



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319847-24**

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### Development

Demolition of 4 warehouse units and the construction of 373 bed space student accommodation comprising 166 apartments and all associated site works.

### Location

Former IDA Centre, Prussia Street, Dublin 7, D07 T868, D07 DP96 and D07 YK11.

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

LRD6050/24-S3

### Applicant

Lyonshall Limited

### Type of Application

Large-Scale Residential Development

### Planning Authority Decision

Grant Permission

### Type of Appeal

First and Third Party

### Third Party

Paul Browne

### Observations

Damian Fox

Aosóg

Tim Janos & Frances O'Connor

St. Laurence O'Toole Diocesan Trust

**Date of Site Inspection**

24<sup>th</sup> July 2024

**Inspector**

Paul O'Brien

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## 1.0 Site Location and Description

- 1.1. The subject lands with a stated site area of 0.58 hectares consist of lands to the western side of Prussia Street, Dublin 7, approximately 1.8 km to the west of O'Connell Street. At present the site consists of a number of warehouse units with heights of 1 to 2 storeys. This facility was previously operated by the IDA. As per the site plans, the frontage along Prussia Street is narrow at 17.3 m and even at its widest point the site is less than 75 m. The front of the site contains palisade fencing and gates, which were open on the day of the site visit. The warehouse units vary in condition and consist of a mix of brick, blockwork with pitched roofs, again in various materials. There was a mix of occupied and vacant units on the day of the site visit and a section of the site to the north/ north west consists of semi-derelict warehouse units.
- 1.2. The adjoining area consists of a mix of uses and building types. To the south of the entrance on Prussia Street are three storey residential units, those fronting the street are primarily finished in red brick with some use of render. Further along the street are four storey units. There is a long terrace of units on this section that are relatively recent additions to the street. To the north is a terrace of two storey originally houses though a number of these have been modified for commercial use. Further north is Clarke's City Arms public house. The streetscape on the eastern side of the street has suffered from dereliction and site clearance with vacant sites and buildings standing in isolation. Existing surviving buildings have been heavily modified. Further to the north east is the Park Shopping Centre, dominated by surface car parking to its front.
- 1.3. To the rear/ west of the site is Drumalee Court and which consists of a mix of single and two-storey houses and amenity spaces. The boundary treatment between the site and these lands consists of a mix of high block walls and palisade fencing, presenting an unattractive appearance for the residents of Drumalee Court. Drumalee Court is accessed from Aughrim Street via Drumalee Road. The lands on which Drumalee Court is located was originally the site of the Dublin Cattle Market. To the south west of the site is the presbytery/ houses associated with the Church of the Holy Family, Aughrim Street.

- 1.4. Prussia Street is served by Dublin Bus routes 37, 39, 39A and 70, providing a frequency, high-capacity public transport corridor. The 39A provides a 24-hour route between UCD and Blanchardstown/ Onger. TUDs campus in Grangegorman is located less than 400 m to the east of the subject site with access available from Prussia Street.

## 2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises of the demolition of existing warehouse buildings on site and the construction of two blocks providing for a total of 373 student bed spaces, retail, amenity facilities, and all associated site works.
- 2.2. The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Site Area</b>	0.58 hectares
<b>Buildings to be demolished</b>	3,270 sq m
<b>Site Coverage</b>	52.5%
<b>Plot Ratio</b>	1:2.0
<b>Density (4 bedspace = 1 Unit)</b>	161
<b>No. of Units</b>	373 bedspaces
<b>Other Uses</b>	
Café – Block 1	55.4 sq m
Residential Amenity – Block 2	587.4 sq m
<b>Building Height</b>	
Block 1	5 Storeys
Block 2	5 Storeys
<b>Amenity Space Provision</b>	
Internal	587.4 sq m
External Open Space –	
Garden 1	388.4 sq m

Garden 2	750.6 sq m
Garden 3	309.4 sq m
<b>Total</b>	<b>1,488.4 sq m</b>
<b>Car Parking –</b>	None Proposed
<b>Bicycle Parking –</b>	
Residents	373
Visitors	75
Cafe	4
<b>Total</b>	<b>452</b>

- 2.3. The applicant has provided a 'Schedule of Accommodation and Areas' and which gives full details on the unit types and sizes. The following are noted:

	<b>Level 00</b>	<b>Level 01</b>	<b>Level 02</b>	<b>Level 03</b>	<b>Level 04</b>	<b>Total</b>
<b>Block 1 Bedspaces</b>	21	26	26	25	20	<b>118</b>
<b>Block 2 Bedspaces</b>	46	57	57	55	40	<b>255</b>

The bedspaces are in the following form:

- Studios (own kitchen area) – 108
- Accessible Studios (own kitchen area) – 15
- Apartments (Shared kitchen area) – 243
- Accessible Apartments (shared kitchen area) – 7

Block 1 provides for 105 apartments and 13 studios and Block 2 provides for 145 apartments and 110 studios. Apartments are divided into 4/ 5/ 6 bed apartments – 4 apartments per shared kitchen/ living/ dining space etc.

### 3.0 Planning Authority Pre-Application Opinion

- 3.1. A Section 247 – Pre-Planning Meeting took place on the 13<sup>th</sup> of September 2023 and a LRD Meeting took place on the 18<sup>th</sup> of December 2023, between representatives of the applicant and the Planning Authority, Dublin City Council. The Planning Authority issued an opinion on the 24<sup>th</sup> of January 2024 and was of the opinion that the

documents submitted required further consideration and amendment in order for an application to be made. The applicant was advised that in the first instance they should prepare a statement of response to the LRD opinion and secondly, provide a statement demonstrating how they consider the development to be consistent with the relevant objectives of the development plan.

3.2. The applicant was notified, in accordance with Section 32D of the LRD act, of the issues/ areas to be addressed in the documentation to be submitted with any future planning application, summarised as follows:

- **Planning Issues:** Provide a schedule of accommodation, demonstrate no impact on existing residential amenity, rationale for studio units and student accommodation in this area, justify why CUO25 does not apply, revised design to reduce bulk, details on materials, sunlight/ daylight, provision of communal facilities, assess visual impact, full nesting bird survey, and EIS screening.
- **Conservation Issues:** Label all drawings, revised front façade, concern about the set-back, impact on NIAH structures in the area, AHIA to include additional details such as photographs, impact surveys, and an appraisal of the surrounding context.
- **Transportation Issues:** Revised outdoor seating area in terms of safety, design footpaths for all users, provision of a set-down area, additional bicycle security, bicycle parking for retail staff, facilities for e-charging, details of the bicycle parking and allocation of spaces, auto-tracking information, bin storage management and collection information. Also over-lay the development with the Core Bus Corridor proposal and ensure that the development does not impact on future road improvements along Prussia Street.
- **Drainage Issues:** Provide an updated Basement Impact Assessment, a Site-Specific Flood Risk Assessment, surface water attenuation details, revised blue roof details, stormwater details, details of existing public foul sewer, details of infiltration levels, and foul drainage details.
- **Parks, Biodiversity and Landscape Issues:** Details on compensatory measures for any shortfall in standards, surfacing, material and design details, tree protection requirements, heat map of cumulative daylight/ sunlight results, AA Screening, EclA, biodiversity plan, landscape masterplan, and green roof details.

- Other Detail: Submission of an Archaeological Assessment, demolition justification report and a Climate Energy Statement in accordance with the Dublin City Development Plan 2022 – 2028.

3.3. The applicant has responded to each of these issues in the 'Response to LRD Opinion' dated March 2024, submitted in support of the application. Each of the points raised by DCC have been addressed under the relevant headings in the applicant's response.

The following responses, in summary, are made:

- Planning Issues: Details provided in the Schedule of Accommodation, Planning Statement, Architectural Drawings, Design Statement, Photomontages, Townscape and Visual Impact Assessment and the Sunlight and Daylight Analysis Report. Details also provided in the submitted AA Screening Report, EclA and EIAR Screening Report.
- Conservation Issues: Response details are provided in the Architectural Drawings, Architectural Heritage Impact Assessment and the Design Statement.
- Transportation Issues: Response details are provided in the Architectural Drawings, Design Statement, DMURS Compliance Statement, Mobility Management Plan, Operational Waste Management Plan and the Bus Connects Overlay Drawing.
- Drainage Issues: A Basement Impact Assessment has been provided in addition to a Site-Specific Flood Risk Assessment and relevant Engineering Drawings/ Report.
- Parks, Biodiversity and Landscape Issues: Compensatory measures not required as the development is demonstrated to be compliant with the Daylight/ Sunlight Guidelines. Details are provided on Landscaping, Bicycle Parking and Tree Protection as well as through the AA Screening Report and EclA.
- Other Detail: Response through the Archaeological Assessment and in the Climate Action and Energy Statement.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The Planning Authority decided to grant permission subject to reasons. The following conditions, summarised, are noted:

5. Mitigation measures set out in the submitted EIAR Screening report to be carried out.

6. Use to be for student accommodation, except during holiday periods when it may be occupied for periods of no more than two months, and not as independent/ permanent housing.

7. Details of a student accommodation management plan.

8. Details of material finishes, brick to the front of the building.

9. Revisions to Block 1 – Set back by 9 m of the western facing windows.

10. Shortfall in communal space requires the loss of 27 no. bedspaces and the 15 to 17 bedspaces in Block 1 as per Condition no.9.

