

An
Coimisiún
Pleanála

Commission Order
ACP-323800-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEBLRD6077/25-S3

Appeal by Peter Crotty and by other and by Blackpitts Residence Unlimited Company against the decision made on the 16th day of September 2025, by Dublin City Council to grant, subject to conditions, a permission to the said Blackpitts Residence Unlimited Company in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of a Large-Scale Residential development of a Purpose-Built Student Accommodation. The proposed development will comprise the following:

- demolition of the existing commercial/industrial building on site (circa 2,140 square metres in total),
- construction of a Purpose-Built Student Accommodation scheme (circa 7,565 square metres in total within one block ranging in height from four to six storeys (over basement), comprising 217 number student bedspaces (209 number single rooms and four number twin rooms) within 32 clusters,

- provision of internal communal amenity space at basement and ground level, including parcel room, reception/common area, concierge desk, library/study room, multiuse rooms, laundry room, cinema room, and gym,
- provision of external amenity spaces including outdoor courtyard area at ground floor level and external rooftop terrace,
- a café-restaurant (circa 144.5 square metres) at ground floor level,
- provision of cycle parking at basement and surface levels, a pedestrian and service entrance along Donovan Lane and a pedestrian and bike/service entrances along Blackpitts,
- landscaping, boundary treatments, waste management areas, and services provision (including ESB substation), as well as all associated works required to facilitate the development, including connection to the Uisce Éireann network,
- plant areas at basement and roof level, and
- associated public realm improvement works along Donovan Lane and Blackpitts, including alterations to the existing footpaths/public road, provision of five number set-down spaces (including one number DAC – compliant space) and one number loading bay along Donovan Lane,

all at 21-23 Blackpitts, Dublin. The site is located south of Donovan Lane, east of Blackpitts and west/north of Greenville Place.

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

The Commission performed its functions in relation to the making of its decision in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long-term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

In making its decision, the Commission 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 including the following:

- (a) the location of the site on lands zoned for Sustainable Residential Neighbourhoods within the Dublin City Development Plan 2022-2028 and the location of the subject site within the City Centre of Dublin,
- (b) the provisions of the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES),
- (c) the provisions of the Project Ireland 2040 National Planning Framework,
- (d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (e) the National Biodiversity Action Plan 2023-2030,
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024,
- (g) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2018,

- (h) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025,
- (i) the provisions of the Dublin City Development Plan 2022 including the 'Z1 – Sustainable Residential Neighbourhoods' zoning for the site and the adjacent Z2 zoning, and Appendix 3 Policy for Density and Building Height in the City,
- (j) the documentation submitted with the planning application and the first and third party grounds of appeal,
- (k) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,
- (l) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (m) the planning history in the vicinity of the site, and
- (n) the report of the Planning Inspector.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and found that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay Special Area of Conservation (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024).

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). It is noted that other European are too remote from the subject site for the appeal site to have a possible connection or pathway and an Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000) is not, therefore, required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the effects of the proposed development on the environment. Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10(f)(ii), and Paragraph 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on land zoned 'Z1 – Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2022- 2028,
- (c) the existing use of the site and the pattern of development in the vicinity,
- (d) the availability of public water and foul services to serve the proposed development, and
- (e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended and the content of the applicant's Environmental Impact Assessment Screening Report and other supporting documentation,

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

The Commission considered that, subject to compliance with the conditions set out below, including the removal of the proposed fifth floor, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or of properties in the vicinity, would be acceptable in terms of layout, urban design, height and would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measures through the provision of cycle and pedestrian infrastructure, can adequately be accommodated within the municipal wastewater network, and would not be detrimental to conservation objectives of the South Dublin Bay Special Area of Conservation (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) European sites or to the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan 2025, the Climate Action and Low Carbon Development (Amendment) Act, 2021 and the Dublin City Development Plan 2022-2028.

Conditions

1. The development shall be carried out and completed in accordance 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.

Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained.

2. Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the planning authority, showing the following amendments:
 - (a) The fifth floor (as referenced on drawing number DR-A-P402-S1-A Proposed Floor Plans (2 of 2) shall be omitted entirely, including the removal of 28 student bedspaces and associated ancillary accommodation.
 - (b) The fourth-floor balcony in the north-eastern corner off the communal kitchen/common area shall be accessed for maintenance purposes only and shall not be used as an amenity space.
 - (c) The communal living/kitchen areas at ground floor (north-eastern side) shall be widened to incorporate bedroom number 0.03 as indicated on the Proposed Floor Plans (1 of 2) (drawing number DR-A-P401-S3-A) and fourth floor (north-eastern side) shall be widened to incorporate bedroom number 4.05 as indicated on the Proposed Floor Plans (2 of 2) (drawing number DR-A-P402-S1-A), to improve usability of these areas.

(d) The roof terrace shall not be used between the hours of 2200 and 0700 and shall be managed in accordance with the Operational Management Plan submitted to the planning authority on the 23rd day of July, 2025.

Reason: To protect visual and residential amenity, ensure the building integrates appropriately into the streetscape, prevent undue impact on neighbouring properties and provide appropriate kitchen/living space.

3. The student accommodation hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under Section 13 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 interests of the amenities of occupiers of the units and surrounding properties.

