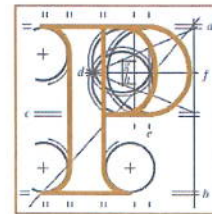


**Our Case Number:** ABP-309657-21



**An  
Bord  
Pleanála**

Neasa Hourigan TD  
Leinster House  
Kildare Street  
Dublin 2

**Date:** 30 June 2021

**Re:** Demolition of the existing 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.

Park Shopping Centre and 42-45 Prussia Street, Dublin 7.  
([www.parkshoppingcentreshd.ie](http://www.parkshoppingcentreshd.ie))

Dear Sir / Madam,

An Bord Pleanála has made a decision in respect of the above mentioned Strategic Housing Development. A copy of the Board Order and Board Direction are enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Hereunder contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

**Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended.**

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaó Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, [www.citizensinformation.ie](http://www.citizensinformation.ie).

**Disclaimer:** The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

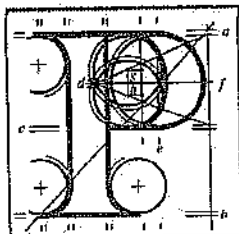
Yours faithfully,

  
Ciaran Hand  
Executive Officer  
Direct Line: 01-8737295

SHA32

Teil	Tel	(01) 858 8100
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D01 V902	D01 V902



An  
Bord  
Pleanála

## Board Order ABP-309657-21

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### Planning and Development Acts 2000 to 2020

### Planning Authority: Dublin City Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 10<sup>th</sup> day of March 2021 by The Park Shopping Centre Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin.

#### **Proposed Development comprises of the following:**

1. Demolition of the existing Park Shopping Centre and numbers 42 to 45 Prussia Street, Dublin 7 and creation of portal openings in the former boundary wall (Protected Structure).
2. Construction of a new mixed use District Centre, Student Residential Housing and Build to Rent Housing development in two number buildings, a South Building and a North Building, separated by a new pedestrian and bicycle street connecting Prussia Street with the emerging Grangegorman Strategic Development Zone campus. The buildings will range in height from three to five storeys on Prussia Street to six storeys (South building) and eight storeys (North Building) towards to Grangegorman Development Agency campus.
3. District Centre development accommodating:
  - Part licensed supermarket, 11 number retail and non-retail service units and two number licensed café or restaurant units at ground floor;

- Two number vehicular entrances from Prussia Street to provide access for deliveries and services (South entrance) and to provide access to undercroft parking and van deliveries (North entrance);
  - Standing areas for deliveries and waste collection in designated service yards (South Building) and for car parking for 111 number cars, light van deliveries and bicycle parking (North Building);
  - All associated ancillary facilities, landscaping and boundary treatments including acoustic attenuation measures where required.
4. Student residential accommodation overhead the District Centre accommodating 11 number student houses comprising 143 number apartments (including 28 number studios), with a total of 584 number bedspaces (556 number bedrooms) and associated balconies:
- The North Building student residential accommodation has reception and student amenities (concierge, café, lounge areas) at ground, mezzanine and first floor levels, with access to all levels overhead and a first floor level podium garden from which student apartments and student amenity areas (study centre, a recreation centre and laundry) are accessible; 2 no. amenity terraces with pergola structures at fourth floor.
  - The South Building student residential accommodation has ground floor level foyer with access to all levels, staff rooms, fitness centre at ground and mezzanine levels and a first floor level podium garden from which student apartments are directly accessible.
5. Build to Rent residential accommodation overhead the supermarket with lift and stair access from Prussia Street, comprising 29 number apartments with balconies (28 number two-bedroom and one number three-bedroom units) and three number two-bedroom townhouses, laundry room, lounge and games room, bicycle store, waste store and podium garden with conservatory allotments.

6. The proposed new street will connect to the Grangegorman Strategic Development Zone campus via a portal connection through a former boundary wall,
7. The development includes art display along the new street, landscaping, boundary treatments, signage, plant and substations, and all associated site works, and services all located at Park Shopping Centre and 42 to 45 Prussia Street, Dublin 7.

## **Decision**

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

## **Matters Considered**

In making its decision, the 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.



