

An
Coimisiún
Pleanála

Commission Order
ABP-321994-25

Planning and Development Acts 2000 to 2024

Planning Authority: Dún Laoghaire Rathdown County Council

Planning Register Reference Number: LRD24A/0974/WEB.

Appeal by John and Oksana Cronin of Apartment 48, Goatstown Road, Dublin, and by Orchid Residential Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin, and by Others against the decision made on the 6th day of February 2025 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Orchid Residential Limited for the proposed development in accordance with the plans and particulars submitted to the said Council.

Proposed Development: The development will consist of demolition of the existing building (circa 960 square metres) and hard surface parking area on site and construction of a purpose built student accommodation development (including use as tourist or visitor accommodation outside the academic term) comprising:

- 220 number student bedspaces (including 10 number studios), all within a part single-storey, part four number storey and part six number storey 'U'-Shaped building;
- The building is single to four number storeys along the southern boundary, part five and six storeys along Goatstown Road and northern boundary (with setbacks);

- External amenity space of circa 1,247 square metres is provided in the form of a central courtyard at ground level (circa 694 square metres) and roof terraces at 4th floor level (circa 220 square metres) and 5th floor level (circa 333 square metres) fronting onto Goatstown Road;
 - Internal amenity space equating to circa 538 square metres is provided in the form of two number ground floor lounge/study areas, kitchen/tearoom, laundry, and concierge/office space;
 - Provision of 218 number bicycle parking spaces distributed across the central courtyard and northern boundary and adjacent to the front boundary of the site (north-west);
 - Provision for six number car parking spaces comprising two number disabled parking spaces and four number setdown parking spaces adjacent to the front entrance to the site;
 - Vehicular access to the site is via Goatstown Road from two number entrance points [reduction from three number entrances currently];
 - Ancillary single storey ESB substation and switch room and refuse store are provided at ground level;
 - Provision of surface water and underground attenuation and all ancillary site development works including site wide landscaping works, lighting, planting and boundary treatments,
- all on a site at Vector Motors, Goatstown Road, Dublin.

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.

Reasons and Considerations

In coming to its decision, the Commission, as relevant, have been consistent with the Climate Action and Low Carbon Development Act 2015, as amended and the Climate Action Plan 2024 and Climate Action Plan, 2025, and had regard to, and, the following:

- (a) Policies and objectives set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the location of the site on lands subject to Zoning Objective 'A' – which seeks to provide residential development and improve protecting the existing residential amenities, and the permitted uses therein.
- (b) Dún Laoghaire-Rathdown County Development Contribution Scheme 2023-2028.
- (c) 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.
- (d) Housing for All, A New Housing Plan for Ireland, 2021.
- (e) National Biodiversity Plan 2023-2030.
- (f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- (g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- (i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- (j) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- (k) Development Management, Guidelines for Planning Authorities, 2007.
- (l) The location of the site in proximity to a third level institution.

- (m) The nature, scale, and design of the proposed development.
- (n) The availability in the area of a range of social, community, and transport infrastructure.
- (o) The pattern of existing and permitted development in the area.
- (p) The planning history at the site and within the area.
- (q) The reports of the planning authority.
- (r) The grounds of appeal, observation and responses to same.
- (s) The responses to the grounds of appeal by the applicant.
- (t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to
Appropriate Assessment and Environmental Impact Assessment.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable Objective A zoning objectives and other policies and objectives of the Dún Laoghaire-Rathdown County 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission was not satisfied exceptional circumstances had been sufficiently demonstrated to warrant a net density of 155 units per hectare. The Commission therefore decided to omit the fifth floor of the subject scheme resulting in a reduction in net density to 150 units per hectare in accordance with the nature of the development at this location, Development Plan policies such as PHP 18, and relevant national guidance as set out in Section 8.3 of the Inspector's report.

Having regard to the first party appeal submitted, the Commission considered that 'Student accommodation' is defined as a category of residential use in Section 13.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Under Section 12.8.3.1 of the development plan all residential schemes are required to provide a quantum of public open space in accordance with Table 12.8. Section 12.8.8 of the development plan provides for a development contribution in lieu of open space where it cannot be provided. Sections 6.1 and 6.2 of the Dún Laoghaire-Rathdown Development Contribution Scheme 2023-2028 support the provision of a financial contribution in such cases. It is, therefore, considered that the provisions of Sections 6.1 and 6.2 of the Dún Laoghaire-Rathdown Development Contribution Scheme 2023-2028 have been applied correctly and support Sections 12.8.3.1 and 12.8.8 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, defining the proposed development as a category of residential use, requiring a quantum of public open space as part of the development and which requires a financial contribution in lieu of public open space where it cannot be provided.