11. Details of screening and additional measures for residential amenity protection.

12. Employment of a conservation expert to ensure protection of protected/ listed on NIAH, structures in the area.

14. Details of roller shutters on the café unit.

18. Consult with the NTA in relation to the Blanchardstown to City Centre CBC.

19. Drainage and basement details.

20. Archaeology details/ measures on site.

### **4.2. Planning Authority Reports**

#### **4.2.1. Planning Reports**

The Planning Report reflects the decision to grant permission for this development subject to conditions with particular reference to the protection of existing residential amenity and ensuring that adequate communal open space was provided on site.

#### **4.2.2. Other Technical Reports**

- **Transportation Planning Section:** Grant permission subject to recommended conditions – contact the NTA in relation to the proposed CBC along Prussia Street, allowance for road works along Prussia Street, 452 bicycle parking spaces to be provided – details of which are included, implement a mobility management plan, details of demolition of the existing structures on site, and CMP details.
- **Archaeology Section:** No objection subject to recommended conditions.
- **Conservation Report:** Recommends a grant of permission subject to conditions. Particular reference to protection of Church of the Holy Family, it's Parish Office and nos. 56 to 58 Prussia Street.
- **Drainage Division:** Further information requested in relation to basement construction and groundwater monitoring. Conditions provided in the event that permission is to be granted for this development.
- **Environmental Health Officer:** No objection subject to recommended conditions in relation to a Construction Management Plan, noise control of mechanical plant and the retail/ café units. Conditions included in relation to air quality control and gym, if one is proposed.

#### **4.2.3. Prescribed Bodies**

- **Uisce Éireann:** No objection subject to condition that a Connection Agreement with Uisce Éireann be entered into and that development be in accordance with their standards.
- **Dublin Airport Authority:** No comment to make.
- **Transport Infrastructure Ireland (TII):** No issues raised but report that the site 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, and a contribution levy is recommended in the event that permission is to be granted.

#### **4.2.4. Third Party Observations**

A total of 15 observations were received including from Deputy Neasa Hourigan and Cllr. Janet Horner, Cllr. Ray McAdam, the St. Laurence O'Toole Diocesan Trust,

Aosóg Child and Family Project, Progressive Properties who manage Stanley Court, and from individual members of the public. The following comments were made:

- There is an excessive amount of student accommodation in the area – details provided of their location in the Dublin 7 area.
- The character of the area will change with the influx of students to this part of Dublin and the needs of existing residents should be considered.
- There is a requirement for resident owned housing in this area.
- No parking or even set down area is provided for support staff and there is no on-street parking in the area.
- No details are provided on security/ concierge facilities on site.
- Need for site security during the construction phase of this development.
- No details on what the facility will be used for outside of the academic year.
- Support for residential accommodation, subject to an appropriate height, scale and density of development.
- The proposed development will be overbearing on Prussia Street and have a negative impact on the skyline in the area.
- Negative impact on the character of the area through the proposed design – particular reference to the scale of the building when viewed from Prussia Street.
- Potential for overlooking leading to a loss of privacy.
- Potential for overshadowing leading to a loss of daylight/ sunlight.
- Reference made to negative impacts from shadowing to specific units/ windows on adjoining residential units.
- Direct reference to existing properties will suffer from a loss of daylight/ sunlight.
- The ‘closing of a gap’ through the proposed building layout/ design would result in the loss of daylight to the amenity space of existing residential units in the area.
- Concern about the impact on traffic and increased footfall in the area.
- Concern about nuisance and anti-social behaviour arising from the proposed development.
- Potential nuisance from noise and disruption associated with the proposed development.
- Impact on residential amenity during the construction phase of the proposed development.
- Need for a detailed demolition and construction management plan.

- Need for the cost of property surveys of adjoining/ existing properties to be met by the developer.
- Request that no work commences on site before 8 am.
- Concern about access to existing services such as drainage as a result of this development.
- Requirement for a full survey to determine the location of underground services in the area.
- Concern that the building design may cause a waste nuisance in the area through accumulation of waste to the side of the building and which in turn may attract vermin to the area.
- The proposed development does not increase the range of services and community facilities available in the area. No benefit to the local community from this development.
- Impact on children who attend a facility in Stanley Court.
- Student letting should be in accordance with the term time of the students.
- Recommend specific conditions in relation to asbestos which may or may not be found on this site.
- Concern about the policing of refuse and delivery vehicles to/from the site.
- Lack of consultation between the developers and the existing residents in the area.
- Concern about anti-social behaviour in the area.

## 5.0 Planning History

There are no recent, relevant, valid applications on this site. The Planning Authority report provides a detailed site history, and these relate primarily to alterations/ extensions to the warehouse/ light industrial uses on site.

The applicant has provided details on similar developments permitted in the area and I note the following:

- ABP Ref. 309657-21 refers to a June 2021 decision to grant permission for an SHD application for the demolition of the Park Shopping Centre and nos. 42 - 45 Prussia Street, construction of 175 no. residential units (3 no. houses, 29 no. Build to Rent apartments and 584 no. student bedspaces) and associated site works.

- ABP Ref. 312102-21 refers to a May 2022 decision to grant permission for an SHD application for the demolition of industrial sheds and workshops, construction of 236 no. student bedspaces and associated site works at 29b, 30 and 31 Prussia Street, Dublin 7.

## 6.0 Policy Context

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘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 Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

**Chapter 6** of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

### 6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).

#### **Other Relevant Policy Documents include:**

- Permeability Best Practice Guide – National Transport Authority.

## 6.2. **Regional Policy**

### 6.2.1. **Regional Spatial and Economic Strategy (RSES) 2019 – 2031**

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP).

## 6.3. **Local/ County Policy**

### 6.3.1. **Dublin City Development Plan 2022 - 2028**

6.3.2. The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site.

6.3.3. The subject site is indicated on Map E of the development plan and has a single zoning objective - Z4 – 'Key Urban Villages/ Urban Villages', with a stated objective 'To provide for and improve mixed-services facilities.' The following description of the Z4 zoning is provided:

'Key Urban Villages and Urban Villages (formerly District Centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial,

cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city.

Key Urban Villages form the top tier of centre outside the city centre. They typically have retail outlets of a greater size selling convenience and comparison goods or provide services of a higher order. The catchment area generally extends spatially to a greater extent than that of Urban Villages and Neighbourhood Centres (see Chapter 7: The City Centre, Urban Villages and Retail, and Appendix 2: Retail Strategy for further detail). Urban Villages zoned Z4 are typically smaller in scale and provide a more localised role for the daily shopping needs and local services of a residential community.

A symbol and reference number identifies the designated Key Urban Villages on the Dublin City Development Plan 2022–2028 zoning maps and they are also identified on Map K. These centres have, or will in the future have, the capacity to deliver on a comprehensive range of integrated services along with residential development.'

I note that the site is not included in the list of 12 'Key Urban Villages'. The following is also noted:

'General principles with regard to development in Key Urban Villages/Urban Villages are set out below. Proposals for development within these areas should be in accordance with these principles in addition to complying with the land-use zoning:

- Mixed-Use: Promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities.
- Density: Ensure the establishment of higher density development capable of sustaining quality public transport systems and supporting local services and activities. Encourage the development/redevelopment of under-utilised sites and intensification of underutilised areas such as surface parking. Opportunity should be taken to use the levels above ground level for additional commercial/retail/services or residential use.
- Transport: Ensure provision is made for quality public transport systems. Provide improved access to these systems and incorporate travel plans, which prioritise the primacy of pedestrian and cyclist movement and address the issue of parking

facilities and parking overflow. Ensure that enhanced connectivity and permeability is promoted.

- **Commercial/Retail:** Promote the creation of a vibrant retail and commercial core with animated streetscapes. A diversity of uses should be promoted to maintain vitality throughout the day and evening.
- **Community and Social Services:** Encourage these centres to become the focal point for the integrated delivery of community and social services.
- **Employment:** Encourage the provision of employment uses incorporating office, work hub, live-work units, professional and financial services, and the creation of small start-up units.
- **Built Environment:** Ensure the creation of high-quality, mixed-use urban districts with a high-quality public realm, distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly, accessible public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area.'

Permissible uses include 'café/ tearoom, childcare facility, civic office, cultural/ recreational building and uses, hostel (tourist), hotel, mobility hub, residential'. In the section 'Open for Consideration Uses' included are 'Build to Rent Residential and Student Accommodation'.

6.3.4. The site is also partially located within a conservation area – Prussia Street. Details provided in Chapter 11 in relation to Architectural Conservation Areas. It is also within an area designated for 'Record of Monuments and Places (RMP) as Established under Section 12 of the National Monuments (Amendment) Act 1994'. RPS No. 288 refers to the 'Church of the Holy Family' and RPS No. 6874 refers to the 'Former City Arms Hotel, including entrance steps, railings, entrance gates, piers and stone features' and which is located to the north of the subject site. RPS No. 6875 and 6876 refer to nos. 66 and 67 Prussia Street described as houses.

6.3.5. The policy chapters, especially Chapter 5 – Quality Housing and Sustainable Neighbourhoods and Chapter 15 – Development Standards should be consulted to inform any proposed residential development.

6.3.6. Policy QHSN45 states ‘Third-Level Student Accommodation To support the provision of high-quality, professionally managed and purpose-built third-level student accommodation in line with the provisions of the National Student Accommodation Strategy (2017), on campuses or in appropriate locations close to the main campus or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the ‘Guidelines for Student Accommodation’ contained in the development standards chapter. There will be a presumption against allowing any student accommodation development to be converted to any other use during term time.’ Standards for student accommodation are provided in Section 15.13 of the development plan.

