However, No. 29 is now a detached structure, in use as apartments, with a yard to the front and rear. The NIAH further states that 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.
- 10.6.11. Drawing no. PL-401 indicates that the existing remnants of no. 28 would be removed from the boundary with no. 29. A sheet metal infill wall would be provided at the gable wall of no. 29 and the existing northern boundary wall would be preserved and repaired where needed. A metal infill wall would be provided between the gable wall of the protected structure and the proposed new building. A maintenance access gate would be provided at the site's northern boundary. This is considered acceptable
- 10.6.12. The section of the proposed building that fronts onto Prussia Street is described by the applicant as 3 – 4 storeys. However, the drawings submitted indicate that this is generally a 5-storey element with setbacks at 3rd and 4th floor levels. A 3-storey element is provided c. 1.9m from the site's northern boundary with the gable wall of the protected structure. The reduced height at the boundary with the protected structure is welcomed. However, its parapet is c. 300m above the ridge of no. 29. It is my view that the parapet of the proposed building has the potential to detract from its special character and setting of the protected structure and should sit below or equal to the roof ridge of no. 29 Prussia Street and not slightly above it, as currently proposed.

10.6.13. I also have concerns that the proposed building line does not respect the setting of no. 29 Prussia Street (protected structure). The subject site has a stated area of 0.38ha. The applicants Heritage Impact Assessment indicates that the site previously accommodated 6 no. dwellings with numbers 23, 24 and 25 fronting directly onto Prussia Street and no. 26, 27 and 28 setback c.4 from the public footpath, with a similar building line to number 29 (protected structure) to the north of the site. The site has a c. 47m frontage onto Prussia Street. This frontage is comprises 3 distinct elements of the scheme, in this regard the proposed new pedestrian entrance at the site's southern boundary with no. 22 Prussia Street which is c. 9m in width, the proposed new building, with café at ground floor level which fronts directly onto the street and is c. 25m in width and the proposed vehicular access gates which are c. 9m in width. The vehicular access gates and the residential units above are set back c. 1.5m from the site boundary. Having regard to View 6 in the LVIA it is my opinion that the proposed building line, in combination with the height of the 3-storey element of the block, has the potential to have an overbearing impact on the protected structure. Having regard to the original set back of no. 26-28 Prussia Street, the status of no. 29 as a protected structure and the location of this portion of the site within an Architectural Conservation Area it is my view that the proposed building line should be set back an additional 2.5m to retain the building line and enhance the setting on no. 29 Prussia Street. It is noted that the report of the planning authority's Conservation Officer also considers that the front of the building on Prussia Street would benefit significantly if the building line were to revert to the original building line, as this would increase the benefits to the public realm and improve the setting of the adjoining Protected Structure No. 29 Prussia Street.

10.6.14. The conservation officers report also notes that the frontage along Prussia Street is predominantly 5-storeys in height and raises concerns regarding the dominant two-storey set-back metal-clad form above the three and four storey building. It is also my opinion that this is predominantly a 5-storey block, However, as outlined above, I have no objection in principle to the provision of a 5-storey building fronting onto Prussia Street and it is noted that the previously approved student accommodation scheme to the north of no. 29 Prussia Street is 5-storeys in height at its boundary with Prussia Street.

10.6.15. The proposed building is also located c. 15 east of no. 66 and 67 Prussia Street, which are protected structures (RPS Ref. Nos. 6875 and 6876). No. 67 is a 3-storey house constructed c.1750 and is also included in the NIAH (Ref. No. 50070056) with a Regional Rating. No. 66 is a 2-storey house. As outlined below in Section 10.10 below the applicants Daylight and Sunlight Assessment indicates that the proposed development would result in undue overshadowing of these properties. Having regard to their status as protected structures I am not satisfied that adequate regard has been had to the potential negative impact on the setting and special character of these structures.

10.6.16. Overall, I am not satisfied that the detailed design of the scheme is the appropriate and optimal design solution for this site, in particular having regard to its visual dominance and poor architectural interaction with historic streetscape of Prussia Street and in particular with the protected structures at no. 29, 66 and 67 Prussia Street. Therefore, it is my view that the proposed design approach does not accord with Policy CHC2 which requires that all development should ensure that the special interest of protected structures is protected and development should conserve and enhance protected structures.

10.7. ***Prussia Street Gateway***

10.7.1. The proposed scheme includes a new pedestrian / cycle walkway at the site's southern boundary. This route is referred to in the submitted documentation as the Prussia Street Gate Way and connects Prussia Street to the Grangegorman Campus. The works include the removal of a c. 7m section of the historic Grangegorman boundary wall to facilitate access in to the campus and a new Gatehouse fronting onto Prussia Street. The provision of a link between Prussia Street and Grangegorman forms part of the Grangegorman SDZ. The Amendment to the SDZ (Ref: ZE29N.ZE0005) includes a pedestrian / cycle link between Prussia Street and Grangegorman known as the Western Gateway or as the Prussia Street Gateway. The location of this route is indicative and no detailed design is provided within the SDZ planning scheme.

10.7.2. A letter from the GDA was submitted with the application which notes that delivering an east-west link has been identified as one of the key structuring principles in the

vision for the Grangegorman Planning Scheme. The proposed Prussia Street Gateway Route is an extension of the existing Serpentine Walk within the Grangegorman Campus and would be a high quality prominent access. Once fully completed, the route is intended to serve pedestrians and cyclists and emergency vehicles only. The submission from the GDA also states that in the short term, and prior to completion of the final hard and soft landscaping, the option to use the link as a temporary construction haul road serving the western part of the SDZ lands to facilitate the completion of strategic buildings and infrastructure may be considered. This temporary haul road will be separate from and will not conflict with the residential use of the BTR scheme. The GDA will be responsible for the completion of all works to the route including the proposed gatehouse and the proposed intervention to the historic boundary wall. The operation and maintenance management of the route will be the responsibility of GDA and/or TU Dublin Estates. It is noted that the GDA have led the design of this route.

- 10.7.3. The increased permeability between Prussia Street and Grangegorman is welcomed and it is noted that a public pedestrian / cycle route was also provided between Prussia Street and Grangegorman as part of the student accommodation scheme approved to the north of the subject site, under ABP-309657-20.
- 10.7.4. Some third parties raised concerns regarding the location of the route and considered that it might be more appropriate at the junction with St. Joseph's Road. Having regard to the limited size and restricted nature of this site it is my view that to provide the route through a more central section of the site would unduly compromise the design / streetscape. Therefore, I have no objection to the location of the route at its southern boundary. The planning authority raised no objection to the location of the proposed route.
- 10.7.5. With regard to the proposed Gatehouse structure fronting onto Prussia Street the submitted Architectural Urban Design Statement states that the structure is proposed to act as a 'front door' to the Grangegorman campus and is intended to have a civic presence on Prussia Street appropriate to the architectural identity of Grangegorman campus. The proposed gatehouse structure comprises an asymmetrical pitched feature with a maximum height of 10m. The structure comprises a 4.2m wide entrance

and a separate 0.9m wide entrance. The external finish is limestone. The submitted Conceptual Strategy and Architectural Urban Design Statement are noted, however, neither provide any justification for the design of the gatehouse. No concerns have been raised regarding the design of the gatehouse by the planning authority or the third parties. While the design of the gatehouse may be subjective, it is my opinion that the proposed design is not reflective of the surrounding context and would be visually obtrusive and that a simplified entrance reflective of the proposed gateposts at the walkway's eastern boundary with Grangegorman may be more appropriate at this sensitive location.