## Reasons and Considerations

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

- (a) The policies and objectives as set out in the Dublin City Development Plan 2016-2022;
- (b) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (d) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- (e) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended;
- (f) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) The provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (h) The provisions of the Retail Planning Guidelines issued by the Department of the environment, Community and Local Government in April 2012 and accompanying Retail Design Manual, a companion document to the Retail Planning Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in April 2012;
- (i) The existing function and form of development on the site;
- (j) The proximity of the site to third level institutions, a wide range of social infrastructure and to public transport services;

- (k) The nature, scale and design of the proposed development;
- (l) The pattern of existing and planned development in the surrounding area;
- (m) The planning history relating to this site and within the area;
- (n) The submissions and observations received,
- (o) The Chief Executive's Report of Dublin City Council, and
- (p) The report of the Planning Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening Statement for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, including North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and North Bull Island Special Protection Area (Site Code: 004006) or any other site.

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the developer, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned Z4 – to provide for and improve mixed services facilities in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of that plan,
- (c) The existing uses on the site and pattern of development in surrounding area,
- (d) The planning history relating to the site,
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and



- (i) The features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Demolition and Construction Waste Management Plan, Outline Construction Traffic Management Plan and the Operational Waste Management Plan.

The Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable 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 residential amenity for future occupants.

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dublin City Development Plan 2016-2022 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Dublin City Development Plan 2016-2022, it would materially contravene the plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

With regard to section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and delivers on the Government's policy to increase delivery of housing from its current under supply as set out in the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016.

With regard to section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the proposed development in terms of height is in accordance with national policy as set out in the Project Ireland 2040 National Planning Framework, specifically National Policy Objective 13 and National Policy Objective 35, and is in compliance with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, in particular Specific Planning Policy Requirement 3.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, 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 height of the southernmost section of House number 10 on the 5<sup>th</sup> floor (six number bedspace pod) shall be reduced in height by one floor.
  - (b) The proposed stand by generator shall be relocated away from the northern boundary to an alternative location within the site.

Revised plans and particulars 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 visual amenity and to protect the residential amenity of adjoining properties.

3. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first residential unit within the scheme.

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

4. Prior to expiration of the 15 year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

5. The proposed development hereby permitted with the exception of the Build to Rent units shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

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

6. The proposed development shall be implemented as follows:

- (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in a finalised Student Accommodation Management Plan which shall be submitted to and agreed in writing with the planning authority prior to first occupation of the development.
- (b) Student housing units shall not be amalgamated or combined.

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

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

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

8. Prior to first occupation of the independent ground floor commercial units, details of the exact use and opening hours of the units shall be submitted to and agreed in writing by the planning authority:

**Reason:** To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

9. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial and retail units.

**Reason:** In the interest of the amenities of the area and visual amenity.

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

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

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

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

12. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.



13. (a) Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development or installation of lighting.
- (b) External lighting shall be directed away from adjacent housing and shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

14. Prior to commencement of the development, the following details shall be submitted to and agreed in writing with the planning authority:
- (a) A revised Servicing and Operation Plan demonstrating how the service requirements of all uses will be accommodated on the site, including the location of loading and Setdown bays within the site.
- (b) A revised car park layout plan providing additional servicing set-down and loading bays within the site and provision for motorcycle parking. No Setdown area or loading bay shall be provided on Prussia Street.
- (c) The final detailed design of site accesses and junctions onto Prussia Street, including details of parking related signage on approaches to the site and within the site.
- (d) Details of any required relocation of the existing pedestrian crossing on Prussia Street.
- (e) A revised and increased level of secure cycle parking shall be accommodated on site.

**Reason:** In the interests of orderly development and to prevent obstruction of the surrounding road network.

15. Prior to the commencement of development, revised proposals for bicycle parking in accordance with Table 10 of the Traffic and Transport Assessment dated 3 March 2021 and submitted with the application shall be submitted to and agreed in writing with the planning authority. Such plans shall include the following:

- (a) Relocation of bicycle parking for Build to Rent apartments from the first floor corridor to an alternative secure and accessible location, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020.
- (b) Dedicated and secure bicycle parking for student accommodation.
- (c) Relocation of visitor bicycle parking closer to the main retail access points.
- (d) Provision on the site for secure cargo bike parking.