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 'A' Residential), and other relevant policies and objectives in the Dún Laoghaire-Rathdown County 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 outline Construction Environmental Management Plan, Ecological Impact Assessment, Townscape and Visual Impact Assessment, Hydrological & Hydrogeological Qualitative Risk Assessment including Site Specific Flood Risk Assessment, Archaeological Assessment, Traffic & Transport Report, Energy & Sustainability Statement and Ground Investigation Report.

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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 3rd day of March 2025, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

The fifth floor of the subject scheme shall be omitted. The area vacated by these units shall comprise a green roof in accordance with the requirements of the Drainage Planning Section. Revised drawings (including plan, elevation, section and layout) 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. The development hereby permitted shall be limited to no more than 204 number bed spaces.

Reason: To ensure that the development shall be in accordance with the permission, and in the interests of clarity.

4. 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.

5. 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 the Student Accommodation Management Plan submitted with the application,
 - (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

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

6. The roof gardens shall not be used and/or accessible between the hours of 2300 and 0800 unless authorised by a further grant of planning permission.

Reason: In the interest of residential amenity.

7. 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

8. Prior to commencement, the developer shall submit revised drawings and details which demonstrate further reductions in width of the proposed vehicular entrances to be agreed with planning authority. The drawings shall also demonstrate the provision of a continuous footpath and across the vehicular entrances in accordance with Design Manual for Urban Roads and Streets (DMURS) Advice Note 6 and the National Transport Authority's Cycle Design Manual.

The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.

Reason: In the interest of sustainable development and of traffic and pedestrian safety.

9. (a) Revised drawings shall be submitted for written agreement with the planning authority prior to the commencement of development. The drawings shall demonstrate compliance with the planning authority's 'Standards for Cycle Parking and associated Cycling Facilities for New Development - January 2018' and shall include a minimum of 147 number Sheffield stands.
- (b) An appropriate number of safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the number, layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

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

10. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

11. (a) Prior to commencement of the proposed development, the developer 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 developer and Travel Plan Coordinator shall implement the measures detailed in the submitted Mobility Management Plan and the submitted Student Management Plan to encourage future residents and visitors to use sustainable travel to and from the proposed residential development.

Reason: In the interest of sustainable development.

12. 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.

13. 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 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.

14. The developer 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 interests of the proper planning and sustainable development of the area.

15. 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.

16. 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.

17. The landscaping scheme as submitted to the planning authority on the 3rd day of March 2025 shall be carried out within the first planting season following substantial completion of external construction works. Additional tree planting shall be included in the overall scheme with details to be agreed in writing with the planning authority. 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 interests of residential and visual amenity.

18. All service cables associated with the proposed development 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.

Reason: In the interests of visual amenity.

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

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

20. Prior to commencement of development, an Operational Waste Management Plan (OWMP) shall be 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.

21. 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 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Reason: To ensure the satisfactory completion of the development.

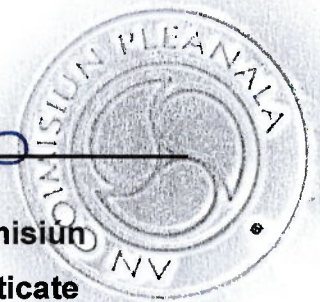
23. Prior to the commencement of development, the developer shall enter into an agreement with the planning authority to provide for the payment of a financial contribution in the amount of €389,587.50 (three hundred and eighty nine thousand five hundred and eighty seven euros and fifty cents), calculated by $€7,500,000 \times 0.051945$ (15% of net site area: 0.3463 Ha) = €389,587.50, in lieu of public open space within the site in accordance with section 12.8.8 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and as provided for in section 6 of the 2023-2028 Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 9th of October 2023, made under Section 48 of the Planning and Development Act 2000 (as amended). The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may agree to facilitate.

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

Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this *23rd* day of *June*, 2025.