10.8. ***Housing Tenure and Unit Mix***

Housing Tenure

- 10.8.1. Concerns are raised by third parties regarding an over provision of BTR units in the area. A BTR Market Justification Report was submitted with the application. It states that the proposed scheme is primarily aimed at mid-level and established professionals, service workers, couples and young families. The Dublin 7 area has a high proportion (44%) of young people between the age of 25-44, who fit the target resident for this scheme. The report considers that the combination of an economically active base of local residents, excellent transport connectivity and major education and employment hubs within the immediate vicinity provide sufficient justification for the BTR tenure.
- 10.8.2. Chapter 5 of the Apartments Guidelines notes that '*a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly great scale than at present*'. Therefore, the provision of a BTR development would deliver a higher volume of units for the private rental sector over a shorter timeframe. Having regard to government policy to provide more housing as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness additional housing units are welcomed.
- 10.8.3. Having regard to the site's location in the city centre and large employment and education centres, services, and facilities and to public transport, it is my view that the proposed BTR scheme is appropriate in this instance as it would provide an additional housing tenure in the wider area, which is professionally managed and would support

the provision of long-term residents. It is noted that the planning authority raised no objection to the proposed tenure.

- 10.8.4. SPPR 7(a) of the Apartment Guidelines requires the submission of a proposed covenant or legal agreement to ensure the scheme remains as a BTR for at least 15 years, this has been prepared and an appropriate condition should be attached.
- 10.8.5. It is proposed to provide 32 no. units (24 no. 1-bed and 8 no. 2-beds) throughout the scheme for Part V. This equates to 20% of the proposed 162 no. units. The quantity of units is in accordance with the provisions of the Affordable Housing Act, 2021 which requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. It is noted that the planning department and third parties raised no objection in this regard.

Unit Mix

- 10.8.6. The planning authority and the third parties raised concerns regarding the lack of provision for larger or family sized household and consider that the proposed mix would not allow for the development of a sustainable community in the longer term. Section 16.10.1 of the development plan states that for Build to Let schemes up to 42-50% of the total units may be in the form of one-bed or studio units. The proposed 162 no. 'Build to Rent' apartments comprise 107 no. (66%) 1-beds, 53 no. (33%) 2-beds, 2 no. (1%) 3-beds. Therefore, the proposed unit mix exceeds the recommended number of 1-bed units. However, as this does not relate to a policy of the development plan it is my opinion that the proposed unit mix is not a material contravention.
- 10.8.7. The applicants BTR Market Justification Report states the unit mix is appropriate for the target resident of mid-level and established professionals, service workers, couples and young families. The proposed mix ensures that there is sufficient flexibility for residents, allowing them to move within the scheme should their requirements change. It is noted that SPPR 8(i) of the Apartment Guidelines states that no

restrictions on dwelling mix shall apply to BTR schemes. The proposed scheme is, therefore, in compliance with the Apartment Guidelines.

10.9. **Open Space**

Public Open Space

- 10.9.1. Section 8 of the applicants Architectural Urban Design Statement provides a breakdown of open space provision within the scheme. It is proposed to provide public open space (685sqm) in the form of a public walkway along the site's southern boundary and a linear strip of land at the site's eastern boundary with Grangegorman. This equates to c. 17% of the total site area and is in excess of the development plan standard of 10% of the site area to be provided as public open space. Connectivity from Prussia Street to Grangegorman is an objective of the Grangegorman SDZ planning scheme and the improved permeability is welcomed. It is noted that this area would be developed and managed by the GDA. It is proposed that this public walkway would form phase 2 of the scheme and would possibly be use by GDA as a temporary construction haul road serving the western part of the campus in the interim.
- 10.9.2. The planning authority consider that it would be preferable for the pedestrian route, which provides some planning gain to the site, to be completed and in use prior to, or simultaneously with, the residential units. In principle, I agree with the planning authority. However, until such time as a connection would be feasible into the Grangegorman campus, which requires the consent of a third party, I have concerns regarding the use of the area. It is noted that the Pedestrian Level Wind Desk Based Assessment indicates that the proposed walkway would not be suitable for sitting and, therefore, would be of limited amenity until such time as a connection to Grangegorman is available. I also have concerns regarding potential anti-social behaviour within the area which would be a cul-de-sac. Therefore, it is my view that it is not appropriate to attach a condition to require this space to be provided in tandem with the residential element.
- 10.9.3. Notwithstanding the above, it is noted that pedestrian access to the scheme is provided along the walkway with some ground floor residential units and the café fronting directly onto this space and there is also an indented area for seating for the cafe. Therefore, if permission is being contemplated it is considered appropriate to

attach a condition that the final details of this area be agreed with the planning authority, in particular it is considered that a pedestrian walkway to serve the development only may be appropriate and that landscaped areas along the northern side of the walkway be provided as part of phase 1. In addition, no hoarding should be provided along the northern side of the walkway as it would likely overshadow the ground floor units.

Communal Open Space

- 10.9.4. The development plan sets out communal open space standards which are reflective of the standards set out in the Apartment Guidelines which recommend 5sqm per 1-bed unit, 6sqm per 2-bed (3-person) and 7sqm per 2-bed (4 person) units. Therefore, there is a requirement for 915sqm of communal open space. The scheme includes 1,552sqm of communal open space, which is in excess of the standards.
- 10.9.5. The proposed block is U-shaped. Ground floor level communal open space (750sqm) is enclosed by the block and the site's northern boundary. This area of communal open space includes a multi-use plaza and 2 no. zones of active play. The Pedestrian Level Wind Desk Based Assessment indicates that the majority of this space would be comfortable for sitting during the summer, a portion along the northern boundary would be suitable for standing and a small area in the north west corner of the open space would be suitable for strolling. The areas of the open space that appear unsuitable for sitting have been planted / landscaped, which would also act as a mitigating factor in wind levels. I have no objection to the quantity of communal open space. However, I have serious concerns regarding the quality of the space and its impact on future residential amenity as the daylight and sunlight assessment indicates that this area would receive no daylight or sunlight on the 21st March.
- 10.9.6. In addition to the ground floor level communal open space, it is proposed to provide 801sqm at roof top level (398sqm at 6th floor level on the western elevation and 403sqm at 9th floor level on the southern and eastern elevations). These areas include seating. However, the Pedestrian Level Wind Desk Based Assessment indicates that the rooftop terraces and balconies would not be suitable for sitting. The vast majority of the roof terraces are indicated as being comfortable for walking only, with limited

areas suitable for strolling. It is noted that this could potentially be mitigated by appropriate screening. However, it is my view that the overall quality of the communal open space is poor and has not been given due consideration, and as currently proposed would not provide a sufficiently high level of residential amenity for future occupants.

Private Open Space

10.9.7. The submitted Housing Quality Assessment indicates that all of the apartments have been provided with private open space in the form of balconies / winter gardens. The Apartment Guidelines, 2020 of 5sqm per 1-bed unit, 6sqm per 2-bed (3-person) and 7sqm per 2-bed (4 person) units. It is noted that 1 no. 1-bed unit (unit 11) has a private amenity space of 4.9sqm which falls slightly below the standard. All other private amenity spaces reach or exceed the standards. I have no objection to the quantity of the balconies / winter gardens. However, the Pedestrian Level Wind Desk Based Assessment indicates that the balconies at the upper levels would not be comfortable for sitting and would be suitable for standing or strolling. It is considered that this issue could be improved by appropriate screening.

10.9.8. Overall, having regard to the indicated level of overshadowing of the ground floor level of communal open space in the daylight and sunlight assessment and the wind comfort levels indicated in the Pedestrian Level Wind Desk Based Assessment I am not satisfied that adequate consideration has been given to the quality of the open space provision within the scheme and consider that the current layout would result in a poor quality of open space and would not provide for an adequate level of amenity for future occupants.

10.10. ***Residential Amenity***

Overlooking and Overbearing Impact

10.10.1. The subject site is bound to the north by no. 29 Prussia Street. The proposed building is located a minimum of 1.6m from the gable wall of the protected structure. The potential for overbearing on the protected structure has been addressed above in Section 10.6 Built Heritage. In the interest of clarity it is my view that the due to the

siting of the building line forward of the existing building line at no. 29 and forward of the original historic building line at no. 26-28 Prussia Street in combination with the height of the block which sits above the ridge of the roof of the protected structure, that the proposed development would have an overbearing impact on the protected structure. With regard to undue overlooking it is noted that there are no windows on the southern (side) elevation of no. 29. Therefore, subject to appropriate screening on the northern elevation of proposed balconies associated with units 60 and 83 there would be no undue overlooking of no. 29.