#### 6.4. **Natural Heritage Designations**

The Royal Canal, which is located approximately 1.3 km to the north of the subject site, is designated as a pNHA, site code 002103 refers.

### 7.0 **The Appeal**

7.1. **First Party Appeal:** The appeal is against conditions 9, 10, 11a), b), c) and h) and also condition 12 c) ii as issued by Dublin City Council in their grant of permission. The following points are made, in summary, in relation to these conditions:

- 9 – Alterations to Block 1: This condition will result in a 15 – 17 reduction in the number of bedspaces. Consider that Dublin City Council have failed to have regard to the submitted Sunlight and Daylight Access Analysis Report in their assessment. Stanley Court was not raised as an area of concern in the pre-planning consultations and revisions to the scheme were not made based on potential impacts to these units. The development has been designed to ensure that issues of overbearing do not arise. The development of six storey buildings within the centre of the city is promoted and this proposal provides for such a scale of development. The condition proposes changes that will reduce the architectural quality of this development.

- The applicant has provided revised plans and elevations that address the issues raised by the Planning Authority through condition 9. Two studios to be omitted on the upper floor and one additional bedroom as part of the revisions. The revisions alter the layout of the development and increase the amount of open space available which in turn increases the available light to the adjoining properties.
- 10 – Additional communal space to meet shortfall: This condition would result in the loss of 27 bedspaces and is considered to be unwarranted and reduces the efficient redevelopment of this site. It has been demonstrated that the proposed open space areas would receive adequate daylight/ sunlight. The applicant refers to Section 15.12.1.2 of the Dublin City Development Plan and relaxation of standards for development of this nature.
- 11 a), b), c) and h) – Measures to address overlooking: Request that these conditions be omitted as they would dilute the overall architectural design that is proposed for this location. Adequate separation distances are provided and will ensure that issues of overlooking leading to a loss of privacy do not arise.
- 12 c) – Revised landscaping details: Request that this be omitted or replaced with a landscaping proposal to be agreed with the Planning Authority.

The First Party appeal is supported with 'Verified Photomontages', an 'Addendum Sunlight and Daylight Access Analysis' and photographs in addition to revised layout plans, elevations and landscaping details.

**7.2. Third Party Appeal – Paul Browne:** The following points are made, opposing the proposed development:

- The development is oversized and will have a negative impact on existing residential amenity space.
- Loss of light to existing property.
- Uncertainty over the grant of permission/ conditions provided by Dublin City Council, and what their impact will be.
- The scale, bulk and height of the development is considered to be excessive, particularly on existing residential property in the vicinity.

Photographs have been provided in support of the third-party appeal.

### 7.3. **Observations**

Four observations were received with the following comments made in summary:

- Support made for the redevelopment of this site.
- Support for the conditions provided by Dublin City Council to protect the amenity of Stanley Court.
- The revisions proposed by the applicant do not address the issues of concern raised by Dublin City Council/ revised by way of conditions.
- Any redesign should ensure that there is a successful architectural solution provided.
- Concern about the building design and potential for noise nuisance.
- Potential for nuisance during the construction phase of this development.
- Concern about impact on air quality with particular reference to the potential for asbestos to be on site.
- Concern about the potential installation of CCTV cameras and impact on privacy.
- The development would be overbearing and give rise to a loss of outlook, sunlight and daylight.
- Loss of privacy through the provision of windows in the south facing elevation that overlooks existing residential properties.
- Noted that there are a number of similar developments approved in the immediate area.
- There was a lack of consultation with the local community about this development.
- There is a shortage of parking in the area to serve this development and the needs of the local community.

The St Laurence O'Toole Diocesan Trust reported that meetings took place between the applicant and the Trust, and an agreement in principle has been made in relation to the type and height of boundary to be provided. The Trust consider that the DCC conditions have addressed their concerns in relation to impact on the protected structure.

### 7.4. **First Party response to Third Party appeal:**

The following points are made:

- The proposed development has been designed to ensure that it does not negatively impact on existing residential amenity.

- The impact on existing residential amenity is to be expected in the case of development such as this within established urban areas.
- Do not consider that the DCC condition no.9 is appropriate for this development/ location.
- Refer to the submitted and revised Daylight/ Sunlight analysis and the impact on existing residential amenity is considered to be acceptable.
- The development has been revised to ensure the protection of residential amenity and to reduce any potential for overbearing.
- Considers that Stanley Court was developed without having any regard to the future development of adjoining sites such as the subject lands.
- Refers to the observation submitted by the St. Lawrence O'Toole Diocesan Trust and copies of details provided by doyle o'troithigh landscape – architecture have been included.

#### **7.5. Planning Authority Response**

- Dublin City Council Planning Department request that the decision to grant permission be upheld. A number of conditions are listed if a decision to grant permission is issued. These are standard conditions for a development of this nature/ in this location.

### **8.0 Assessment**

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Impact on the Character of the Area
- Impact on Residential Amenity
- Revised Proposal
- Transport Considerations
- Infrastructure and Flood Risk
- Other Matters

## **8.2. Principle of Development**

- 8.2.1. The Planning Authority had no objection to the proposed development of this site for student accommodation, subject to conditions, and a number of the third parties supported the development of this site. Concern was expressed about the over proliferation of such uses in the area and more specifically concern about the impact of the development on existing residential amenity.
- 8.2.2. I consider that the site is suitably zoned for student accommodation, located in an area with a demand for such accommodation and with suitable services. There is direct access from Prussia Street to the Technological University Dublin (TUD) Grangegorman campus.
- 8.2.3. The subject lands can be considered a brownfield site and therefore suitable for redevelopment particularly of a residential nature such as this. This part of the north city is undergoing a transition at present with the ongoing development of TUD and the reuse/ densification of lands in the area. Light industrial/ warehousing uses have been replaced with residential/ student accommodation which in turn has created a demand for supporting uses in the adjoining areas. Aerial images show the Prussia Street/ Aughrim Street areas are flanked by relatively high-density housing in Oxmanstown/ Stoneybatter to the west and the TUD campus with extensive open space to the east. Areas in between provide potential for redevelopment of the nature proposed. I do not consider that this development would give rise to over proliferation of student accommodation in the area, residential use will remain the dominant land use here.
- 8.2.4. I consider that the redevelopment of this site for use as student accommodation to be acceptable in principle in terms of the zoning that applies to these lands. The proposed use will complement existing land uses and will continue the ongoing redevelopment of this area.

## **8.3. Impact on the Character of the Area**

- 8.3.1. Concern was expressed about the scale of development and the impact it would have on the character of this section of Prussia Street and adjoining area. The scale and height in particular were raised as issues of concern. The Planning Authority did not raise any particular issues of concern; modifications proposed by way of condition relate to impact on residential amenity more so than on the proposed development design.

- 8.3.2. The proposal is for a student accommodation development located within two blocks up to five storeys in height. The existing warehousing/ light industrial units will be demolished and cleared from the site. Block 1 fronts onto Prussia Street and provides for a four-storey building with a setback fifth floor. On the ground floor and facing onto the street is a café with a stated floor area of approximately 55.4 sq m. This is welcomed as it will ensure that there is active street frontage here and is an improvement over the current situation with fencing/ gates to the site yard.
- 8.3.3. Block 2 is four storeys and a setback fifth floor. A small section of this Block 2 is set down below ground level with this basement area providing for study room, amenity rooms, gym and a courtyard area as well as ancillary plant rooms. The ground floor provides for a students' lounge, staff space, concierge space and bin storage areas. Block 2 is located behind the existing 56 to 59 Prussia Street and does not address the street.
- 8.3.4. The two blocks are to be finished in brick with the set back upper floor to be finished in selected standing seam metal cladding. A stone finish is proposed for the ground floor east and side elevations to the café on Block 1. Any final decision on finishes such as brick type/ colour would be more appropriately dealt by condition to be agreed with the Planning Authority.
- 8.3.5. As I have reported already, this area is undergoing a transition and in accordance with national policy, a more efficient use of land on this site results in an increase in building height. I consider that the proposed design of this development will ensure a good integration with the existing form of development here. The use of setbacks in building design is usually unnecessary but, in this case, I consider it to be appropriate. From the photomontage and elevational drawings, Block 1 reads as three floors over the ground floor level, which is to be in café use. The upper fifth floor is sufficiently set back and finished in a different material to the rest of the building as to present the building as a four-storey unit when in fact it is five storeys. Adjoining buildings are three or two storeys and the proposed building, reading as a four-storey unit, does not dominate the streetscape. The mix of stone and brick also ensures good integration with the mix of brick and render used on this section of Prussia Street. The use of decorative screens, as referred to in the Architectural Report, provides interest when viewed from the street.

8.3.6. I note the Height Strategy set out in Appendix 3 of the Dublin City Development Plan 2022 – 2028. Six Storey high development is promoted within the Canals; however, the proposed development provides for five storeys. I consider this to be acceptable and will ensure integration with the existing form of development on Prussia Street and will protect the visual amenity of the area.

8.3.7. Having regard to the foregoing I consider that the proposed development is visually acceptable and will integrate with the existing character of this section of Prussia Street. In my opinion the design and indicative material types are considered to be acceptable and appropriate for this location.

#### **8.4. Impact on Residential Amenity:**

8.4.1. This part of my assessment refers to the proposed development as submitted to/ assessed by the Planning Authority. The applicant has submitted revised details and these are considered under Section 8.5 of my report.

