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**Planning and Development Act 2000, as amended**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: LRD25A/0621/WEB**

**Appeal** by Michael Morris and by others against the decision made on the 18<sup>th</sup> day of December, 2025 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Pembroke Partnership Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Large-scale Residential Development (LRD) comprising amendments to a previously permitted Strategic Housing Development (An Coimisiún Pleanála reference number ABP-311287-21). The proposed amendments will consist of the omission of 14 number apartment units (consisting of the omission of one number one-bed unit and 13 number two-bed units). One number one-bed unit is proposed to be incorporated at ground floor level of Block A (adjoining space providing cycle storage and oversized storage provision) resulting in a net omission of 13 number units from the permitted scheme and the total provision of 101 number apartment units. The omission of the fourth-floor level of Block B. Setbacks are proposed at the western elevation of second and third floor levels of Block A and at the southern and eastern elevations of the third-floor level of Block A, at the southern elevation of second and third floor levels of

Block B, and at the northern elevation of the second-floor level of Block C. The proposed development will include the recessing of three number balconies at the western elevation of the third-floor level of Block B. The omission of the as-permitted substation, plant and switch room from the southern boundary. A below ground water tank is now proposed at the southern boundary. An amended foul drainage layout, with foul water drainage connection, is now proposed to the east at Dundrum Road (R117), and the omission of the as-permitted drainage connection to the south-west at Frankfort Court. A decrease in car parking spaces from 73 number (as permitted) to 72 number spaces. The proposed development will include the relocation of the permitted creche and surface level car parking in accordance with condition number 2 of ABP-311287-21, and all other associated works above and below ground, including landscaping, to serve the proposed development, all on lands at 97A Highfield Park, 1 Frankfort Castle, 2 Frankfort Castle, and Frankfort Lodge, Old Frankfort, 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 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, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the location of the site on lands zoned 'A – Residential' in the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 and the location of the site within the urban area of Dundrum;
- (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) the provisions of the Climate Action Plan (2025), and the provisions of the National Biodiversity Action Plan 2023 – 2030;
- (e) the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- (f) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (2018);
- (g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2025);
- (h) the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028,
- (i) the nature, scale and design of the proposed development comprising an amendment to a permitted development on the site;
- (j) the documentation submitted with the planning application, the first and third-party grounds of appeal;
- (k) the submissions and observations received on file, including 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 and the existing pattern of development in the area;
- (n) the proximity of the site to transportation modes; and
- (o) the report and recommendation 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 would not result in likely significant effects on the South Dublin Bay Special Area of Conservation (Site Code: 000210) or the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024).

The Commission concluded that the proposed development would have no likely significant effect in combination with other plans and projects on any European Sites, noting that other European Sites are too remote from the site for the site to have a possible connection or pathway, and concluded that Appropriate Assessment Stage 2 (the preparation of a Natura Impact Statement) is, therefore, not required.

### **Environmental Impact Assessment Screening:**

The Commission completed an environmental impact assessment screening of the proposed development. 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 'A –Residential' in the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028;
- (c) the existing use of the site, the extant permission on 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,

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.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development at this urban location; would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would be acceptable in terms of layout, urban design and height; would be acceptable in terms of pedestrian and traffic safety; would provide for adequate active travel measure through the provision of cycle and pedestrian infrastructure; can adequately be accommodated within the municipal wastewater network; and would not be detrimental to the Conservation Objectives of the South Dublin Bay Special Area of Conservation (Site Code: 000210) or the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) 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.

The Commission noted that the proposed development would result in 44 one-bed units (44%) and 57 two-bed units (56%) and that the proposed unit mix could, therefore, be considered to materially contravene Table 12.1 Apartment Mix Requirements of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028. However, having regard to SPPR 1 of the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 which states that “there shall be no restrictions within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments. There shall be no minimum or maximum requirements for apartments with a certain number of bedrooms”, to the fact that the County Development Plan is currently in the process of being varied

to incorporate the requirements of the updated Apartment Guidelines, to the extant planning permission, and to the overall quality and design of the scheme and standard of residential amenity provided to future residents, and its compliance with local, regional and national policy and objectives to deliver housing and compact growth, it is considered that, while the proposed unit mix materially contravenes Table 12.1 of the Development Plan, all other aspects accord with the Development Plan policies and objectives and are in accordance with the proper planning and sustainable development of the area, and as such, permission should be granted.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 24<sup>th</sup> day of November, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Apart from any departures specifically authorised by this permission, the proposed development shall comply with the conditions of the parent permission, ABP-311287-21, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to commencement of development, the developer shall submit to the planning authority, revised drawings and details which demonstrate the provision of a continuous, safe durable sealed surface to enable access to the bike and bin stores within Block A.

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

4. (a) Prior to commencement of development, a demolition and/or construction method statement shall be submitted for the written agreement of the planning authority subject to the written agreement of Transport Infrastructure Ireland. The method statement shall resolve all Luas interface issues and shall identify all Luas alignment interfaces, contain a risk assessment for works associated with the interfaces, and contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime, if necessary. The method statement shall be in accordance with Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent to, the Luas light rail system.'
- (b) Given the location of the proposed development site in close proximity to a Luas Line, the developer shall ensure there is no adverse impact on the operation and safety of the Luas. The proposed development shall comply with Transport Infrastructure Ireland's 'Code of engineering practice for works on, near, or adjacent to, the Luas light rail system'.

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

5. All necessary measures shall be taken by the developer to prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works. The developer shall repair any damage to the public road arising from carrying out the proposed works and shall avoid any conflict between the construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

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

6. (a) Prior to commencement of development, the developer shall submit to the planning authority for written agreement, a complete Engineering Services Report, to include the referenced Appendix C, and a demonstration that there is no flood in the site for the 1 in 100-year event plus the 20% climate change allowance.
- (b) All drainage-related conditions and obligations of the parent planning permission under ABP-311287-21, and as set out in the Drainage Planning Report, shall apply.

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

*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

**Dated this** *06* **day of** *May* **2026.**