10.10.2. To the south the site is bound by no. 22 Prussia Street, which is indicated as being in the ownership of the applicant. Further south there are 8 no. residential dwellings (no. 14 – 21 Prussia Street). While some of these units appear to be sub-divided into apartments they have all retained their original plots and have long rear gardens, all of which are bound by the subject site. The schemes southern elevation is set back from the site's southern boundary by c. 9m to accommodate the proposed public walkway. The 5 storey element of the southern elevation of the proposed building is located c. 16m from the nearest dwelling (no. 22), the 8 storey element is located c. 17m and the 13 storey element is located c. 42m from this dwelling. While it is acknowledged that the separation distances between the subject site and the existing dwellings increase, with a maximum separation distance of c. 50m between no. 14 and the 13 storey element of the scheme. I have serious concerns that the combined scale, height, bulk and monolithic design of the southern elevation that the proposed development has the potential to have an overbearing impact of these historic properties which are zoned Z2 ' Conservation Area'. Having regard to the urban location, the orientation of the proposed building and the separation distances it is my opinion that the proposed scheme would not unduly overlook the rear amenity spaces of the existing properties.

10.10.3. The proposed western elevation fronting on to Prussia Street is predominantly 5-storey in height. There is a minimum separation distance of c. 14m between the front elevation of the proposed building and the front elevation of buildings on the opposite side of the street. Having regard to the urban nature of the site, the relatively limited height of this portion of the scheme and the separation distances it is my opinion that

the proposed development would not have an overbearing impact or unduly overlook any properties to the west of the site.

10.10.4. To the east the site is bound by open space with the Grangegorman campus, therefore, there is no potential for undue overlooking. It is noted that there are future plans to provide buildings at the campus's western boundary. However having regard to the overall size of the campus and the indicative footprint of these future buildings located away from the site's boundary, it is considered that the proposed buildings would not impede the development potential of the Grangegorman campus. As outlined above I have no concerns regarding an overbearing impact on the Grangegorman campus.

10.10.5. I have some concerns that the layout of the scheme has the potential to result in undue overlooking between some of the units within the scheme. In particular it is noted that there is a minimum separation distance of c. 5m between windows of units 03 and 08 at ground floor level. There is a separation distance of c. 3m between windows of units 24 and 33 at first floor level. This layout is repeated for the floors above with a 3m separation distance between windows of units 49 and 58 at second floor level, units 72 and 81 at 3rd floor level, units 93 and 102 at 4th floor level and units 109 and 118 at 5th floor level. At 5th floor level there is a 3m separation distance between the window of unit 123 and the balcony of 131. This is repeated at 8th floor level with a 3m separation distance between the window of unit 135 and the balcony of unit 143. In my view the potential for undue overlooking within the scheme would impact on 16 no. units only. It is considered that this could be addressed by way of condition to attach louvres or appropriate screening to the bedroom windows to prevent undue overlooking.

10.10.6. It is also noted that there is a minimum separation distance of 3m between windows in units 18 and 20 at first floor level. This layout is repeated at the levels above with a 3m separation distance between windows in units 43 and 45 at 2nd floor level, units 66 and 68 at 3rd floor level and units 87 and 89 at 4th floor level. Again, it is considered that this could be addressed by way of condition to attach louvres or appropriate screening to the bedroom windows to prevent undue overlooking.

10.10.7. Overall, it is my opinion that the design and layout of the scheme does not achieve a balance between protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces.

Daylight, Sunlight and Overshadowing

10.10.8. 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.

10.10.9. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following documents:

- BRE Report "Site Layout Planning for Daylight and Sunlight"; and
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting.

10.10.10. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – 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.

Internal Daylight and Sunlight

10.10.11. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of the 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 daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.10.12. The layout of the proposed apartments provides for a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the K/L/D rooms. The assessment was carried out on all units at all levels. Table 5 of the applicant's report provides a summary of the findings. The information provided indicates that 93.3% (152 no.) of the 163 no K/L/D rooms assessed have a minimum ADF of 2% and 99.5% (216 no.) bedrooms assessed have a minimum ADF of 1%.

10.10.13. It is acknowledged that in a scheme of this nature it is significantly challenging for large open plan living / kitchen / dining rooms to achieve 2% ADF and do so would unduly compromise the design / streetscape. The ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and

to this end, I am satisfied that the applicant has endeavoured to maximise sunlight/daylight to the apartments and where possible achieve 2% ADF.

10.10.14. I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as an effective urban design and streetscape solution.

10.10.15. Section 6.1 of the applicant's report notes that the scheme was designed to optimise good quality daylight and that priority was given to living spaces over bedrooms and where possible living spaces were positioned away from corners or projecting stair cores to maximise available daylight. The use of very large windows also enhances available daylight and light penetration into rooms. The report also notes that the provision of balconies and overhangs can reduce light entering a window below. As noted, there are some shortfalls in daylight provision within the scheme. The full extent of the shortfalls of the 2% ADF can be ascertained from Table 6 of the Daylight and Sunlight Assessment. I am satisfied that all of the rooms would receive adequate daylight and having regard to the need to develop sites such as these at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I am satisfied that adequate justification for non-compliance exists, and that the design solutions are appropriate.

10.10.16. The BRE Guidelines also recommend that the centre of at least one window to a main living room can achieve 25% of An Annual Probable Sunlight Hours (APSH), including at least 5% in the winter months for relevant windows, in this regard relevant windows are windows orientated 90 degrees of due south. The submitted documentation does not provide this information. However, having regard to the

prevailing 2 / 3-storey height of the surrounding buildings and the orientation of the block. I am satisfied that the applicable main living room windows would achieve good annual and winter APSH and appear reasonably well lit.

10.10.17. Having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.

10.10.18. 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. It is noted that the information provided in Figure 27 of the applicant's report does not appear to be consistent with that provided in Table 21. It is my assumption that the information provided in Figure 27 provides a reasonable representation of the scheme. It indicates that the ground floor level communal open space would receive no sunlight on the 21st March. The proposed walkway, and the roof terraces at the southern elevation appear to be well lit and exceed the BRE guidance. The roof terrace on the western elevation does not appear to have been assessed, however, having regard to the surrounding context of 2/3-storey buildings and having carried out a site visit of the surrounding area it is my opinion that this roof terrace would achieve the standard set out in the BRE. It is unclear if the roof terrace on the eastern elevation would achieve the BRE standard. Notwithstanding the discrepancies in the information it is my view that the roof terraces and walkway would be adequately well lit. However I have serious concerns regarding the excessive overshadowing of the ground floor communal open space and consider that this is not of a sufficiently high quality for a scheme of this scale and is a result of the excessive scale and height of the proposed building.

External Daylight and Sunlight

- 10.10.19. The Daylight and Sunlight report also assessed the potential impact of the development on the existing neighbouring properties and the approved student accommodation scheme.
- 10.10.20. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.
- 10.10.21. The information provided in Table 3 indicates that the assessment analysed the impact of the development on VSC for no's. 14 - 22, 29, 64 – 66 and 69 - 70 Prussia Street (29 and 66 are protected structures) and no. 1 and 2 St. Joseph's Road. However the illustrations provided (with referenced windows) indicate that the assessment analysed the impact on no. no. 14 - 22, 29, 65- 67 and 69 - 70 Prussia Street (29, 66 and 67 are protected structures) and no. 1 and 2 St. Joseph's Road. Having regard to the information provided my assessment is based on the window reference numbers and not the property number.
- 10.10.22. A summary of the results is provided in Table 3 of the applicants Daylight and Sunlight Assessment. The report also notes that the internal layout of the surrounding buildings are not known. The analysis indicates that the proposed development would have no material impact on VSC for no. 29, 65 and 70 Prussia Street and no. 1 and 2 St. Joseph's Road.
- 10.10.23. No 14-22 Prussia Street are located to the south of the subject site. The analysis indicates that the proposed development would have a significant impact on the VSC for no. 22. In this regard the VSC for the living space would be reduced from 28.4 to 19.6 and the VSC for a bedroom would be reduced from 37.0 to 17.1. The information submitted indicates that this property is within the ownership of the applicant. The proposed development would also have a minor to moderate impact on the VSC of no. 14 -21. It is noted that in some instances these properties currently do

not achieve a VSC of 27%, which would be consistent with the tight urban grain of these dwellings. Third parties have raised concerns that the internal room layout and window placements are not accurate. The concerns of the third parties and the impact on VSC is noted, however, when balanced against the need for housing on zoned and serviced lands in the city centre I consider this level acceptable.