8.4.2. Third Party appeals raised concern that the proposed development would result in a loss of existing residential amenity through overlooking, overshadowing and overbearing. Other concerns related to nuisance during the construction and operational phases of the development. The Planning Authority noted these concerns and whilst considering that the overall development was acceptable, they proposed the removal of units, increased separation distances and in the interest of future residents' amenity, required the provision of additional communal open space on site.

8.4.3. **Third Party Amenity:** Due to the nature and layout of the development/ subject site, there is potential for overlooking leading to a loss of privacy of adjoining properties. Such concerns often arise in the case of the redevelopment of brownfield sites within established urban areas. The applicant has attempted to address these issues in their appeal response. I will consider the applicant's alternative proposals later in this report.

8.4.4. As referenced above I consider the proposed height of the two blocks to be acceptable in this location. The issue of overlooking was raised in the third-party appeal and through the submitted observations. The 'Proposed Site Layout Plan' Drawing No. 23017-OMP-01-SP-DR-A-1052 provides a number of measured separation distances between the development and existing residential units on

adjoining sites. Those to the west are in excess of 21.5 m and the rear of the development faces to the front of houses on Drumalee Court, to the north there are separation distances of at least 24 m between the upper levels of the proposed development and existing units. The provision of a 'terrace' of studios to the north of the site, creates a courtyard effect for Block 2 whilst ensuring the protection of residential amenity. To the south there are a number of different lengths of separation distance proposed depending on what the development faces. The key issue here is that there is no direct overlooking and I note that the applicant has engaged with the St Lawrence O'Toole Diocesan Trust regarding the potential impact on the Church of the Holy Family. In relation to impact on the third-party appellant, I am satisfied that the development will not give rise to direct overlooking of this property. Additional measures such as screening and/ or deflected windows could be conditioned to provide for an increase in perceived privacy.

8.4.5. In terms of overbearing, the primary impact from the development is on Stanley Court/ where the appellant lives. The design of Stanley Court is somewhat unusual and does not appear to have been designed with regard to the potential development of adjoining sites. The proposed development as it relates to Stanley Court is located to its north and north west. In my view any development on the subject site of over two storeys would create a sense of overbearing on Stanley Court.

8.4.6. The applicant engaged consultants to prepare a 'Sunlight and Daylight Access Analysis'. This assessment has considered the potential impact of the development on the adjoining sites. Full regard is had to the BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209, 2022) and the applicant has undertaken a number of appropriate assessments.

8.4.7. Annual Probable Sunlight Hours result details are provided in Table 2.1 of the applicant's report. The following with a moderate/ Major Impact is noted:

Location	Window/ Zone	Annual	Winter	Change greater than 4% over the year
Drumalee Court	9	0.68	0.50	Yes – Moderate Impact
Drumalee Court	31	0.86	0.28	Yes – Major Impact but will continue to receive more than 25% APSH
57 Prussia Street	46	0.66	0.45	Yes – Major Impact but will continue to receive more than 25% APSH. Tested window is a bathroom

57 Prussia Street	47	0.65	0.31	Yes – Major Impact but will continue to receive more than 25% APSH
58 Prussia Street	49	0.73	0.19	Yes – Major Impact but will continue to receive more than 25% APSH. Tested window is a bathroom
59 Prussia Street	52	0.77	0.00	Yes – Major Impact. Reduction over the year is minor, but the APSH change is assessed as ‘Major’.
59 Prussia Street	53	0.84	0.07	Yes – Major Impact but will continue to receive more than 25% APSH.
59 Prussia Street	54	0.72	0.01	Yes – Major Impact but will continue to receive more than 25% APSH. Tested window is a bathroom
59 Prussia Street	55	0.37	0.06	Yes – Major Impact but will continue to receive more than 25% APSH.
59 Prussia Street	56	0.40	0.12	Yes – Major Impact but will continue to receive more than 25% APSH.
59 Prussia Street	57	0.49	0.05	Yes – Major Impact but will continue to receive more than 25% APSH.
59 Prussia Street	58	0.52	0.09	Yes – Major Impact but will continue to receive more than 25% APSH. Tested window is a bathroom

I note that the assessment found no issues in relation to the units on Stanley Court.

8.4.8. The applicant’s assessment considered the impact of the development on existing gardens/ amenity areas and lands to the north and west were assessed. The assessment concluded that all spaces would receive at least two hours sunlight for half the area of the open space on the 21<sup>st</sup> of March. The next assessment was to ascertain the impact of the development on daylight access to adjoining properties through assessment of the Vertical Sky Component; full details are provided in Table 3.1 of the applicant’s report. The VSC should be above/ or equal to 27% or if this falls to less than 27%, the decrease should not be more than 80% of its former value. The following are noted:

Location	Window/ Zone	Existing	Proposed	Change	Comment
59 Prussia Street	55 - GF	31.4%	9.22%	0.29	Impact is Major
59 Prussia Street	56 - GF	32%	12.34%	0.39	Impact is Major
59 Prussia Street	57 – 1st	34.13%	12.09%	0.35	Impact is Major
59 Prussia Street	58 – 1st	34.62%	15.14%	0.44	Impact is Major

62-63 Prussia Street	62 - GF	10.62%	3.25%	0.31	Impact is Major
62-63 Prussia Street	77 - GF	14.45%	7.02%	0.49	Impact is Major

The impact on no. 59 Prussia Street is significant, though it is not clear if this unit is in residential or commercial use. In the case of windows 62/ 77 in 62 – 63 Prussia Street, these are ground floor units and already receive poor levels of daylight.

8.4.9. A 'Shadow Study' included with the 'Sunlight and Daylight Access Analysis' was undertaken for March, June and December for appropriate times of the day.

Considering the existing urbanised character of the area and levels of site coverage, the predicted level of shadowing is as expected for a development of this nature.

8.4.10. The Third-Party appeal is noted. They are located to the north west of the Stanley Court development at first floor level – window 63 as per the submitted 'Sunlight and Daylight Access Analysis'. In terms of APSH, the window will receive 52.21% APSH (summer is 35.82% and winter is 16.39%) which is in excess of minimum targets and the VSC will reduce from 27.23% to 25.96%, which is a negligible change. There will be a five-storey block to their west, but any building over a single storey would have a similar impact on them in my opinion. This issue of overbearing is due to the design of their property with no real set back from the adjoining boundary and the location of the development in a developing urban area. It has been found that this unit will continue to receive good daylight and sunlight comparable to the existing situation.

8.4.11. I note the comments made in the observations and there is no doubt that some of the units in Stanley Court will have some form of overbearing and loss of daylight. The unit that includes window no. 62 will experience from reduced daylight and sunlight, however this unit currently receives very little of these and the north facing orientation of this window in a tight confined ground floor site is the key issue here.

8.4.12. Concerns regarding impact through noise and nuisance are noted. The layout of the development has been carefully considered to provide for suitable open space for future occupants and also to ensure that neighbouring privacy is protected. It is expected that the studio units would be used by post-graduates and combined with

on-site management, the potential for nuisance generated from the site would be much reduced. I am satisfied that the development will not give rise to unacceptable levels of noise that would be out of the norm for a development in such an urban location.

- 8.4.13. **Residential Standards:** The proposed development of student accommodation is not bound by the requirements of the Apartment Guidelines, so issues of room sizes, amenity spaces etc. do not apply. 373 bedspaces are proposed, and this is equivalent to 166 units. The units are either in the form of studios which are self-sufficient with own shower and cooking facilities or are apartments with shared kitchen/ living/ dining spaces in which case they are either 4, 5- or 6-bedroom apartments.
- 8.4.14. There is no requirement for student accommodation to have dedicated individual private amenity space, generally such units are served by communal open space. The proposed development provides for three 'garden areas' and these are located to the north of Block 2 – approximately 388.4 sq m, towards the centre of the site – approximately 750.6 sq m and south of Block 1 – approximately 309.4 sq m. In addition, the site provides for an entrance plaza of approximately 327.3 sq m, however I would consider this to be an access area that may see use by motorised vehicles and certainly will be used by cyclists who will be accessing the adjacent bicycle parking areas. A relatively large area of green space is provided to the west of the site but this functions as a buffer between the development and the existing houses to the west in Drumalee Court as well as ensuring no development over the wayleave here. This area will not be accessible by residents of the development.
- 8.4.15. I am satisfied that adequate communal open space is provided, and which demonstrates compliance with Table 15-8 'Communal Requirements for Student Accommodation Clusters' in the Dublin City Development Plan. In addition to the amenity space on site, access is easily available to the open space/ amenity lands associated with the Grangegorman Campus and which all members of the public have access to during daylight hours.
- 8.4.16. Having reviewed the analysis undertaken, I am satisfied that the majority of the units receive good daylight and sunlight as per the 'Sunlight and Daylight Access Analysis' provided in support of the application.

8.4.17. Conclusion on Residential Amenity: The concerns raised in the first party appeal are noted as are those in the observations with respect to impact on residential amenity. I am satisfied that the development provides for a good opportunity for the redevelopment of this site and also ensures that future residents will be provided with good amenity. The development would not detract from the residential amenity of existing adjoining/ adjacent properties to such an extent as to warrant a reason for refusal.

## 8.5. Revised Proposal

8.5.1. The applicant has appealed a number of the conditions provided by the Planning Authority and has considered them to be unnecessary and that regard has not been had to the supporting documentation. In support of the first party appeal, revised plans, elevations and details have been provided in an attempt to address concerns of the Planning Authority and revisions to be undertaken by way of condition. The revisions relate primarily to Block 1 and how it interacts with adjoining development.