**Reason:** In the interests of residential amenity and to encourage use of sustainable transport modes.

16. (a) The proposed car parking layout shall be modified so that at least of two number accessible parking spaces for student accommodation and Build to Rent residential are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the Building for Everyone, A Universal Design Approach document issued by the National Disability Authority. Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

17. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Street Interim Advice Note – Covid Pandemic Response May 2020. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

18. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and or future proof the development such as would facilitate the use of electric vehicles.

19. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

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

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

- (a) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (b) Upon Completion of the development, a Stage 3 - Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

21. (a) The proposed development shall be carried out and operated in accordance with the conclusions and recommendations of the Noise Impact Assessment submitted with the application, including implementation of the identified mitigation measures.
- (b) Operational noise levels shall, in any event, not exceed 55 decibel (A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location to the south or between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 decibel (A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) No deliveries utilising the southern service access road shall be taken at or dispatched from the premises outside the hours of 0730 hours and 2000 hours Monday to Friday, or 0800 hours and 2000 hours on Saturdays, Sundays or public holidays.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

22. The site shall be landscaped 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 interests of residential and visual amenity.

23. Prior to commencement of development, the following details shall be submitted to the planning authority for written agreement:

- (a) Details of further planting and greening onto Prussia Street at ground floor level in addition to vertical greening deployed to areas of blank building facades along Prussia Street.
- (b) Landscaping and tree planting along the perimeter with Saint Joseph's Place.
- (c) Vertical greening to the southern elevation of the podium and southern block facing Saint Joseph's Court.
- (d) Details for the hard and soft landscaping of the area between the proposed development and Number 46 Prussia Street which should enhance streetscape at this location and provide for restricted access to this area.

**Reason:** In the interests of streetscape and visual amenity and to provide for the security of users of the site.

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

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



25. *The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads, streets and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.*

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. (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 six 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.

27. 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.

28. 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 off street 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) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise and dust and the monitoring of such levels;
- (k) Details of appropriate measures to mitigate vibration from construction activity in accordance with British Standards BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1 hertz to 80 hertz) and British Standards BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings, Guide to Damage Levels from Groundborne Vibration, and for the monitoring of such levels.
- (l) 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;
- (m) Off site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (o) 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.

29. 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

30. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

31. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,

- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

32. (a) Prior to commencement of works, the developer shall make a record of the existing boundary wall of the Grangegorman institutional complex, which is a Protected Structure (Dublin City Council Reference Numbers 3333 and 3334). This shall include a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure. This record shall be submitted to the planning authority prior to commencement of development and one copy each shall be submitted to the Grangegorman Development Authority, the Dublin City Archives and the Irish Architectural Archive.

Demolition should be carried out with reference to Appendices 2b 'Conservation - Removal of Structures' (A2b.2 Guidelines and procedures for removal of structures, Appendix 2b, page 4 Grangegorman Planning Scheme, Dublin City Council 2012) and a management plan in this regard shall be agreed in writing with the planning authority prior to the commencement of development.

- (b) Prior to the commencement of development, the developer shall make a record of the existing post and pillar box on Prussia Street (photograph, drawn and written), with records deposited with the Irish Architectural Archive, and Dublin City Archives. A revised location for this feature, and a method statement for its movement and protection during works should be submitted to and agreed in writing with the planning authority.

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

33. 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.



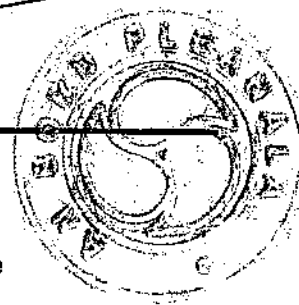
34. The developer shall pay to the planning authority a financial contribution in respect of LUAS Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and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

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



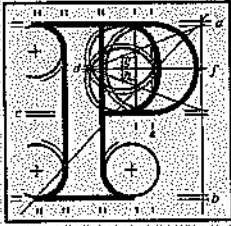
Paul Hyde

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.