10.10.24. No 69 is located at the junction of Prussia Street and St. Joseph's Road. The analysis indicates that the proposed scheme would have a minor impact on the VSC for a ground floor living room window. The VSC would be reduced from 31.9 to 23.9. As outlined above it is my view that when balanced against the need for housing on zoned and serviced lands I consider this acceptable given the location of the site in the inner city.

10.10.25. The analysis indicates that the proposed development would have no material impact on VSC for no. 65 Prussia Street. No. 66 and 67 Prussia Street are 2-4 storey properties located directly opposite the subject site. As noted above no. 66 and 67 are protected structures. The analysis indicates that the proposed scheme would reduce the VSC for the ground floor living room in no. 66 from 34.5 to 22.5 and the VSC in a first floor bedroom from 36 to 26. The reduction in VSC for both windows is below 80% its former value. With regard to no. 67, the analysis indicates that this building is subdivided into apartment units. The proposed scheme would reduce the VSC for 4 no. living rooms to below 27%, with VSC ranging from 36 to 35 being reduced to 20 to 26. The reduction in VSC for a living room window is below 80% its former value. The applicant considers that the impact is reasonable in the context of this vacant city centre site. It is acknowledged that this is a city centre location and that consideration should be given to the fact that the comparison being made is between an existing, under-utilised site and the proposed development, which will inevitably have some form of an impact. I agree that flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration and the reinstatement of the streetscape. However, having regard to the protected status of no. 66 and 67 Prussia Street and the lack of compensatory measures provided by the applicant, I am not satisfied that adequate regard has been had to the potential negative impact from undue overshadowing on the setting and special character of these structures.

10.10.26. It is noted that the assessment does not include an analysis of the impact on no. 68 which, which is a vacant end of terrace property. The applicants report notes that this property is derelict. However, there is a current application (Reg. Ref. 3995/22) with the planning authority to demolish the existing structure and construct 4 no. apartments in a 4-storey building on this site. Therefore, an analysis of the impact on the site would be useful.

10.10.27. The applicants report assessed the impact of the development on the amenity spaces of no. 16 -22 Prussia Street. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The applicant's analysis indicates that currently some of these properties do not achieve BRE standard. However, the proposed development would have no impact on the existing level of sunlight achieved in each of these amenity spaces.

10.10.28. An analysis was also carried out on the impact of the proposed development on the communal open space areas of the previously approved student accommodation scheme to the north. Table 20 provides a summary of the findings. As noted above, the BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Having regard to the information submitted it would appear that the proposed development would negatively impact on the level of sunlight achieved. The previously approved areas of open space are labelled L1 – L5. I have particular concerns regarding the impact on area L2, L3 and L4. At L2 Upper Ground Floor, the proposed scheme would reduce the area achieving the BRE standard from 69% to only 13.9%. At L3 Lower Ground Floor, the proposed scheme would reduce the area achieving the BRE standard from 60% to zero and at L4 Upper Ground Floor the proposed scheme would reduce the area achieving the BRE standard from 100% to 66.3%. Therefore, I have serious concerns regarding the potential negative impact of the proposed development on the residential amenities of future occupant from undue overshadowing. The submitted documentation does not include an assessment of the impact of the development on the VSC of the approved student accommodation scheme, however, having regard to the findings of the impact on the areas of communal open spaces, the height, scale and bulk of the proposed development, the orientation of the buildings, the shadow

diagrams submitted and the limited separation distances I have concerns that the proposed development also has the potential to unduly overshadowing the units within the approved scheme.

Conclusion

10.10.29. As outlined above the proposed development does not achieve all of the standards set out in the BRE, with particular regard to the ADF for some of the rooms within the proposed scheme and the impact on VSC for some of the surrounding properties. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

10.10.30. The city centre location and the restricted nature of this infill site are acknowledged and some flexibility is acceptable to secure the redevelopment of this underutilised site and the consolidation of the urban environment. However, it is my view that the proposed scheme by virtue of the height, scale and bulk fails to have sufficient regard to the setting and special character of no. 66 and 67 Prussia Street, to the proposed ground floor level communal open space and to the areas of open space within the approved student accommodation scheme to the north of the subject site. The information submitted indicates that the proposed development would result in an unacceptable level of overshadowing of these properties and spaces, which would negatively impact on the amenities of future and existing residents. I am not satisfied that the application has provided any rationale for the potential negative impact or provided an alternative or compensatory design solutions to reduce the potential overshadowing impact. It is recommended that this forms the basis of the reason for refusal.

10.11. ***Transportation and Car Parking***

- 10.11.1. The subject site is located within the inner city and is, therefore, highly accessible by public transport, walking and cycling. The site is located c. 1km north east of Heuston Station, with associated intercity and commuter rail links and the Heuston Red Line Stop Luas, c.700m north of the Museum Red Line Luas stop and 600m east of the Grangegorman Green Line Luas stop. Luas is a high capacity mode of public transport (408 no. passengers per tram) and operates at a frequency of 3-4 minutes in the peak. There is a Dublin Bus stop within c. 200m of the site on Prussia Street serving Routes 39, 39A and 70 and an additional bus stop on Aughrim Street c. 250m from the subject site serving route 37. These are high frequency routes operating every 10 min in the peak period and each bus has a capacity of 125 no. passengers. Further details are available at www.dublinbus.ie and within the applicants Mobility Management.
- 10.11.2. The proposed Bus Connects spine route (B1) is located on Prussia and the orbital route (O) is proposed along the NCR and orbital route (N2) is proposed along Aughrim Street and Blackhorse Avenue. It is, therefore, my view that the subject site is well serviced by high frequency and high capacity public transport. Having regard to the sites city centre location it is also highly accessible by walking and cycling. There is a north bound cycle lane located on Prussia Street, however, it is noted that there is limited dedicated cycling infrastructure in the immediate vicinity of the site.
- 10.11.3. The submissions from third parties note that traffic management is an issue in this area and that the proposed development would contribute to traffic congestion. The proposed development includes 20 no. basement level car parking spaces. A Traffic Assessment was submitted with the application which concludes that the proposed development would have an imperceptibly low impact on the local road network. Having regard to the limited number of car parking spaces, the restricted nature of the surrounding on-street car parking and to the BRT nature of the proposed development, it is my opinion that this is an acceptable assumption. No concerns were raised by the planning authority or TII in this regard and no submission was received from the NTA, who were consulted on the application.

Car Parking

10.11.4. Table 16.1 of the development plan sets out maximum car parking standard of 1 no. space per residential unit in Zone 2. Therefore, a maximum of 162 no. spaces are permissible. It is proposed to provide 22 no basement level car parking spaces. The applicants Traffic Assessments notes that car parking spaces would not be assigned to any user, however, they would be available to rent. The submitted Mobility Management Plan also notes that there are existing car sharing facilities available on the surrounding road network that future occupants could avail of. Section 4.19 of the Apartment Guidelines states that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced, or wholly eliminated in certain circumstances. Having regard to the site's location within the city centre, its proximity to a variety of public transport modes and proximity to centres of education, employment and a wide range of services and facilities it is my view, that the proposed level of car parking is in accordance with the standards set out in the Apartment Guidelines. It is also noted that the standards set out in the development plan are maximum standards.