8.5.2. I note the revised details and in summary the revisions result in the following to Block 1:

- a) The provision of a courtyard area to the north of the Stanley Court courtyard and which has a depth of 3 m. This allows for more light to penetrate Stanley Court and reduces the level of overbearing.
- b) Removal of two studios (04.01 and 04.02) and removal of cores from this area, all on the fifth storey.
- c) Provision of opaque/ high level windows (1.8 m above floor level) to provide for a sense of scale when viewed from Stanley Court.
- d) Revisions to the external treatment from red to a pale brick. This will maximise the amount of reflected light here.
- e) Removal of two bedrooms per floor, and revisions to the layout of two kitchen dining areas per floor, to increase the amount of light and separation distance between the proposed block and Stanley Court. Revisions to the window layout here allow for greater screening.

The above revisions provide an alternative to condition 9 a) and b) as issued by the Planning Authority. I consider these to be an improvement over the submitted proposal,

the applicant has managed to reduce the number of units by 13 whilst ensuring improvements to the amenity of the residents of Stanley Court. The revisions to the upper floor will remove the need for the setback when viewed further north along Prussia Street and will provide for a more integrated/ simple design at street level. The revisions result in the front of Block 1 being four storeys and which integrates with the existing three and four storeys along Prussia Street, though as already reported, I have no objection to five storeys here.

- 8.5.3. In response to Condition no. 10 (provision of additional communal space) the applicant provides a justification for the proposed amenity space and considers that they are compliant. The removal of 13 units increases the amount of amenity space per unit from 5.5 sq m to 5.7 sq m per unit. I note this response and I consider that the provision of amenity space to be acceptable. The combined internal and external amenity space adds up to approximately 2,062 sq m and which is acceptable for a development of this nature.
- 8.5.4. Condition 11 sought revisions to proposed elevations. In response to 11 a), a bedroom has been removed and the adjoining kitchen/ dining area revised. The perpendicular separation distance here increases from 5.7 m to 6.3 m. I consider it appropriate to provide angled/ deflected windows here to improve the privacy of the existing units; these can be easily provided and provide for a greater sense of protection of residential amenity. This would be preferable to the provision of vertical louvres in this location, which don't always provide for an acceptable level of screening and may be visually obtrusive. In relation to 11 b) and 11 c) I am satisfied that the separation distance here is acceptable. Providing deflected/ angled windows here would not be appropriate. Condition 11 d), e), f) and g) are acceptable to the applicant, and I have no objection to them. Condition 11 h) is not necessary as the faces onto a treelined area and open space located to the front of the Church grounds.
- 8.5.5. Conclusion on the Revised Proposal: I note the submitted details made in response to the conditions issued by Dublin City Council and I generally agree with the proposed revisions made and which will ensure that the maximum number of units proposed can be retained in this development. The revisions will result in the loss of 13 units and the provision of 360 bedspaces (105 in Block 1 and 255 in Block 2) in the form of 121 studios and 239 apartment bedrooms. In addition, there will be relatively minor revisions to the elevational treatment of Block 1. I consider it appropriate to make an

alteration to the design to allow for a greater level of privacy for the residents of Stanley Court. An 'Addendum Sunlight and Daylight Access Analysis' is provided in support of the First Party Appeal and no new issues of concern are raised with a number of units demonstrating improvements but those with existing poor quality of daylight/ sunlight will continue to experience such effects.

8.5.6. Whilst I am generally satisfied with the development as submitted to the Planning Authority, I consider that the revisions proposed by the applicant in their appeal would provide for improved residential amenity for existing/ adjoining residents. The modest reduction in unit numbers would also benefit future residents through an improved unit to amenity space ratio. Having regard to the foregoing, I consider that the revisions are acceptable, and it is appropriate that they be conditioned, subject to minor revisions, in the event that permission be granted for this development.

## **8.6. Transport Considerations**

8.6.1. No car parking is proposed on site to serve this development and a total of 452 bicycle parking spaces is to be provided to serve the needs of residents, visitors and employees. In support of the application, the applicant has provided a DMURS Compliance Statement, a Mobility Management Plan and a Road Safety Audit. Dublin City Council report that the site is located within Area 1 (Map J) of the Dublin City Development Plan 2022 – 2028 and is in an area with zero car parking provision permitted. Dublin City Council have provided conditions in relation to bicycle parking, a mobility management plan and also ensure that the development does not impact on proposed road improvements associated with the Blanchardstown to City Centre Core Bus Corridor. Concern was expressed in the observations on the appeal in relation to the lack of car parking on site/ in the area.

8.6.2. The subject site is located within walking distance of the Grangegorman campus of TUD and Prussia Street is served by a number of Dublin Bus routes including the 39A which provides for a 24-hour service between Ongar, Blanchardstown, the City Centre and UCD. Additional public transport through the 46A bus route along the North Circular Road, 220 m to the north, and the Luas Green Line at Grangegorman approximately 700 m to the east are available and the site is within walking distance of the City Centre.

- 8.6.3. The site is located within Zone 1, Map J of the Dublin City Development Plan 2022 – 2028 and as per Table 2: 'Maximum Car Parking Standards for Various Land Uses' a zero-car parking provision is acceptable in such areas. I am satisfied that this is appropriate considering the nature of development and its location. It will be clear to residents the site does not have any car parking and that on-street parking in the area will be difficult to find. A detailed Mobility Management Plan should be conditioned to ensure that details of how arrivals/ departures will be managed as well as other relevant information will be provided. I note this issue and I consider it appropriate that at least one set down space be provided on site, to the north of Block 1.
- 8.6.4. Prussia Street is located on the Blanchardstown to City Centre Core Bus Corridor (CBC), which was approved by the Board in June 2024. Revisions to the road layout as part of Bus Connects in conjunction with the Bus Network Review will provide for an improved public transport offering in the area, even though I emphasise that the existing service capacity and frequency is very good. The works associated with the CBC will ensure improved cycle and pedestrian provision and will encourage a greater use of active travel.
- 8.6.5. Conclusion on Transport Considerations: The development is dependent on active travel and sustainable forms of transport and in general I have no objection to this as the area is accessible and is well served with public transport.

## **8.7. Infrastructure and Flood Risk**

- 8.7.1. Water supply and foul drainage: Uisce Éireann have reported no objection in principle to the proposed development subject to conditions relating to a Connection Agreements with Uisce Éireann for water supply/ foul drainage, and the development to be carried out in accordance with Uisce Éireann's Standard Details and Codes of Practice. I note that the Confirmation of Feasibility issued by Uisce Éireann in February 2023, reported that connections to public services were feasible without the need for infrastructure upgrades. Full details of service provision are provided in the applicant's 'Engineering Report' and which reports that there are existing services available in the area.
- 8.7.2. Surface Water Drainage: Dublin City Council Drainage Division reported no objection to this development subject to conditions. I note that they request that a detailed

ground movement/ stability assessment be conditioned prior to the commencement of development and which is to include details on groundwater monitoring. Existing services on site to be identified and a separate foul/ surface water drainage system is to be provided. I also note that the proposed development makes provision for an existing wayleave for an existing public sewer to the western side of the site, and Dublin City Council have sought a three-metre separation between this sewer and any adjoining buildings as well as a formal wayleave to be provided. All other requested conditions are standard for a development of this nature.

8.7.3. Flood Risk: JBA Consulting, who have been employed by the applicant, have prepared a Flood Risk Assessment and which is dated February 2024. The River Liffey is located approximately 930 m to the south of the subject site and there are no watercourses on or adjacent to the site. Bedrock is Calp and is described as dark grey to black limestone and shale with the subsoil consisting of made ground. Groundwater Vulnerability is low, and the permeability of the subsoil is classed as low.

8.7.4. There is no historical record of flooding in this area. The Eastern CFRAM flood maps indicate that the site is at low risk of flooding from fluvial and coastal sources. The following sources of flooding were considered by the applicant:

- Fluvial: Is outside of any flood extents and CFRAM mapping considers the site to have a low probability of fluvial flooding.
- Pluvial: This is identified as the primary risk of flooding to the site, however there are no historical instances of such flooding here and the site lies approximately 10 m higher in elevation than areas affected by past surface water flooding. Further consideration is given to this in Section 4 – ‘Flood Risk Assessment’ of the applicant’s report. Consideration of flow paths is provided, and pooling is unlikely on site, and overland flow from adjoining lands is unlikely due to the location of buildings and boundary walls. Details of various SuDS measures such as green/ blue roofs are provided that will ensure that surface water is addressed on site, and which will be designed in accordance with the GDSDS and specific requirements of Dublin City Council. Details of finished floor levels are provided in Section 4.3 and there is a proposed freeboard of 150 mm between the finished floor level and hardstanding ground. Infiltration basins can store 100-year rainfall events and

ensure that there is no risk to third party lands in the event of a failure of the stormwater system.

- Groundwater: There is a low risk of such flooding.

In conclusion the applicant reports that the site is located within Flood Zone C.

8.7.5. Conclusion on Infrastructure and Flood Risk: Having regard to the foregoing I am satisfied that the site can be adequately served with public water supply and foul drainage systems. The applicant has identified that the site is located in Flood Zone C and would not impact on third party lands. This is as expected considering the elevation of the site, the lack of watercourses in the immediate area, the nature of existing development on site and the proposed SuDS systems to be employed on site, which should be a significant improvement over the current situation. From the available information the site will not be impacted by flooding and is appropriate for the nature of development proposed.