Dated this 24<sup>th</sup> day of JUNE 2021





An  
Bord  
Pleanála

**Board Direction**  
**BD-008633-21**  
**ABP-309657-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/06/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

#### **Reasons and Considerations**

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

- (a) the policies and objectives of the Dublin City Development Plan 2016-2022
- (b) Rebuilding Ireland - Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (f) Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009
- (g) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- (h) Retail Planning Guidelines and accompanying Retail Design Manual (2021)
- (i) the existing function and form of development on the site
- (j) the proximity of the site to third level institutions, a wide range of social infrastructure and to public transport services
- (k) the nature, scale and design of the proposed development

- (l) the pattern of existing and planned development in the surrounding area
- (m) the planning history relating to this site and within the area
- (n) the submissions and observations received
- (o) the report of the Chief Executive of Dublin City Council, and
- (p) the report of the Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, including North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024) and North Bull Island SPA (004006) or any other site.

### **Environmental Impact Assessment Screening**

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

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,



- (b) the location of the site on lands zoned Z4 – to provide for and improve mixed-services facilities in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of that plan,
- (c) The existing uses on the site and pattern of development in surrounding area,
- (d) The planning history relating to the site,
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Demolition and Construction Environmental Management Plan, Outline Construction Traffic Management Plan and the Operational Waste Management Plan.

The Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable 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 residential amenity for future occupants.

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dublin City Council Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness.

With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SP3.



## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the 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 height of the southernmost section of House 10 on the 5<sup>th</sup> floor (i.e. 6 bedspace pod) shall be reduced in height by one floor.
- (b) The proposed stand-by generator shall be relocated away from the northern boundary to an alternative location within the site.

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

**Reason:** In the interests of visual amenity and to protect the residential amenity of adjoining properties.

3. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units

shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first residential unit within the scheme.

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

4. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity

5. The proposed development hereby permitted (with the exception of the BTR units ) shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

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

6. The proposed development shall be implemented as follows:

(a) The student accommodation shall be operated and managed in accordance with the measures indicated in a finalised Student Accommodation Management Plan which shall be submitted to and agreed in writing with the planning authority prior to first occupation of the development.

(b) Student housing units shall not be amalgamated or combined.

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



7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

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

8. Prior to first occupation of the independent ground floor commercial units, details of the exact use and opening hours of the units shall be submitted to and agreed in writing by the Planning Authority:

**Reason:** To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

9. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

**Reason:** In the interest of the amenities of the area/visual amenity.

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

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

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

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

12. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

13. (a) Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development / installation of lighting.

(b) External lighting shall be directed away from adjacent housing and shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

14. Prior to commencement of the development, the following details shall be submitted to and agreed in writing with the planning authority:

- a) A revised Servicing and Operation Plan demonstrating how the service requirements of all uses will be accommodated on the site, including the location of loading / set-down bays within the site.
- b) A revised car park layout plan providing additional servicing set-down / loading bays within the site and provision for motorcycle parking. No set-down area / loading bay shall be provided on Prussia Street.



- c) The final detailed design of site accesses and junctions onto Prussia Street, including details of parking related signage on approaches to the site and within the site.
- d) Details of any required relocation of the existing pedestrian crossing on Prussia Street.
- e) A revised and increased level of secure cycle parking shall be accommodated on site. Details to be agreed in writing with the Planning Authority.

**Reason:** In the interests of orderly development and to prevent obstruction of the surrounding road network.

15. Prior to the commencement of development, revised proposals for bicycle parking in accordance with Table 10 of the Traffic and Transport Assessment (3 March 2021) submitted with the application shall be submitted to and agreed in writing with the planning authority. Such plans shall include the following:

- a) Relocation of bicycle parking for Build-to-Rent apartments from the first-floor corridor to an alternative secure and accessible location, in accordance with the provisions of the Sustainable Urban Housing: Design Standards for Apartments, Guidelines for Planning Authorities (2020).
- b) Dedicated and secure bicycle parking for student accommodation.
- c) Relocation of visitor cycle parking closer to the main retail access points.
- d) Provision on the site for secure cargo bike parking.

