



An
Coimisiún
Pleanála

Direction
CD-020875-25
ACP-323012-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/09/2025.

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

Planning

Commissioner:

Mary Henchy

Date: 03/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Board had regard to, and as relevant been consistent with, the following:

- a) Policies and objectives set out in the First Revision to the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Dublin City Development Plan 2022-2028, including the location of the site on lands subject to Zoning Objective 'Z5 – City Centre' – which seeks to consolidate and facilitate

the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

- c) Dublin City Development Contribution Scheme 2023-2026.
- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) Climate Action Plan, 2025.
- f) National Biodiversity Plan 2023-2030
- g) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- h) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- i) Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025.
- j) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- k) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- l) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- m) Development Management, Guidelines for Planning Authorities, 2007.
- n) The location of the site in a city centre location in proximity to several third level institutions and with good public transport links.
- o) The nature, scale, and design of the proposed development.
- p) The availability of a range of social, community, and transport infrastructure.
- q) The pattern of existing and permitted development in the area.
- r) The planning history at the site and within the area.
- s) The reports of the planning authority.
- t) The grounds of appeal, observation and responses to same.
- u) The responses to the grounds of appeal by the applicant.
- v) The report and recommendation of the Planning Inspector and the planning authority including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded 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 an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment. Regard has been had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i), Class 10(b)(iv) and Class 15 of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (Zoning Objective 'Z5 – City Centre'), and other relevant policies and objectives in the Dublin City Council Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The infill nature of the site (brownfield) and its location in urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.

- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- 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.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Preliminary Construction Environmental Management Plan, Preliminary Construction & Demolition Waste Management Plan, Structural Methodology Report on the Retained Masonry Façade and Existing Structures, Archaeological Assessment, Architectural Heritage Impact Assessment Report, Historic Building Survey, Water Supply and Wastewater Management Report, Flood Risk Assessment Report, Landscape & Visual Impact Assessment, Servicing Waste Management Plan & Road Safety Audit and Overheating Analysis.

In so doing, the Commission concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Objective Z5 zoning objectives and other policies and objectives of the Dublin City Council Development Plan 2022-2028, would provide a purpose built, high-density development for student accommodation at the site, would provide acceptable levels

of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding.

The overall height of the development is in accordance with Appendix 3 of the Dublin City Development Plan 2022-2028 and the Height Strategy contained within by virtue of its city centre location and 'Z5' zoning objective which recommends the consideration of a default height of 6 storeys and the context of the site within an area where buildings range in height from 2-8 storeys.

Having regard to the design of the development which provides a physical and visual separation between the historic elevations of the protected structure at the lower levels and the new building on the upper levels, it is considered that the articulation and de-construction of the massing in the upper levels, which include recesses and setbacks, would not result in a significant negative impact on the character and setting of the protected structure or the streetscape and as such would be in accordance with Policy BHA2 and Policy BHA 9 of the Dublin City Development Plan 2022-2028 which relate to Protected Structures and Conservation Areas.

The proposed development will provide student accommodation in the city and will ensure the protected structure, that is part of the historic fabric of the city, is retained and repurposed. This accords with the proper planning and sustainable development of the area.

Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25 th day of April 2025, except as may otherwise be required in order to comply with the
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	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. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows: (a) Prior to commencement of any development on site the southern end of the block's eastern wing shall be reduced to 4-storeys (starting at 35m from the northeast corner of the historic façade), with remaining cluster bedrooms to be amalgamated into studio units as required. The revised gable may be stepped up to the remaining 7-storeys as required. (b) All above ground window openings on the western and southern elevations that face onto existing housing at Friary Grove shall be fitted with measures to prevent overlooking. (c) All above ground windows serving the combined living/kitchen/dining areas on the eastern and southern elevations and facing onto the neighbouring site at No's 40-42 Bow Street shall be fitted with measures to prevent overlooking of the adjoining site. 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 interest of residential and visual amenity and in the interests of the proper planning and sustainable development of the area.
3.	Other than as required by conditions 5 and 6 below the development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided for under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The development may only be used for tourist/visitor accommodation outside of the standard academic term 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 development to that for which the application was made.
4.	The proposed development shall be implemented as follows: (a) Prior to the commencement of development, a Student Accommodation Management Plan shall be submitted for the written agreement of the planning authority. The student accommodation and complex shall be operated and managed in accordance with the agreed Student Accommodation Management Plan. (b) Student House Units / Clusters shall not be amalgamated or combined. (c) A 24-hour staff presence shall be provided on-site during out of term periods when the proposed development is in use as tourist / visitor accommodation (d) The proposed communal resident amenity spaces and laundry facility shall be reserved for the exclusive use of the residents of the development and shall not be sold, sublet or otherwise used independently of the proposed development unless otherwise agreed in writing with the Planning Authority for cultural/ arts/ community use. (e) Accessible bedspaces shall be provided at 5% of all student bedspace provided on site. Reason: In the interests of the amenities of occupiers of the units and surrounding properties.
5.	Prior to the commencement of any development on site community, arts and cultural floorspace at 5% of the net floor area of the development shall be provided and agreed in writing with the Planning Authority, with details of any discussions with DCC Arts officer to be included in the submission. Reason: in the interests of orderly development.