## 8.8. Other Matters

8.8.1. **Ecological Impact Assessment (EcIA):** The applicant submitted an Ecological Impact Assessment (EcIA), dated March 2024, with the application. Details of the proposed development and site description are provided in the report. The subject lands are described as a brownfield site, mostly Built Land – BL3, but also some ED3 – Recolonising Bare Ground and WL2 - Treeline. No vegetation of conservation/ biodiversity value was found on site. No invasive species, mammals, bats or amphibians were found on site during the surveys. A Bat Fauna Impact Assessment, dated February 2024, is also provided in support of the application and the EcIA. Five bird species were noted during the surveys dated 13<sup>th</sup> September 2023, Herring Gull, flying overhead, is on the Amber Conservation List, all other birds are on the green list.

8.8.2. I am satisfied that the information provided in the EcIA is comprehensive and is acceptable. I am satisfied that the 'Zone of Influence (ZOI)' considered/ used by the applicant is appropriate to ascertain the impact of the development on the ecology of the area. The Royal Canal pNHA is located 1.2 km to the north of the subject site. Figures 11 and 12 provide location maps of the designated sites in relation to the

subject site and Ramsar and NHAs are provided on Figure 13 and pNHAs on Figure 14 of the submitted EclA.

- 8.8.3. Potential Impacts are considered on page 41 of the applicant's report and nothing of concern is raised. A list of Mitigation Measures is provided in Table 6. These are standard for a development of this nature. Consideration is also given to cumulative impacts from other development in the area and again no issues of concern are raised.
- 8.8.4. Comment on EclA and supporting reports: The submitted report and details are noted and it is my opinion that it is clear that the development will not have a negative impact on any protected habitats or species. The site does not provide a habitat for any flora or fauna of conservation/ biodiversity value. Landscaping of the redeveloped site is likely to encourage a greater level of biodiversity than is the case at present.
- 8.8.5. **Archaeology:** An Archaeological Assessment has been submitted in support of this application and which concludes that the site retains a low archaeological potential considering the level of modern disturbance and development carried out here. It is recommended that a targeted programme of pre-development archaeological test trenching take place, specifically to the northern area of the site. The Dublin City Council Executive Archaeologist recommends that conditions be included in the event that permission is granted for this development.
- 8.8.6. Conclusion on Archaeology: I note the submitted report and the comments made by Dublin City Council. I am satisfied that a suitable condition should ensure the protection of potential archaeology on site.
- 8.8.7. **Impact on Aosóg:** This organisation has lodged concerned regarding the proposed development and submitted an observation on the applicant's appeal. Concern was raised regarding loss of light through overbearing and through nuisance generated during the construction and operational phases of this development. Concern was expressed that the applicant was not aware of the presence of this organisation; to be fair to the applicant there is no indication of this use on Prussia Street.
- 8.8.8. The redevelopment of this site was/ is likely at some stage and unfortunately there would be nuisance associated with the construction phase, this is true for any development in such an urban location. I have already commented on the impact through overbearing, and this again is an unfortunate effect of urban redevelopment.

In the case of Stanley Court any adjoining development in excess of a ground floor building would have some impact. The development is located to the north and north west of Stanley Court, and sunlight/ daylight from the south and south west would not be affected by this development. Nuisance during construction can be reduced through the implementation of a suitable Construction Management Plan/ associated Construction Traffic Management Plan. Operational phase nuisance is unlikely for the reasons I have already outlined, specifically the layout and the nature of the proposed development.

8.8.9. Conclusion: I have had full regard to the issues raised in the submissions and observations from Aosóg, and I am satisfied that the level of nuisance and potential impact would not be as significant as they consider and would be expected for an urban location such as this.

## 9.0 **Appropriate Assessment (AA)**

9.1 I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared and submitted with the application on behalf of the applicant and the objective information presented in that report informs this screening determination.

## 9.2 **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information,

I conclude that that the proposed development as amended by details submitted on the 4<sup>th</sup> of June 2024 would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- Distance from European Sites
- The limited zone of influence of potential impacts, weak and indirect hydrological connections to designated European sites,

Full details of my assessment are provided in Appendix 1 attached to this report.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## 10.0 Environmental Impact Assessment (EIA) Screening

- 10.1 Form 1 - EIA Pre-Screening is provided in Appendix 2 of my report and Form 3 – EIA Screening Determination is provided in Appendix 3.
- 10.2 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development)(Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish Planning Law.
- 10.3 **Submitted EIAR Screening Assessment:** The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, including Schedule 7 details, and which has been prepared by HWP with the report dated March 2024, and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 0.58 hectares and the number of units (233 standard rooms).
- 10.4 Section 2.3 provides details on 'Environmental Sensitivities' as follows:
- Landscape: No specific impact though the development will provide for two blocks up to six stories in height.
  - Amenity: Potential for loss of residential amenity through overlooking and overshadowing. Details provided to address such concerns.
  - Biodiversity & European Sites: No significant effects on Natura 2000 sites and no in-combination effects are foreseen.
  - Traffic Impact: Potential for traffic congestion and/ or public safety however the significance is low considering that no car parking spaces are provided here.
  - Flood Risk: Site is in Flood Zone C and is not at risk from tidal or pluvial flooding.
  - Air Quality: Potential impacts during the demolition phase but this can be addressed through the implementation of a Construction Management Plan. No significant issues during the operational phase.
  - Noise: Addressed through the implementation of a Construction Management Plan.

- Heritage: Potential for impact is expected to be low.
- Soil: Potential for soil to become polluted by spillage and compacted during the construction phase. No impacts during the operational phase.

Cumulative impacts are considered under Section 2.3.10. and it is reported that no significant, direct, indirect or cumulative impacts will arise. Section 2.4 provides a 'Description of Aspects of the Environment likely to be affected by the project'. Section 03 provides details on the 'Assessment of EIA Requirement' – Schedule 5 Criteria and 'Schedule 7 Screening' is provided in Section 04.

10.5 The Planning Authority report that the site is located in an urban area and there is an absence of significant environmental sensitivities in the area. Having regard to the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and a mandatory EIAR would not be required.

10.6 **EIA Screening Assessment:** Item 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 EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

10.7 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

10.8 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the

environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

- 10.9 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. I note the report of Dublin City Council.
- 10.10 The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the regs. 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. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.
- 10.11 I have completed an EIA Screening Determination as set out in Appendix 3 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. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.
- 10.12 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not

required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

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

## **11.0 Recommendation**

Having regard to the above assessment, I recommend that permission is GRANTED for the Large-Scale Residential Development (LRD) at the former IDA Centre, Prussia Street, Dublin 7, as revised by the applicant through their appeal details submitted on the 4<sup>th</sup> of June 2024, with further revisions outlined in the conditions attached to the grant of permission, for the reasons and considerations as follows.

## **12.0 Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022 - 2028, and the zoning for residential purposes, to the location of the site in an established urban area and to the nature, form, scale, and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area.

The proposed development will ensure that the setting and character of this section of Prussia Street is protected into the future, will provide for the comprehensive development of this brownfield site, and will provide for much needed student accommodation in accordance with the provisions of the Dublin City Development Plan 2022 – 2028. The development provides for adequate bicycle parking, communal open/ interior amenity space and provides for a suitable frontage onto Prussia Street including a café with appropriate active frontage.

The submitted development has full regard to the protection of existing residential amenity and the revisions proposed in the applicants appeal of conditions will further ensure that residential privacy and amenity is suitably protected. It is considered that the revisions to the development are appropriate and provide for a greater level of protection of residential amenity with specific reference to privacy and reduced potential of overbearing. A consequence of the revisions is a reduction of 13 bedspaces/ units and a subsequent increase in the ratio of amenity space to units, which is a clear benefit to future residents of this scheme.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Recommended Draft Order

Application for permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars lodged with Dublin City Council on the 15<sup>th</sup> of March 2024, and appealed to An Bord Pleanála on the 4<sup>th</sup> of June 2024.

Proposed Development:

- The demolition of existing warehouse and light industrial buildings on site.
- The provision of 360 student bedspaces in the form of 121 studios and 239 apartment bedspaces, in accordance with the revisions submitted on the 4<sup>th</sup> of June 2024.
- The student units are supported with cultural and community space, co-working space with ancillary café.
- Bicycle parking and all associated site works.

### Decision:

Grant permission for the above proposed development as revised by the details submitted on the 4<sup>th</sup> of June 2024 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.

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

- (i) the provisions and policies of the Dublin City Development Plan 2022 - 2028,
- (ii) The zoning objective 'Z4 – Z4 – 'Key Urban Villages/ Urban Villages', with a stated objective 'To provide for and improve mixed-services facilities.'

(iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,

(v) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

(vi) the availability in the area of a wide range of social, community and transport infrastructure necessary to serve this development,

(vii) to the pattern of existing and permitted development in the area, and

(viii) Submission and Observations received, and

(ix) the Inspectors Report

it is considered that, subject to compliance with the conditions set out below, the development as revised by the details submitted on the 4<sup>th</sup> of June 2024 would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would ensure the appropriate redevelopment of a brownfield site for student accommodation in an area with demand for such accommodation, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety and convenience. The development as revised would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment (AA):**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the development as revised by the details submitted on the 4<sup>th</sup> of June 2024, on serviced lands, the nature of the receiving environment which comprises a site in an established 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 documentation and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and 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 any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment (EIA):**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development as revised, which is substantially below the thresholds in respect of Paragraphs 10 (b) (i) and (iv) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 as amended,
- (b) the existing use of the site and the pattern of development in the vicinity,
- (c) the availability of public water and foul services to serve the proposed development,
- (d) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001, as amended and the content of the applicant's EIA Screening Report, and,
- (e) the measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, the proposed development as revised would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual

amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of student accommodation in an area with demand for such accommodation.