**Reason:** In the interests of residential amenity and to encourage use of sustainable transport modes

16. (a) The proposed car parking layout shall be modified so that at least of 2 no. accessible parking spaces for student accommodation and Build-to-Rent residential are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). Revised drawings showing compliance with these requirements shall be submitted

to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

17. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Street Interim Advice Note – Covid Pandemic Response May 2020. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

18. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging



stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

19. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

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

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

a) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

b) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

21. (a) The proposed development shall be carried out and operated in accordance with the conclusions and recommendations of the Noise Impact Assessment submitted with the application, including implementation of the identified mitigation measures.

(b) Operational noise levels shall, in any event, not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location to the south or between 0800 and 2000 hours,

Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) No deliveries utilising the southern service access road shall be taken at or dispatched from the premises outside the hours of 0730 hours and 2000 hours Monday to Friday, or 0800 hours and 2000 hours on Saturdays, Sundays or public holidays.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

22. The site shall be landscaped 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 interests of residential and visual amenity.

23. Prior to commencement of development, the following details shall be submitted to the planning authority for written agreement:

- a) Details of further planting and greening onto Prussia Street at ground floor level in addition to vertical greening deployed to areas of blank building facades along Prussia Street.
- b) Landscaping and tree planting along the perimeter with St. Joseph's Place.
- c) Vertical greening to the southern elevation of the podium and southern block facing St. Joseph's Court.
- d) Details for the hard and soft landscaping of the area between the proposed development and no. 46 Prussia Street which should enhance streetscape at this location, and provide for restricted access to this area.

**Reason:** In the interests of streetscape and visual amenity and to provide for the security of users of the site.



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

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

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads, streets and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. (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.

27. 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.

28. 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 off-street 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) Provision of parking for existing properties during the construction period;
- j) Details of appropriate mitigation measures for noise and dust and the monitoring of such levels;
- k) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- l) 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;
- m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- o) 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.

29. 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

30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



32. (a) Prior to commencement of works, the developer shall make a record of the existing boundary wall of the Grangegorman institutional complex, which is a Protected Structure (Refs. 3333 & 3334). This shall include a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure. This record shall be submitted to the planning authority prior to commencement of development and one copy each shall be submitted to the Grangegorman Development Authority, the Dublin City Archives and the Irish Architectural Archive.

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

(b) Prior to the commencement of development, the developer shall make a record of the existing post / pillar box on Prussia Street (photograph, drawn and written), with records deposited with the Irish Architectural Archive, and Dublin City Archives. A revised location for this feature, and a method statement for its movement and protection during works should be submitted to and agreed in writing with the planning authority.

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

33. 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.

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

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

**Note 1:** The Board noted the Inspectors concerns regarding the potential impact as a result of overshadowing and loss of daylight/sunlight , although not quantified , however, in deciding not to accept the Inspectors recommendation to omit an entire floor from the southern block , the Board concurred with the analysis of the Planning Authority that the proposed height, scale and massing does not result in loss of light or overshadowing to the adjacent sites, compared with the permitted scheme and having regard to the urban location, the particular need for urban regeneration of the area, and the quality of the proposed development in terms of architectural and urban design, including the applicants measures to mitigate potential impacts, whilst



providing for the sustainable re-development, the Board was satisfied that adequate mitigation was generally provided for, and that the removal of a smaller portion of the floor only would be justified in this instance ( see Condition 2 above )

Furthermore, the Board was satisfied having regard to the planning history and to the extant permission PA ref. 2038/17 and the increased separation distance between the podium and the adjoining property (No 6 St Joseph's Place) to the south in the current application, that subject to the omission of a floor from the southernmost element adjoining St Joseph's Place, (i.e. the southernmost 6 bedspace pod in House 10), the proposed development would not seriously injure the residential or visual amenity of the adjoining properties at St Joseph's Place or lead to a significant increased loss of light or overshadowing to the adjacent sites, compared with the permitted scheme.

**Note 2.** In deciding not to accept the Inspectors recommendation to amend the elevation of the southern block fronting onto Prussia Street to incorporate glazing or other elements to reduce the extent of blank facade adjoining the entrance and stairwell serving the Build-to-Rent apartments, the Board was satisfied that the development as proposed represented an appropriate design response to the context of Prussia Street and would not seriously injure the visual amenities of the area.

**Board Member**



Paul Hyde

**Date:** 29/06/2021