Cycle Parking

10.11.5. Table 16.2 of the development plan sets out a cycle parking standard of 1 no. space per unit with an additional requirement for visitor spaces to be decided on a case by case basis. Therefore, there is a requirement for 162 no. spaces. It is proposed to provide 336 no. spaces, which is significantly in excess of the development plan standards. The Transportation Section of Dublin City Council raised concerns regarding the lack of dedicated ground floor level visitor cycle parking spaces. The provision of ground floor level visitor cycle parking would be welcomed. However, having regard to the restricted nature of this infill site it is my view that the provision of ground floor cycle parking spaces could unduly comprise the design and layout of the scheme. It is also noted that the public open space provision would be managed and maintained by a third party (GDA). Therefore, it is not considered appropriate to attach a condition to require the provision of cycle parking at this location.

Delivery and Servicing

10.11.6. The subject site is located within the city centre with limited on-street car parking on Prussia Street and the surrounding road network. It is not envisioned that any servicing or deliveries would be accommodated on the public walkway to the south of the site. The basement car park has been adapted to accommodate servicing and deliveries activities with a set-down area provided adjacent to the lift / stair core area. As this is a professionally managed scheme I am satisfied that all services and deliveries can be co-ordinated by the management of the facility. With regard to refuse collection I am satisfied that there is capacity within the surrounding road network to accommodate refuse vehicles.

10.12. ***Water Services and Flood Risk***

Water Services

10.12.1. The subject site is located within the existing urban area. The applicants Engineering Services report notes that there is an existing 990mm combined culverted sewer on Prussia Street. The proposed scheme would connect to this existing infrastructure. The submission from Irish Water notes that a new connection to the existing network is feasible without upgrade. However, the development must incorporate Sustainable Drainage Systems / Attenuation in the management of stormwater and to reduce surface water inflow into the receiving combined sewer. It is proposed to construct a new dedicated surface water system which would discharge to the public network. The proposed surface water strategy aims to reduce the discharge rates by restricting runoff from site to a greenfield runoff rate. SuDS features would be incorporated into the design of the scheme including green roofs, permeable paving and bio-retention systems. Additional attenuation storage would be provided at basement level. It is noted that the planning authority's Drainage Division raised no objection to the proposed development.

10.12.2. The applicants Engineering Services report notes that there is an existing 100mm watermain on Prussia Street. The submission from Irish Water notes that to accommodate a connection to the network approx. 25 metres of 200mm ID new main is required from the site to the existing 9" Cast-Iron watermain. As part of the works it

is proposed to install a new 150mm diameter watermain across Prussia Street to serve the site.

- 10.12.3. Having regard to the information submitted and the submission from the Irish Water and the planning authority, I am satisfied that there is sufficient capacity within the system to accommodate the proposed development and are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

Flood Risk

- 10.12.4. The OPW maps indicate that there is no record of historic flood on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding.

- 10.12.5. *Fluvial Flooding:* The site is located to the north of the River Liffey. The Eastern CFRAMS indicates that the subject site is outside of the fluvial flood plain. Due to the levels within the scheme it would not be affected by fluvial flooding from the River Liffey. There is no evidence of any recorded flood events on the subject site.

- 10.12.6. *Tidal Flooding:* The subject site is not proximate to the coast and is considered outside the tidal floodplain. There is no evidence of any recorded flood events at the subject site.

- 10.12.7. *Pluvial Flooding:* The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. The FRA include an extract from the Dublin Pluvial Study which indicates that the general depth of flooding within the site to be 100mm.

- 10.12.8. *Groundwater Flooding:* GSI do not provide any indication of flood risk from groundwater. Therefore, the site is not considered to be at risk from groundwater flooding.

- 10.12.9. Having regard to the information submitted I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining

sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.13. **Archaeology**

- 10.13.1. The proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Historic City), which is listed on the Record of Monuments and Places (RMP). Policy CHC9 of the development plan aims to protect and preserve National Monuments. Section 16.10.20 of the development plan also sets out guidance for development in Zones of Archaeological Interest.
- 10.13.2. An Archaeological Desk Assessment was submitted with the application which notes that in addition to the above ground Georgian fabric, there are likely related sub-surface features and deposits on the site. An excavation (Licence No. 19E0016) recently carried out to the west side of the street (at Nos. 84-87) has revealed some features which date to the Georgian era. As the structures at 23-28 Prussia Street are of a similar construction date, it may be surmised that similar features survive at sub-surface level in the proposed development site, upon which proposed ground-breaking and construction work, in particular the depth of excavation required for the construction of a basement level, would have a permanent and negative impact.
- 10.13.3. Third parties raised concerns that the desktop study is insufficient and that trial trenches should have been excavated prior to the application being submitted. Section 4.2 of the report outlines recommended mitigation measure including a pre-demolition survey of the remaining fabric of No's 24-28 Prussia Street and a more thorough inspection be undertaken of No. 23 and a pre-development archaeological assessment including test excavation and impact statement. The report of the planning authority's City Archaeologist agrees with the archaeological mitigation recommended in the applicants report and considers that the process will ascertain the nature and extent of any archaeological deposits within the site boundary and determine a strategy for its protection or mitigation. While the concerns of the third parties are noted I agree with the recommendation of the City Archaeologist and consider that appropriate conditions should be attached to any grant of permission.

10.14. **Material Contravention**

10.14.1. The applicant's Material Contravention Statement submitted states that the proposed development could be considered to materially contravene Section 16.7.2 – Height and Table 16.1 – Maximum Car Parking Standards of the Dublin City Development Plan 2016 – 2022.

Height: Section 16.7.2 of the development plan sets out maximum building heights which restricts the height of a residential development in the inner-city to 24m. The scheme ranges in height from 3 storeys (c. 11m) to 13 storeys (c.41m) with a transition in height from the western boundary with Prussia Street to the eastern boundary with the Grangegorman Campus. However, the majority of the southern and eastern portions of the block are 8 storeys (c. 25m) in height with a 13-storey feature in the south eastern corner. Therefore, the height of a significant portion of the proposed block does not accord with the height strategy as set out in the development plan, as it exceeds 24m in height

Car Parking: Table 16.1 of the development plan sets out maximum car parking standard of 1 no. space per residential unit in Zone 2. Therefore, a maximum of 162 no. spaces are permissible. It is proposed to provide 22 no basement level car parking spaces. The car parking standard is a maximum standard. Having regard to the site's location within the city centre, its proximity to a variety of public transport modes and proximity to centres of education, employment and a wide range of services and facilities I am satisfied that an appropriate level of car parking has been provided within the scheme. The car parking standards in Table 16.1 do not relate to a policy of the plan, therefore, it is my opinion that the car parking provision is not a material contravention.

10.14.2. **Section 37(2)(b)**

Having regard to the above it is my opinion that the proposed development materially contravenes Section 16.7.2 of the Dublin City Development Plan with regard to height only.

10.14.3. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a

proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.14.4. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i), (iii) and (iv) are considered relevant in this instance.

10.14.5. **Section 37 (2) (b)(i)**

The subject site has an area of c. 0.38ha and would deliver 162 no. residential units in the city centre. The site's urban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan (MASP), which is part of the Regional Spatial and Economic Strategy. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness and Housing for All – A New Housing Plan for Ireland. The site is also located in close proximity to high frequency and high capacity public transport, educational and employment hubs and a range of services and facilities within the city. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the success of national policy, in addressing both housing and homelessness in the City and consolidating the urban environment. The proposed material contraventions are, therefore, justified by reference to section 37(2)(b)(i) of the act.

10.14.6. **Section 37 (2) (b)(iii)**

The proposed material contravention to the Height Strategy of the Dublin City Development Plan 2016 - 2022 could potentially be justified by reference to: -

- Objectives 13 and 35 of the National Planning Framework which support increased building heights at appropriate locations.
- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights.