The Board considered that the proposed development, revised by the details submitted on the 4<sup>th</sup> of June 2024, is compliant with the current Dublin City Development Plan 2022 - 2028, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and revised by the details submitted on the 4<sup>th</sup> of June 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The proposed development shall be amended as follows:

- a) The alterations proposed by the applicant, and received on the 4<sup>th</sup> of June 2024, in response to Condition 9A, 9B, shall be carried out in full. This will reduce the number of proposed bedspaces by 13, therefore providing for 360 bedspaces.
- b) The revised window serving the living space adjacent to Stanley Court, proposed in response to Condition 11a) shall be revised to be a deflected/ angled window facing south west.

- c) The northern gable corridor ope serving unit 03.01 (2A) shall be fitted with opaque glazing to at least 1.8m above finished floor level.
- d) Any opes shown as high-level windows shall be set at least 1.8 m above finished floor level.
- e) The secondary southern gable ope to the dual-aspect K/L/D serving Apt 02.01(2B) shall be fitted with opaque glazing to at least 1.8 m above finished floor level.
- f) The glazing to the side ope to the projecting bay serving the dual K/L/D space of Apt 02.01 (2B) on levels 01 to 04 shall be fitted with opaque glazing to at least 1.8 m above finished floor level.

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

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

3. The proposed development shall be used only as student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute, or tourist/ visitor accommodation only during academic holiday periods. The tourist/ visitor accommodation shall only be occupied for short-term letting periods of no more than two months and shall not be used as independent and separate self-contained permanent residential units.

**Reason:** To clarify the scope of the Permission, in the interests of amenity and the proper planning and development of the area.

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

shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, aparthotel or similar use without a prior grant of permission.

b) The terrace student studio units shall not be amalgamated or combined.

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

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

6. The applicant shall provide an updated Basement Impact Assessment with full details on groundwater management for the written agreement of the Planning Authority.

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

7. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

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

8. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the cafe unless authorised by a further grant of planning permission.

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

9. The trading hours of the cafe shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interest of clarity and residential amenity.

10. The Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Screening Report and the Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

11. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application as revised, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

12. The development shall comply with the following:

a) Prior to commencement of development, the applicant shall liaise with and seek written approval from the National Transport Authority (NTA) to ensure that the proposed development and phasing of works comply with the requirements of the Core Bus Corridor (CBC) Blanchardstown to City Centre with regard the lands required to facilitate the CBC on Prussia Street.

b) The applicant shall submit to the Planning Authority for written agreement, details of existing & proposed works along Prussia Street to facilitate the amended access. Details of the materials proposed in public areas is required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.

c) No part of the development shall overhang the public footpath.

- d) A minimum of one set-down only car space shall be clearly lined out in the area to the north of Block 1.
- e) A minimum of 452 no. cycle parking spaces shall be provided. Bicycle parking shall be in-situ prior of the occupation of the development. The provision of bicycle parking shall be as follows: 373 bicycle spaces for students of a mix of double stack stands and semi vertical stands including 2 universal secure spaces; 75 bicycle parking spaces for visitors of a mix of double stack and Sheffield stands; 4 bicycle parking spaces for commercial unit use of the Sheffield style design.
- f) The developer/operator shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future students and users of the development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the roll out of the plan.
- g) Prior to commencement of development, and on appointment of a demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of demolition waste. The Demolition Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport.
- h) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste. The Construction Traffic Management section of the report shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport.
- i) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation, and in the interests of traffic safety.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

14. a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure and structures recorded on the NIAH.

b) The proposed development shall be carried out in accordance with the following: i. All works within the Conservation Area and to the boundaries with the Protected

Structure and structures recorded on the NIAH shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works. iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

c) In advance of work commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Officer: i. A sample of the proposed finishes to be used on the building facing on to Prussia Street, as well as mortar joint size and colour shall be submitted for the written approval of the Conservation Officer. ii. Revised landscape drawings showing the provision of screening by way of trees and soft landscaping along the boundary with the grounds of the Church of the Holy Family.

**Reason:** In order to protect the amenity, setting and curtilage of the Protected Structure (Church of the Holy Family, Aughrim Street) and structures recorded on the NIAH (Nos. 56, 57, 58-59 Prussia Street and the Parish Office of the Church of the Holy Family, Aughrim Street), and to ensure that the proposed works are carried out in accordance with best conservation practice.

15. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground.

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

16. The road network serving the proposed development, including junction with the public road, footpaths and kerbs, shall be in accordance with the detailed construction

standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

17. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

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

18. The communal resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities. Details of the management and operation of same shall be submitted and agreed with writing with the planning authority prior to the operation of the facilities.

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

19. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

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

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

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

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

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

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

22. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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

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

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

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

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as

amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Paul O'Brien

Inspectorate

20<sup>th</sup> August 2024

## **Appendix 1: Screening for Appropriate Assessment**

### **Description of the Project:**

- 14.1 I have considered the proposed student accommodation of 360 bedspaces, as amended by details submitted on the 4<sup>th</sup> of June 2024, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by Altemar – Marine & Environmental Consultancy on behalf of the applicant and the objective information presented in that report informs this screening determination.
- 14.2 The subject site is located on the former IDA site to the western side of Prussia Street, Dublin 7. The lands contain a mix of warehousing/ office/ light industrial units and associated yard/ car parking areas. The site has an irregular shape and an area of 0.58 hectares. Adjoining lands are primarily in residential use.
- 14.3 The subject development is not within a European site. The nearest European Site is South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and is located approximately 3.9 km to the south east of the subject site. Table 1 of the applicant's report details all European sites within 15 km of the subject site.

### **Potential Impact Mechanisms from the Project**

- 14.4 The following impacts could occur because of this development:

#### **Construction Phase:**

- Uncontrolled releases of silt, sediments and/ or other pollutants to air due to earthworks on site
- Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A
- Surface water run-off containing silt, sediments and/or other pollutants into local groundwater
- Waste generation during the Construction Phase comprising soils and construction wastes
- Increased noise, dust and/or vibrations as a result of construction activity
- Increased dust and air emissions from construction traffic

- Increased lighting in the vicinity as a result of construction activity
- Increased human presence and activity as a result of construction activity.

Operational Phase:

- Surface water drainage from the Site of the Proposed Development - Effect B
- Foul water from the Proposed Development
- Increased lighting at the Site and in the vicinity emitted from the Proposed Development
- Increased human presence and activity at the Site and in the vicinity as a result of the Proposed Development.

14.5 Having regard to the above potential impacts, the following can be excluded at this stage.

- Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance and the urbanised nature of the area.
- Waste Generation during the construction phase – This will be controlled by the Construction Management Plan and the Construction & Demolition Resource Waste Management Plan and by best practice. There is no direct link that would result in an impact on designated European sites.
- Increased noise, dust, and vibrations/ and from construction vehicles – Standard construction practices will reduce any such impacts and the distance from the subject site to designated European sites will ensure that there are no impacts.
- Increased lighting (construction and operational phases) would not impact on any of the designated sites.
- Due to distance, increased human presence (construction and operational phases) would not impact on any of the designated sites.

A total of four impacts have been identified that may affect the Conservation Objectives of designated sites – labelled as Effect A to D.

**Likely significant effects on European Sites –**

14.6 As reported, Table 1 of the applicant's report lists 'All European sites within 15km', nine of these are SACs and ten are SPAs. A number of these can be excluded from further

assessment due to the lack of connection, their location, distance from the site and also due to being upstream, there is no chance of an impact arising from this development.

14.7 Indirect hydrological connections to the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), Baldoyle Bay SAC (000199), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), and North-West Irish Sea cSPA (004236) are possible through surface water run-off via the public surface water network. Consideration is given to possible impact by hydrological pathway through the existing foul drainage system with discharges from the Ringsend Wastewater Treatment Plant into designated sites, however this can be dismissed due to works to increase the capacity of Ringsend, dispersal of effluent and through the relatively small scale of this development. There is no requirement for any further consideration of the impact from foul drainage on designated European sites. No air/ land pathways to designated European sites were identified due to distance and no indirect pathways were identified. Groundwater Vulnerability is low here and due to distance from watercourses and in turn designated sites, this can be dismissed as requiring any further consideration. Affect

14.8 The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in Table 2 of the applicant's report:

<b>Table 1 – European Sites at risk of impacts of the proposed development</b>			
<b>Effect Mechanism</b>	<b>Impact Pathway/ Zone of Influence</b>	<b>European Site</b>	<b>Qualifying features at risk</b>
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 5.4 km SE	South Dublin Bay SAC (000210)	Mudflats, sandflats and Dunes
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 7 km to E	North Dublin Bay SAC (000206)	Mudflats, sandflats and Dunes
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 11.2 km to E	Baldoyle Bay SAC (000199)	Mudflats, sandflats and salt meadows.

Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 3.9 km SE	South Dublin Bay and River Tolka Estuary SPA (004024)	Seabirds and wetlands.
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 7.0 km E	North Bull Island SPA (004006)	Seabirds and wetlands.
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 9.2 km NE	North-West Irish Sea cSPA (004236)	Seabirds.

### Likely significant effects on the European sites 'alone' –

14.9 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

14.10 The following table provides the relevant information:

<b>Table 2 – Could the project undermine the Conservation Objectives 'alone'</b>			
<b>European Site and qualifying feature</b>	<b>Conservation Objective</b>	<b>Could the Conservation Objectives be undermined?</b>	
		<b>Effect A</b>	<b>Effect B</b>
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	N	N

Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
Baldoyle Bay SAC (000199)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Baldoyle Bay SAC.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.	N	N
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North Bull Island SPA (004006)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South	N	N

	Dublin Bay and River Tolka Estuary SPA.		
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North-West Irish Sea cSPA (004236)	To maintain the favourable conservation condition of identified Qis.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), Baldoyle Bay SAC (000199), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), and North-West Irish Sea cSPA (004236). Further AA screening in-combination with other plans and projects is required.

**Likely significant effects on the European sites 'in combination with other plans and projects' –**

- 14.11 Where it has been concluded that there are no likely significant effects 'alone', it is necessary to consider the proposal in combination with other plans and projects. The applicant has provided details of these in their Table no.3: Developments proximate to

subject site, though I have excluded a number of these due to the scale of development and have included an additional project.

14.12 The following table provides the relevant information:

<b>Table 3 – Plans and Projects that could act in combination with impact mechanisms of the proposed project.</b>	
Plan/ Project	Effect Mechanism
<p>Lands to the East:</p> <p><b>PA Ref. GSDZ4861/23</b> refers to a January 2024 decision to grant permission for a 10-year planning permission for development at a site within the overall Grangegorman Strategic Development Zone (SDZ) of c.28.69ha at Grangegorman, Dublin 7. The development (referred to as the 'West Quad') will consist of the construction of a 2-6 storey building over a partial basement with an overall height of c.57.525m OD and a total gross floor area of c.20,728sq.m to accommodate educational facilities including: lecture theatres; teaching learning / research rooms and spaces; IT labs; meeting rooms; an exam / conferring/events hall; viewing gallery; staff offices; communal spaces; a café and ancillary facilities and services (including toilets, service areas, bicycle stores, plant rooms etc.).</p>	<ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A.</li> <li>• Surface water drainage from the Site of the Proposed Development – Effect B.</li> </ul>
<p><b>GSDZ414 9/23</b> refers to a January 2024 decision to grant permission for a development at St. Elizabeth's Court, North Circular Road and lands to the south accessed via Grangegorman Upper and Ivy Avenue at Grangegorman, Dublin 7, all located within the Grangegorman Strategic Development Zone (SDZ). The development will consist of the demolition of a 1,000 sqm, 1-2 storey 17-bed residential mental health facility (St. Elizabeth's Court) and the construction of a 12,093 sqm, 1-4 storey over basement Residential Care Neighbourhood comprising: 3 no. 25-bed residential care households, 2 no. 10-bed dementia households, 1 no. 10-bed mental health residency including</p>	<ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A.</li> <li>• Surface water drainage from the Site of the Proposed Development – Effect B.</li> </ul>

communal living, dining and meeting rooms, catering kitchen, laundry, day care facility, physiotherapy gym, changing rooms, stores, service and plant areas, and associated administration offices; 1 no. pharmaceutical retail outlet (213 sq m); Private communal gardens and terraces, public realm areas, landscaping and boundary treatments; Access via North Circular Road and Grangegorman Upper; Basement car parking with ramped access via North Circular Road; Replacement of boundary wall and reinstatement of rear gardens to nos. 226, 228 and 230 North Circular Road; and all associated site development works. The application site includes a protected structure (RPS ref. 3281) consisting of a boundary wall along a portion of the eastern boundary. No works are proposed to this protected structure.	
<b>ABP Ref. 313892</b> refers to a June 2024 decision to grant permission for the Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme. This runs along the front of the site along Prussia Street.	<ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A.</li> <li>• Surface water drainage from the Site of the Proposed Development – Effect B.</li> </ul>

14.13 The proposed development is considered in combination with other plans and projects in the following table:

<b>Table 4 – Could the project undermine the Conservation Objectives in combination with other plans and projects?</b>			
<b>European Site and qualifying feature</b>	<b>Conservation Objective</b>	<b>Could the Conservation Objectives be undermined?</b>	
		<b>Effect A</b>	<b>Effect B</b>
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is	N	N

	defined by a list of attributes and targets.		
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
Baldoye Bay SAC (000199) Reason:	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Baldoye Bay SAC.	N	N
	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		N

South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.		
North Bull Island SPA (004006)	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.	N	N
North Bull Island SPA (004006)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.		
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka	N	N

	Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.		
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North-West Irish Sea cSPA (004236)	To maintain the favourable conservation condition of identified Qis.	N	N

14.14 I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### Overall Conclusion- Screening Determination

14.15 In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information'

I conclude that that the proposed development, as amended by details submitted on the 4<sup>th</sup> of June 2024, would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- There are no watercourses in or adjacent to the subject site.
- Dilution effect for any materials that enter the public drainage system.
- Distance from European Sites.
- The limited zone of influence of potential impacts, weak and indirect hydrological connections to designated European sites,

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix 2: Form 1 - EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319847-24			
<b>Proposed Development Summary</b>	LRD – Demolish existing warehouses and construct 360 bedspace studio accommodation in the form of studios and apartments, a café and all associated site works.			
<b>Development Address</b>	Former IDA Centre, Prussia Street, Dublin 7.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	✓		
	<b>No</b>	No further action required		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	✓		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(i) – 500 dwelling units	Sub-threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

### Appendix 3: EIA Screening Determination Form:

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>	319847-24	
<b>Development Summary</b>	Demolition of 4 warehouse units and the construction of 373 bed space student accommodation comprising 166 apartments and all associated site works.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	
<b>2. Has Schedule 7A information been submitted?</b>	Yes	
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes	AA Screening Report has been submitted.
<b>4. 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?</b>	No	
<b>5. 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</b>	Yes	Ecological Impact Assessment has been submitted.

Directives – for example SEA		
<b>B. EXAMINATION</b>	<p><b>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	<p>The development proposes the provision of student accommodation supported by a café, and ancillary services on site, replacing warehousing/ light industrial units which are to be demolished. There is existing residential development to the north, west and south of the subject site.</p>	<b>No.</b>

<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will result in the demolition of existing warehouses/ light industrial units and the construction of student accommodation on lands that are zoned for residential development.</p>	<p><b>No.</b></p>
<p><b>1.3</b> 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>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p><b>No.</b></p>
<p><b>1.4</b> 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>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in</p>	<p><b>No.</b></p>

	<p>nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a</p>	<p><b>No.</b></p>

	Waste Management Plan. Significant operational impacts are not anticipated.	
<b>1.6</b> 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?	No significant risk identified subject to the implementation of appropriate mitigation measures. The 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 within the site. No significant emissions during operation are anticipated.	<b>No.</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be	<b>No.</b>

	<p>localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</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. No significant operational impacts are anticipated.</p>	<p><b>No.</b></p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk</p>	<p><b>No.</b></p>

	<p>arising from construction will be localised and temporary in nature.</p> <p>The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>The development 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, which are characterised by residential/ mixed use development, with significant</p>	<p><b>No.</b></p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>There are other similar developments in the area which have been granted permission/ are constructed.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>		

<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) 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</li> </ul>	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening was provided in support of the application. No adverse effects are foreseen.</p>	<p><b>No.</b></p>
<p><b>2.2</b> 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 significantly affected by the project?</p>	<p>The submitted EcIA and AA Screening did not raise any issues of concern.</p> <p>The site is limited as a bat and bird habitat.</p>	<p><b>No.</b></p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>There are protected structures in the area including RPS No. 288</p> <ul style="list-style-type: none"> <li>- 'Church of the Holy Family', RPS No. 6874</li> <li>- 'Former City Arms Hotel, and RPS No. 6875 and 6876 which refer to nos. 66 and 67 Prussia Street described as houses.</li> </ul> <p>No direct impact on these.</p>	<p><b>No.</b></p>

<b>2.4</b> 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?	There are no such features that arise in this location.	<b>No.</b>
<b>2.5</b> 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?	None on site. A site-specific flood risk assessment was prepared, and no issues of concern were identified. The site is located within Flood Zone C.	<b>No.</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	<b>No.</b>
<b>2.7</b> Are there any key transport routes (e.g. 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?	The site is on Prussia Street which forms part of the Blanchardstown to City Centre Core Bus Corridor. A suitable Construction Management Plan will ensure no impact on this during the construction and operational phases.	<b>No.</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no sensitive land uses adjacent to the subject site.	<b>No.</b>

3. Any other factors that should be considered which could lead to environmental impacts		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	Some cumulative traffic impacts may arise during construction and operational stages. Construction traffic would be subject to a construction traffic management plan.	<b>No.</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	<b>No.</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No.</b>	<b>No.</b>
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) The existing use on the site and pattern of development in surrounding area,</p>		

- d) The availability of mains water and wastewater services, facilitated by a temporary wastewater treatment plant, to serve the proposed development,
- e) The location of the development outside of any sensitive,
- f) 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),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

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** \_\_\_\_\_

**Date** \_\_\_\_\_

**ADP/ DOP** \_\_\_\_\_

**Date** \_\_\_\_\_