4. The proposed development shall be implemented as follows:

- (a) The student accommodation and complex shall be operated and managed in accordance with the measures and plans submitted with the application.
- (b) Student House Units shall not be amalgamated or combined.

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

5. The ground floor café-restaurant unit shall be fully fitted out and available for occupation prior to the occupation of any student bed spaces and shall be open to the public in addition to being an amenity for future residents of the building. The hours of operation shall be 0800-2200, unless otherwise agreed in writing with the planning authority.

Reason: To ensure the restaurant is available for the local community and to ensure no undue negative impacts in terms of noise and disturbance given the residential zone.

6. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/analysis, visual impact assessment. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA). Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

7. The developer shall comply with the following requirements of the planning authority:
 - (a) Prior to commencement of development, details of works to the public road on Donovan Lane and Blackpitts and areas to be taken in charge, including installation of footpaths, upgrading of footpaths, changes to road markings, installation of road signage, provision of controlled on-street parking and allocation of on-street parking and loading bay, shall be agreed in writing with the planning authority and shall be completed prior to the occupation of the development. All works shall be at the developer's own expense.
 - (b) Prior to commencement of development, the completed feedback form for the Stage 1 Road Safety Audit undertaken and evidence of acceptance of the proposed measures by the auditor shall be submitted to the planning authority.
 - (c) The developer shall carry out a Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor for the development. The developer shall submit to the planning authority a copy of the Stage 3 Road Safety Audit report and shall complete all of the remedial measures identified in the report, prior to opening of the completed development to traffic.
 - (d) A total of 242 number cycle parking spaces shall be provided within the development. 220 number spaces shall be provided within secure basement level storage (inclusive of 64 number Sheffield stand type spaces and 12 number larger spaces capable of accommodating non-standard cycle parking equipment). 22 number Sheffield stand type spaces shall be provided within the ground floor level communal courtyard. All cycle parking shall be in place and ready for use prior to first occupation of the development.

Final details of the design and layout of such provision shall be submitted to, agreed in writing with, the planning authority prior to first occupation of the development.

- (e) Details of the materials proposed in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. The existing dishing of footpaths and kerbs on Blackpitts in front of the site shall be removed and the kerbs and footpaths shall be raised to the requirements of the planning authority. All works shall be at the developer's own expense.
- (f) There shall be no vehicular access to the development via the service entrance with the exception of sub-station or emergency vehicle access.

Reason: To ensure a satisfactory standard of development and in the interest of traffic safety.

8. The developer shall comply with the following requirements of the planning authority:
 - (a) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.
 - (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and service
 - (c) Recommendations/mitigation measures proposed in the Basement Impact Assessment (BIA) shall be fully implemented.
 - (d) The outfall surface water manhole and the outfall pipe from this development shall be constructed in accordance with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

- (e) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary.
- (f) Any proposed surface water drainage works in areas in charge or intended to be taken in charge by the planning authority shall be agreed in writing with the planning authority prior to commencement of such works.

Reason: To ensure the protection of public drainage infrastructure, and the satisfactory management of surface water runoff and flood risk as a result of the development.

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

Reason: In the interest of public health.

10. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect throughout the life of the site development works. The approved scheme will be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within three years of planting shall be replaced in the first planting season thereafter. The Landscape Architect will submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for bond release.

Reason: In the interests of amenity, ecology and sustainable development.

11. The mitigation measures and monitoring commitments identified in the Bat Fauna Impact Assessment, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity, and of protection of the environment during the construction and operational phases of the proposed development.

12. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all development and street signs, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. Prior to the commencement of development, a final Management Scheme shall be submitted to the planning authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

Reason: In the interest of the future maintenance of this private development, in the interest of residential amenity.

14. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

15. Security shutters, if necessary, shall have their shutter box located entirely behind the fascia and no part of the shutters, their supports or fittings shall encroach on the public footpath. The said shutters shall be open mesh or see-through, shall be finished in a single colour and shall not be left unpainted or used for advertising.

Reason: In the interest of visual amenity.

16. The developer shall ensure that electronic communications/digital connectivity infrastructure supporting fixed broadband services as well as mobile network services including ducting or internal conduits, are provided within the scheme prior to occupation of the first unit hereby.

Reason: To ensure that all new developments provide open access connectivity arrangements directly to the individual premises to enable service provider competition and consumer choice in accordance with Policy SI46 of the Dublin City Development Plan 2022–2028.

17. Prior to commencement of development, and on appointment of a demolition contractor, a Demolition and Waste Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the development, including detailed traffic management, hours of working, noise and dust management measures and off-site disposal of demolition waste and access arrangements for labour, plant and materials, including location of plant and machine compound.

Reason: In the interests of local amenity, road safety and orderly development.

18. Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan (CMP) shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The Construction Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport and provide details of the traffic management programme, routing and access arrangements, estimated vehicle numbers and phasing, traffic management safety and monitoring measures and applicable licenses and permits requirements. The appointed contractor shall liaise with the planning authority's Road Works Control Division during construction period.

Reason: In the interests of local amenity, road safety and orderly development.

19. 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.

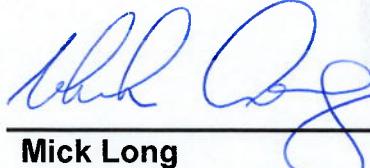
20. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. 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.

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.



 Mick Long

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

Dated this 2nd day of January 2026.