6.	Prior to the first occupation of the development, details of the occupier of the arts/cultural/community space shall be submitted for written agreement with the Planning Authority. The Developer shall submit details on the nature of the use, signage, hours of operation, and management of the use. Reason: To ensure a satisfactory form of development.
7.	The use of the roof garden at 5th floor level on the south-western corner of the development shall not be used and/or accessible between the hours of 11pm and 8am unless authorised by a further grant of planning permission. Reason: In the interest of residential amenity.
8.	Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity
9.	Prior to the commencement of development, details of the proposed bicycle parking spaces shall be submitted to the planning authority for their written agreement and shall include the following; (a) A clear space of at least 2m in length shall be accommodated in front of all two-tier bicycle parking spaces, including all two-tier cycle parking spaces within cycle stores. (b) Cycle parking spaces capable of accommodating larger non-standard cycle parking equipment (e.g. cargo bicycles) shall be clearly identified, including details of design and type, and shall be provided at a minimum rate of 5% of total bicycle parking. (c) The location of e-charging facilities for bicycles shall be clearly identified. (d) Design, type and location of the 2no. staff cycle parking spaces within the retail unit.

	Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.
10.	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 Coimisiún Pleanála for determination. Reason: In the interest of amenity and of traffic and pedestrian safety.
11.	The Mitigation and monitoring measures outlined in the plans and particulars 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.
12.	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.
13.	a. Prior to commencement of the proposed development, the Applicant shall submit details to the Planning Authority for written agreement indicating the contact details of an appointed Mobility Plan Coordinator for the proposed residential development. b. The Applicant and Travel Plan Coordinator shall implement the measures detailed in the submitted Mobility Management Plan and the Student Management Plan (to be agreed) to encourage future Residents and Visitors to use sustainable travel to and from the proposed residential development. Reason: In the interest of sustainable development.

14.	Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
15.	The following Conservation requirements shall be complied with in full: 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. b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority: i. A detailed landscaping plan is to be prepared and submitted to the planning authority for review and agreement prior to the commencement of the development. This landscaping plan will include detailed proposals for the reassembly and presentation of an exemplar section of the 1920's structural steel frame within the final landscape design. The submission will be accompanied by a supporting report, to be prepared by the project conservation architect, which should include a conservation-led method statement for the reconstruction of the frame, to include a detailed specification for the painting and maintenance of the reconstructed steelwork. ii. A detailed method statement for the temporary works and protection to the retained façade is to be submitted to the planning authority for review and agreement prior to the commencement of demolition work. This submission will be accompanied by a conservation-led commentary by the project conservation architect.

iii. A photographic record of the demolished warehouse is to be included in the record of the existing buildings to be lodged with the Irish Architectural Archive.

c) During the course of the development, the applicant shall submit for the written approval of the planning authority:

- i. At the outset of the construction works, a soft strip-out will take place on the interior of the building, to include the removal of floor finishes, suspended ceilings, lightweight partition walls and any drylining to the external walls. On completion of this strip-out the interior of the basements will be inspected by the project conservation architect and a detailed photographic record compiled. This photographic record will be submitted to the planning authority, together with an assessment of significance of the exposed fabric and a detailed method statement for the protection of the basement during the works. The photographic record and assessment of significance will separately be lodged in the Irish Architectural Archive.
- ii. A detailed photographic survey, compiled following the removal of the existing cement dashed render to the east façade, is to be lodged with the Irish Architectural Archive prior to the commencement of demolition works. The Conservation Section of Dublin City Council are to be contacted in the event that any significant concealed features, such as blocked openings that might be incorporated into the final elevational treatment are discovered.
- iii. Record drawings of the extension, together with a detailed photographic survey following the soft strip-out of the interior, are to be lodged with the Irish Architectural Archive prior to the commencement of demolition works.
- iv. A sample of the proposed brick to be used in facing the exposed inner (south) face of the north external façade is to be reviewed and agreed with the project conservation architect and the Conservation Section of Dublin City Council, prior to this work taking place.

	v. Site samples for brickwork raking, cleaning, brickwork repairs and historically accurate pointing shall be presented for the written approval of the Conservation Officer. d) The proposed development shall be carried out in accordance with the following: i. All works to the structure 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 offsite 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. Reason: In order to protect the original fabric, character and integrity of the Protected Structure at 139-149 North King Street and to ensure that the proposed works are carried out in accordance with best conservation practice.
16.	a) A representative portion of the historic steel frame of the building to be retained and reused in an interpretative display within the new development. The design and location of the frame shall be submitted for the written agreement of the archaeology section of the Planning Authority. b) The scheme shall incorporate a professionally written illustrated, copy edited, and fact checked heritage display that commemorates the Battle of North King Street in 1916 and the historic industrial heritage of 139-149

North King Street. The design and placement of the heritage display shall be submitted to the Planning Authority for written agreement and installed period to occupation of the building.

c) No construction may be carried out on the site until the archaeological requirements of the Planning Authority are complied with.

d) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and submitted to the planning authority for agreement before construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.