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. National Policy Objective 13 states that’s that in urban areas, planning and related standards, including in particular building height, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. National Policy Objective 35 states that increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The Building Height Guidelines are intended “to set out the national planning policy guidelines on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework”. It is noted that statutory development plans have set generic maximum heights across their functional areas and if inflexibly or unreasonably applied “can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area”. Section 2 refers to Building Heights and the

Development Plan. It states that implementation of the National Planning Framework requires increased density, scale and height and requires more focus on reusing brownfield sites and building up urban infill sites.

The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. As outlined above in my planning assessment, I conclude the following:

-

Scale of Relevant city/town:

- Site is well served by high capacity and high frequency public transport. Full details of the sites accessibility by public transport are provided the submitted Mobility Management Plan. In particular the site is located c. 1km north east of Heuston Station, with associated intercity and commuter rail links and the Heuston Red Line Stop Luas, c.700m north of the Museum Red Line Luas stop and 600m east of the Grangegorman Green Line Luas stop. Luas is a high capacity mode of public transport (408 no. passengers per tram) and operates at a frequency of 3-4 minutes in the peak. There is a Dublin Bus stop within c. 200m of the site on Prussia Street serving Routes 39, 39A and 70 and an additional bus stop on Aughrim Street c. 250m from the subject site serving route 37. These are high frequency routes operating every 10 min in the peak period and each bus has a capacity of 125 no. passengers.
- A Landscape and Visual Impact Assessment was submitted. At the scale of the city, I am satisfied that there will not be an unacceptable visual impact on long distance views.
- The provision of a new pedestrian / cycle route along the southern boundary of the site to link Prussia Street to the Grangegorman campus would make a positive contribution to placemaking and legibility.
- I am not satisfied that the massing, scale, and height of the scheme have been appropriately balanced to achieve increased densities. In my view there is insufficient variety in the design and height, in particular at the southern and

eastern boundaries. The scheme does not respond well to the scale of adjoining developments.

Scale of district/neighbourhood/street:

- Design does not responded to its overall natural and built environment and does not make a positive contribution to the urban environment.
- I do not agree with the conclusions of the LVIA and it is my opinion that having regard to the combined scale, bulk, height and monolithic nature of the block, which introduces a significantly taller feature (c.41m) in the skyline of this historic street, that the proposed development would have a significant detrimental impact on the character of the area and would be visually obtrusive when viewed from short- and medium-term views on Prussia Street and St. Joseph's Road.
- It is monolithic – the vast majority of the scheme is 8-storeys with a 13 storey feature at the south eastern corner. There is not a sufficient variation in height or scale.
- It does not provide a sense of scale or enclosure and in my view would be overbearing when viewed from the surrounding historic streets and from within the area of communal open space.
- The provision of a pedestrian link from Prussia Street to the Grangegorman campus would enhance legibility and aid with placemaking and is welcomed.
- The western façade onto Prussia Street would positively contribute to the mix of uses on the street, with a café at ground floor level.
- There is a sufficient mix of typology for this BTR scheme.

Scale of site/building:

- The Daylight and Sunlight Analysis submitted demonstrates that there would be no access to natural daylight for the ground floor level communal open space at the site's northern boundary and that the scheme would unduly overshadow no. 66 and 67 Prussia Street (protected structures) to the west of the site and the approved student accommodation scheme to the north of the site.
- The Pedestrian Level Wind Desk Based Assessment indicates that the 3 no. communal areas at rooftop level and some upper level balconies would not be suitable for sitting.

Overall, I am of the opinion that this particular area can accommodate increased height over and above the prevailing context of 2 -3 storeys and that additional housing units would assist in achieving national policy objectives for significantly increased housing delivery in an urban area, particularly having regard to the with substantial amenities provided within the city centre location and proximity to public transport accessibility. However, having regard to the relatively limited size (0.38ha) and historic context of the surrounding area, it is my view that the proposed design has not taken full account of the sensitive setting of this infill site. While I agree that developments should not be subject to a 'blanket numerical limitation'. I consider that the subject site is not capable of absorbing the proposed heights combined with the scale, mass, bulk and monolithic nature of the scheme and consider that the proposed configuration would be visually obtrusive.

Having regard to the above, I am not satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3 of the Building Height Guidelines. I am not satisfied that the proposed scheme is the most appropriate design response to this sensitive site and consider that it requires significant redesign to reduce its visual scale and bulk and provide a greater variation in height, which would also allow for daylight / sunlight penetration into the scheme. Having regard to the level of intervention and redesign required it is my view that proposed scheme is not in accordance with Section 37(2)(b)(iii) and, therefore, the Board are not open to grant permission for the development as it would materially contravention of the Development Plan.

10.14.7. **Section 37(2)(b)(v)**

Since the making of the Dublin City Development Plan 2016-2022 the Board granted permission in the vicinity of the site for the following schemes which materially contravene the height strategy of the Dublin City Development Plan. In this regard ABP.TA29S.306569 for 321 no. Build to Rent apartments and office, café / restaurant, retail and ancillary uses in 5 no. blocks (B1, B2, C1, C2, and C3) ranging in height from 8 – 13 no. storeys at Parkgate Street c.900m south west of the subject site. Block A, which was 29 storeys in height, was refused permission. However, a subsequent application ABP. 310567-21 for a revised Block A, which is 30-storeys in height and

accommodates 198 no. Build to Rent units, café and office use was granted permission. In addition, ABP-310327-310327 for the construction of 1,047 units in 9 no. blocks with a maximum height of 14 storeys at O'Devaney Gardens c. 420m south west of the subject site.

Having regard to the recent permissions granted in the area since the making of the plan the proposed material contravention to Section 16.7.2 of the Dublin City Development Plan 2016 -2022 is justified by reference to section 37(2)(b)(iv) of the act.

10.14.8. **Conclusion**

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that the Board are not open to a grant of permission that may be considered to materially contravene Section 16.2 (Height) of the Dublin City Development Plan 2016-2022 as in my view the proposed scheme is not in accordance with Section 37(2)(b)(iii).

10.15. **Chief Executives Recommendation**

10.15.1. The planning authority recommended that permission be refused for 2 no. reasons. In the interest of clarity, the reasons for refusal are addressed below.

1. Having regard to the provisions of the current Dublin City Development Plan (2016- 22) and the 2018 Urban Development and Building Height Guidelines by the Department of Housing, Planning and Local Government, it is considered that the proposed development, by reason of its height, scale, bulk, massing and the monolithic nature of the rear section in particular, would fail to integrate into or enhance the character of the surrounding area, and would have an overbearing impact when viewed from the surrounding area, including the historic streetscape on Prussia Street which is a conservation area, the adjoining residential conservation area at St. Joseph's Road and the Grangegorman lands. The proposed development would be contrary to development plan policies CHC4 and SC7, would fail to comply with the assessment criteria set out in Section 3.2 of the above Guidelines, and would therefore be seriously injurious to the visual

amenities and character of the area and contrary to the proper planning and sustainable development of the area.

2. The proposed development provides an inadequate design response to this sensitive infill site, which would fail to respect and complement the prevailing scale and urban form, 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 the protected structure at No. 29 Prussia Street. The proposal would therefore be contrary to Section 16.2.2.2 of the development plan in relation to infill development, and to the proper planning and sustainable development of the area

I have no objection in principle to a higher density scheme on the proposed site, which is zoned and serviced and located within the urban area and I am of the opinion that this particular area can accommodate increased height over and above the prevailing context of 2 - 3 storeys. However, I would agree with concerns raised by the planning authority and consider that the proposed development by reason of its height, scale, bulk, massing and the monolithic nature of the rear section in particular, would result in a sub-standard form of development which would be visually dominate and fail to integrate into or enhance the character of the surrounding areas. It would unduly overshadow existing and proposed adjacent properties, including no. 66 and 67 Prussia Street (protected structures) and the proposed ground floor level area of communal open space and would have an overbearing impact on no. 29 Prussia Street (Protected Structure). The proposed development would, therefore, result in a substandard form of development which would be contrary to Section 16.7 in relation to the height strategy, Section 16.2.2.2 in relation to infill development and Policy CHC2 in relation to protected structures of Dublin City Development Plan 2016- 2022 and the provisions of Section 3.2 of the Urban Development and Building Height Guidelines and the principles of the Urban Design Manual – a Best Practice Guide Government and would therefore be seriously injurious to the visual amenities and character of the area and contrary to the proper planning and sustainable development of the area. I agree with the recommendation of the planning authority that permission be refused on this basis.

However, I disagree with the planning authority that the proposed development would negatively impact on the Grangegorman Campus to the east of the subject site. Views 1, 2, 11 and 12 of the LVIA are taken from within the Grangegorman campus. While it is acknowledge that the proposed development would introduce a significantly taller feature in the skyline, having regard to the urban location and the recently approved developments at the western boundary of the Grangegorman campus, which are up to c. 8 storeys, and the potential future development within the Grangegorman campus, I agree with the LVIA that the quality of change would be neutral and I consider that having regard to the changing nature of this area that the proposed development would not be visually dominant, overbearing or out of character when viewed from within the existing or proposed Grangegorman campus and would create scheme which is reflective of the previously approved developments at the western boundary of the campus.

11.0 Environmental Impact Assessment

11.1. The applicant submitted and Environmental Impact Assessment Screening Report and a Statement in Accordance with Article 299(1)(b)(ii)(II)(c) was attached to the report as an appendix. I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. There is a slight discrepancy in the numbering of the report. However, Section 4 – EIAR Screening for Sub-Threshold Developments, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

11.2. 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.

- 11.3. It is proposed to construct a 162 no. residential units on a site with a stated area of c. 0.38ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There are limited excavation works proposed to construct the basement level. 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 County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.
- 11.4. Section 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. Section 4 of the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.
- 11.5. Section 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:

- Planning Report
- Statement of Response to An Bord Pleanála Opinion
- Statement of Material Contravention
- Statement of Consistency with Planning Policy
- Urban Design Statement
- Screening Report for Appropriate Assessment
- Environmental Impact Assessment Screening Report and Statement in Accordance with Article 299(1)(b)(ii)(II)(c) of the Planning and Development Regulations, 2001 (as amended)
- Engineering Services Report
- Flood Risk Assessment
- Building Lifecycle Report
- Public Lighting Report
- Outline Construction Management Plan
- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Sustainability and Energy Report

11.6. With regard to the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant submitted a standalone 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. I would note that the following assessments / reports have been taken into account: -

- Appropriate Assessment Screening Report, Construction Management Plan, Engineering Service Report and the Public Lighting Report, have had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- Appropriate Assessment Screening Report, Construction Management Plan, Construction and Demolition Waste Management Plan, Engineering Service Report and the Operational Waste Management Plan have had regard to the Water Framework Directive (WFD) (Directive 2000/60/EC).
- The Traffic Assessment, Mobility Management Plan and Construction Management Plan Report have had regard to Clean air for Europe Directive (2008/50/EC).
- The Outline Construction Management Plan and the BTR Operational Plan have had regard to the Environmental Noise Directive (2002/49/EC)
- The Statement of Consistency and the Material Contravention Statement have had regard to the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) and to the SEA carried out for the Dublin City Development Plan 2016 – 2022.
- The Site-Specific Flood Risk Assessment (FRA) which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the Dublin City Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).
- The Construction and Demolition Waste Management Plan was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021.

11.7. The applicant's report considered the implications and interactions between these assessments and the proposed development, and 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.

- 11.8. I have completed an EIA screening determination as set out in Appendix A 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 and 7A, 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 report. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area
- 11.9. 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. ***Introduction***

- 12.1.1. The applicant has prepared an AA Screening Report as part of the application. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.2. ***Compliance with Article 6(3) of the Habitats Directive***

- 12.2.1. 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 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).

12.2.2. The applicant has submitted a Screening Report for Appropriate Assessment prepared by Openfield Ecological Services. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that *the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.*

12.2.3. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

12.3. **Stage 1 AA Screening**

12.3.1. 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 in view of the conservation objectives of those sites.

12.4. **Brief Description of the Development**

12.4.1. The applicant provides a description of the project in starting on page 6 of the Screening Report. The development is also summarised in Section 3 of my report. In summary,

12.4.2. The proposed development comprises the construction of 162 no. Build to Rent apartments in a single block ranging in height from 3 storeys over basement to 13 storeys over basement on a c. 0.8ha site on Prussia Street in Dublin city centre. The surrounding area is urban in nature with a mix of residential, commercial and retail uses in the immediate vicinity of the site. The site is serviced by public water supply and foul drainage networks. Foul effluent and surface water will drain to the existing combined public sewer on Prussia Street to the west of the site. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site is currently vacant with areas of hardstanding. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

12.5. ***Submissions and Observations***

12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. As outlined above, concerns were raised by a third party that the Screening for AA is insufficient and not based on appropriate scientific expertise. The Board does not have sufficient and / or adequate information to carry out a complete AA Screening.

12.6. ***Zone of Influence***

12.6.1. The proposed development is not located within or immediately adjacent to any European Site. Concerns are raised by a third party that the Zone of Influence has not been reasoned or explained. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

12.6.2. Table 12 of the applicant's report considers that a source-pathway-receptor link exists between the subject site and the following European sites: -

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
South Dublin Bay SAC	000210	5.4km
North Dublin Bay SAC	000206	7km
North Bull Island SPA	004006	7km
South Dublin Bay and River Tolka Estuary SPA	004024	4km
Poulaphouca Reservoir SPA	004063	23km

12.6.3. The proposed development has no potential source pathway receptor connections to any other European Sites.

12.6.4. The qualifying interests and a brief description of each the designated sites outlined above are provided the applicants Appropriate Assessment Screening report, starting on page 10.. The conservation objectives for the designated sites are either to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA or to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC or SPA has been selected.

12.6.5. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP, and could, therefore, reasonably be considered to be within the downstream

receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

12.6.6. I am satisfied that the potential for impacts on the Poulaphouca Reservoir SPA can be excluded at the preliminary stage due to the separation distance (23km) between the European site and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

12.7. **Screening Assessment**

12.7.1. The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are as follows:

South Dublin Bay SAC (000210) - c. 5.4 km from the subject site.
Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Qualifying Interests/Species of Conservation Interest: 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]

South Dublin Bay and River Tolka Estuary SPA (004024) - c.3.9 km from the subject site.
Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
Qualifying Interests/Species of Conservation Interest: 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</i>

squatarola) [A141] / Knot (Calidris canutus) [A143] / Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] / Bar-tailed Godwit (Limosa lapponica) [A157] / Redshank (Tringa totanus) [A162] / Black-headed Gull (Chroicocephalus ridibundus) [A179] / Roseate Tern (Sterna dougallii) [A192] / Common Tern (Sterna hirundo) [A193] / Arctic Tern (Sterna paradisaea) [A194] / Wetland and Waterbirds [A999]

North Dublin Bay SAC (000206) – c. 7km from the subject site

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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 (Glauco-Puccinellietalia maritimi) [1330] / Mediterranean salt meadows (Juncetalia maritimi) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with Ammophila arenaria [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / Petalophyllum ralfsii (Petalwort) [1395].

North Bull Island SPA (004006) - c. 7km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interests/Species of Conservation Interest: Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (Branta bernicla hrota) [A046] / Shelduck (Tadorna tadorna) [A048] / Teal (Anas crecca)

[A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

12.8. ***Consideration of Impacts***

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

Surface water and foul water from the proposed development will discharge via new separate connections to the existing public combined sewer under Prussia Street, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the surface water and wastewater pathways. The habitats and species of Natura 2000 sites in Dublin Bay are between 3.9km and 7km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment.

The subject site is identified for development through the land use policies of the Dublin City Development Plan 2016-2022. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is located on serviced lands in an urban area, which was previously in use as residential and commercial. The proposal includes SuDS / attenuation measures which will restrict surface water run-off into the combined sewer. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

The Site Specific Construction and Demolition Waste Management Plan, the Outline Construction Management Plan and the Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.