- i. The archaeological and historical background of the site, to include industrial heritage.
- ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc.
- iii. The nature, extent and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of overburden.
- iv. The impact of the proposed development on such archaeological material.
- v. An impact assessment of the final foundation layout of the new development.

e) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist and submitted to the planning authority for written agreement. This will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing.

The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

f) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority regarding the procedure to be adopted in the assessment.

g) One digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.

h) The developer shall comply in full, with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

i) The developer shall make provision for archaeological excavation in the project budget and timetable.

j) Should archaeological excavation be required the following shall be submitted to the Planning Authority:

- i. A biweekly report on the archaeological excavation during the excavation and post excavation period.
- ii. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.
- iii. A final report on the archaeological excavations not later than twelve months after the completion of the excavation for agreement of the planning authority.

	k) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2. A receipt to demonstrate accession to the archive shall be submitted for agreement of the planning authority. Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.
17.	Proposals for a naming 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name. Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames.
18.	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the

	carrying out of the development. Reason: In the interest of residential amenities, public health and safety and environmental protection.
19.	The Applicant and the developments Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following. a. Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns. b. Keeping local residents informed of progress and timing of particular construction activities that may impact on them. c. Provision of a notice at the site entrance identifying the proposed means for making a complaint. d. Maintenance of a complaints log recording all complaints received and follow up actions. Reason: In the interest of the proper planning and sustainable development of the area.
20.	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of sustainable transport and safety.
21.	Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for

	effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of sustainable waste management
22.	The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: In the interest of public health.
23.	Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan. Such lighting shall be provided prior to the making available for occupation of any residential unit. Reason: In the interest of amenity and public safety.
24.	The landscaping scheme as submitted to the planning authority on the 25th day of April 2025 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
25.	Bat Conservation Prior to commencement of construction including site clearance and demolition works, the applicant's appointed ecologist shall

	submit a detailed bat survey for the site including a bat roost survey. Where bat roosts are found the applicant will consult with the National Parks and Wildlife Service (NPWS). Exterior lighting to roof terraces shall deploy 'bat friendly' lighting. Reason: In the interest of bat conservation and sustainable development.
26.	A Biodiversity Enhancement Plan shall be submitted prior to commencement of construction for the written approval of the Planning Authority. The plan shall include biodiverse green roof planting, built in swift nest boxes and bat boxes on the proposed building facades. Reason: In the interest of biodiversity enhancement and sustainable development.
27.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works. No additional extruding plant, extraction or ventilation systems other than shown on the submitted drawings shall take place above any parapet levels or on any external walls whether or not they would be exempted development. Reason: In the interests of visual amenity.
28.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: To safeguard the residential amenities of property in the vicinity.
29.	Prior to commencement of development, an Operational Waste Management Plan (OWMP) shall be prepared and submitted to the

	planning authority for written agreement. The OWMP shall include specific proposals 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. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.
30.	The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis. Reason: To protect the residential amenities of property in the vicinity.
31.	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.
32.	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 Coimisiún 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.
33.	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.

Note:

The Commission having considered the totality of the file including the Inspectors assessment concurred with the Inspector that that CUO25 does apply to the proposed development. On the facts of the case;

- the applicant has not proposed community, arts and cultural space as part of their development,
- the applicant has not submitted an evidence base/ audit to demonstrate that relocating a portion of the space required is appropriate,
- the applicants proposal that the proposed student facilities may be used by the wider community would, if found to be appropriate, still leave a significant shortfall in the floor area required to accord with the Plan.

The Commission did not agree with the Inspector that it is appropriate to contravene objective CUO25 based on precedence or the Planning and Design Standards for Apartments (2025) for the following reasons:

- The applicant and the Inspector referenced ABP 319847-24 as precedent for accepting 10,000sqm net as the threshold, the Commission reviewed ABP 319847-24 and noted that CUO25 was not central to the appeal and was not considered in any detail in the assessment and therefore determined it should not be relied upon as precedent.
- As stated by the Inspector the Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025, do not apply to this application as it was lodged before the guidelines were issued. The Commission therefore considered that specific planning policy requirement 6 (SPPR6), contained in the 2025 Guidelines, is not a relevant consideration and did not concur with the Inspector that it could be used to justify not complying with CUO25.

The Commission having considered all matters determined that CUO25 does apply to this development and therefore agree with the planning authority that conditions to address this are appropriate.

Notwithstanding the fact the Planning and Design Standards for Apartments (2025) do not apply to this appeal due to the date of application, for clarity it appeared to the

Commission that SPPR 6 may not apply to the development, the subject of this application. In the event the Guidelines were applicable, SPPR 6 refers specifically to Apartment Schemes whereas, this proposal is for purpose build student accommodation (PBSA). While PBSA is a residential use it is distinct from an Apartment Scheme within the same Guidelines, it is also noted that student accommodation is specifically interpreted in the Planning and Development Act Part 1 Section 2 and that the definition differs to that of a house. If the Guidelines had been a pertinent consideration the Commission would have had to consider this matter further.