- 12.8.1. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site,

the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

- 12.8.2. A third party raised concerns in relation to bird flight paths and potential for collisions. No significant flight paths related to protected birds have been identified in this area and the third party has submitted no evidence in relation to existence of flight paths. There is no reason to believe a bird would not fly over or around the proposed structures.
- 12.8.3. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

12.9. ***AA Screening Conclusion***

- 12.9.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 12.9.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development,

individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

Having regard to the above assessment, I recommend that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

14.0 Recommended Order

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23rd December 2021 by Downey Planning , on behalf of Randalswood Construction Limited.

14.1. **Proposed Development:** The demolition of existing structures on site, including no. 23 Prussia Street and the remnants of the facades of no. 24 and 25 Prussia Street. The construction of 162 no. 'Build to Rent' apartments comprising 107 no. 1-beds, 53 no. 2-beds, 2 no. 3-bed in 1 no. block, ranging in height from 3 storeys over basement to 13 storeys over basement The development incorporates a café and ancillary residential amenity facilities, including a gym, multi-purpose gym space, lobby, co-working spaces, meeting room and office/parcel storage area. A resident's cinema will be provided at basement level. The development also includes basement level storage and plant rooms, a bin store and 22 no. car-parking spaces, 4 no. motorcycle spaces and 336 no. bicycle spaces an ESB sub-station, landscaping including play equipment and hard and soft landscaping along the primary pedestrian route, public lighting, signage, boundary treatments and all associated site development infrastructure and site works.

The proposed scheme also includes works to the historic Grangegorman boundary wall (Protected Structure), including the removal of the existing concrete coping on top

of the existing stone wall and the removal of a section of the wall to facilitate the provision of the primary pedestrian and cycle access route from the Grangegorman Campus to Prussia Street via the Prussia Street gateway. The interface of this primary route with Prussia Street will be denoted by a proposed gatehouse.

Decision:

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered:

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

15.0 **Reasons and Considerations**

The Board Considers that

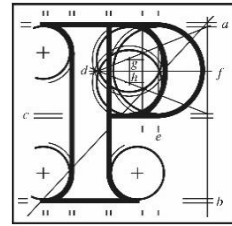
1. The proposed development, by reason of its scale and bulk, the lack of variation in height and the monolithic nature of the rear section would result in a sub-standard form of development which fails to integrate into or enhance the character of the surrounding area and would be visually obtrusive. The proposed scheme would unduly overshadow existing and proposed adjacent properties, including no. 66 and 67 Prussia Street (Protected Structures) and the proposed ground floor level area of communal open space, and would have an overbearing impact on no. 29 Prussia Street (Protected Structure). The proposed development would, therefore, be contrary to Section 16.7.2 in relation to the height strategy, Section 16.2.2.2 in relation to infill development and Policy CHC2 in relation to protected structures of the Dublin City Development Plan 2016- 2022, the provisions of Section 3.2 of the Urban Development and Building Height Guidelines and the principles of the Urban

Design Manual – a Best Practice Guide and would, therefore, be seriously injurious to the visual amenities and character of the area and contrary to the proper planning and sustainable development of the area.

Elaine Power

Senior Planning Inspector

24th June 2022

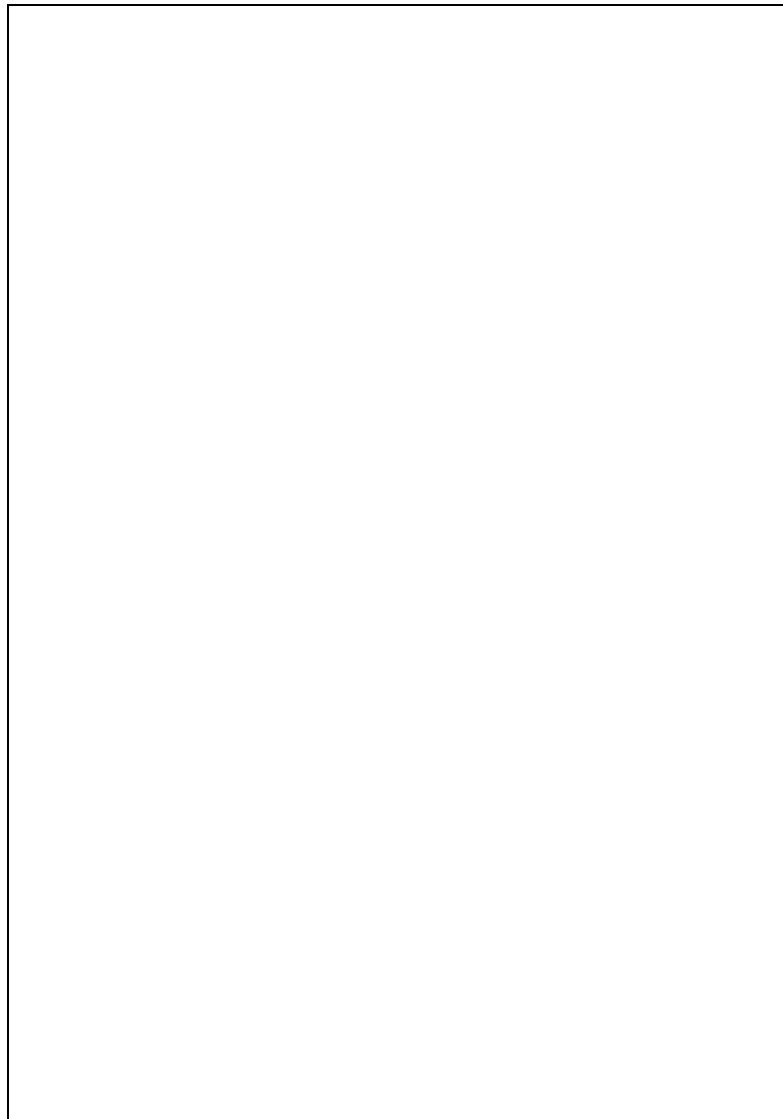


An
Bord
Pleanála

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312358-21
Development Summary		Construction of 162 no. build to rent apartments and a cafe in 4 single block.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
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	Yes	<p>SEA undertaken in respect of the Dublin City Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan.</p> <p>Appropriate Assessment Screening Report, Construction Management Plan, Engineering Service Report, and the Public Lighting Report, have had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).</p> <p>Appropriate Assessment Screening Report, Construction Management Plan, Construction and Demolition Waste Management Plan, Engineering Service Report and the Operational Waste</p>



Management Plan have had regard to the Water Framework Directive (WFD) (Directive 2000/60/EC).

The Traffic Assessment, Mobility Management Plan and Construction Management Plan Report have had regard to Clean air for Europe Directive (2008/50/EC).

The Outline Construction Management Plan and the BTR Operational Plan have had regard to the Environmental Noise Directive (2002/49/EC)

The Statement of Consistency and the Material Contravention Statement have had regard to the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) and to the SEA carried out for the Dublin City Development Plan 2016 – 2022.

The Site-Specific Flood Risk Assessment (FRA) which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the Dublin City Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).

The Construction and Demolition Waste Management Plan was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units and a cafe on lands zoned for residential development, on which a cafe is open for consideration. From an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located within the urban area. It is intended to provide a basement level. It is considered that this issue is minor in nature.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. Redevelopment of this urban site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>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>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>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>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change.</p> <p>Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>No such species use the site and no impacts on such species are anticipated.</p>	No

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No such features arise in this urban location</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>No such features arise in this urban location. The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>

<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of bus, luas and heavy rail. 22 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No. The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.</p>	<p>No</p>

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands subject to 2 no. zoning objectives. The majority of the site is zoned Z1 with the associated land use objective to protect, provide and improve residential amenities. The south western portion of the site is Zoned Z2 with the associated land use objective to protect and / or improve the amenities of residential conservation areas in the Dublin City Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- 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),
- 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)

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan, Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Specific Flood Risk Assessment and Appropriate Assessment Screening.

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

Inspector: Elaine Power

Date: 24th June 2022