



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321994-25

#### Development

Large-scale residential development:  
Construction of a student  
accommodation development  
(comprising 220 student bedspaces)  
and all associated works.

#### Location

Vector Motors, Goatstown Road,  
Dublin 14, D14 FD23

#### Planning Authority

Dun Laoghaire Rathdown County  
Council

#### Planning Authority Reg. Ref.

LRD24A/0974/WEB

#### Applicant(s)

Orchid Residential Limited.

#### Type of Application

Permission for Large Scale  
Residential Development.

#### Planning Authority Decision

Grant Permission.

#### Type of Appeal

First & Third Party

#### Appellant(s)

John & Oksana Cronin.

Gary McIlroy.

Orchid Residential Limited.

Trimbleston Owners Management  
CLG.

**Observer(s)**

Momoko Sun.

**Date of Site Inspection**

20<sup>th</sup> May 2025.

**Inspector**

Elaine Sullivan

## Contents

1.0 Introduction .....	5
2.0 Site Location and Description .....	6
3.0 Proposed Development .....	6
4.0 Planning Authority Opinion .....	9
4.3. Planning Authority Decision .....	11
4.4. Planning Authority Reports .....	12
4.5. Prescribed Bodies.....	13
4.6. Third Party Observations .....	14
5.0 Planning History .....	14
6.0 Policy Context .....	16
6.1. Development Plan .....	16
6.2. National Policy / Guidelines .....	25
6.3. Section 28 Ministerial Guidelines .....	26
6.5. Natural Heritage Designations .....	28
6.6. EIA Screening.....	28
7.0 The Appeal.....	30
7.1. Grounds of Appeal.....	30
7.2. Planning Authority Response.....	36
7.3. Applicant's Response .....	36
7.4. Further Responses .....	41
7.5. Observations .....	41
8.0 Assessment.....	42
8.1. Third party appeal.....	42

8.11.	First party appeal .....	79
9.0	AA Screening .....	83
10.0	Recommendation .....	83
10.1.	Schedule 1 – Third Party Appeal .....	89
10.3.	Schedule 2 – Third Party Appeal .....	83
11.0	Recommended Draft Board Order .....	83
12.0	Conditions .....	90
Appendix 1 – Form 1: EIA Pre-Screening		
Appendix 2 – Water Framework Directive		
EIA – Form 1 & Form 3		

## 1.0 Introduction

- 1.1. This is the third application for student housing on the subject site. The planning history for the site is referenced by both the applicant and the appellants in the appeal. Planning history for the site is contained in Section 5.0 of this report but in the interests of clarity and for the information of the Board, I will summarise the recent planning history below.
- 1.2. The first application for student housing was lodged as a Strategic Housing Development (SHD) under Ref. **ABP-308353-20**. Planning permission was granted by the Board on the 3<sup>rd</sup> of February 2020 for the construction of 239 no. student bedspaces in a building ranging from 4 – 6 storeys with setbacks along Goatstown Road. This decision was subject to a Judicial Review, under Trimbleston Owners' Management CLG v An Bord Pleanala [2021] IEHC 258, and was quashed by the High Court on the 4<sup>th</sup> of March 2022.
- 1.3. The second application was another SHD application, (Ref. **ABP-313235-22**) and was lodged on the 6<sup>th</sup> of April 2022. Permission was sought for the construction of 221 no. student bed spaces in a U-shaped building ranging in height from single storey to part four, five and six storeys along Goatstown Road. This development was refused by the Board for two reasons which are set out below.
  1. *The Daylight, Sunlight and Overshadowing Analysis provide results for daylight impact based on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209) and Vertical Sky Component. There are concerns about accuracy of the results for Vertical Sky Component (VSC) in particular the high level of properties experiencing an increase level in values despite the proposal providing for a development of significantly increased bulk and scale relative to existing structures on site. Having regard to the totality of the information contained on file the board is not satisfied that the proposed development would not adversely impact on daylight levels within existing properties immediately adjoining the application. In this regard the proposed development would be contrary to the proper planning and sustainable development of the area.*
  2. *The proposed development by virtue of design, scale and layout, in particular the north facing clusters located at fourth and fifth floor level, would, due to*

*the limited separation distances between buildings result in direct overlooking off the roof terrace room on private rooftop terrace area serving Apartment no. 20 of Trimbleston housing scheme located to the north of the site. The proposed development would be injurious to the residential amenities of this property and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 1.4. The proposed development is broadly similar to the previous application on the site in its form, scale and urban design response to the site. It will be assessed in full in the following report.

## **2.0 Site Location and Description**

- 2.1. The site, which has a stated area of 0.34 hectares, is located on the eastern side of Goatstown Road (R132), Dublin 14 approximately 6km south of Dublin City Centre, 1.5km from Dundrum Town Centre and 0.8km from the University College Dublin main campus. The site is occupied by a motor sales premises consisting of an existing showroom structure and a hardstanding area for parking of vehicles. Adjoining development includes the Trimbleston housing development located to the north and east of the site consisting of a mixture houses, duplex units and apartments ranging in height from 2-4/5 storeys. To the south are existing structures along Willowfield Park including a terrace of two-storey structures with commercial uses (retail, café and office) at ground floor, which back onto the southern boundary of the site. To the southeast along Willowfield Park are two-storey dwellings that adjoin the southeastern corner of the site. On the opposite side of Goatstown Road are two storey detached dwellings.

## **3.0 Proposed Development**

- 3.1. Planning permission is sought for a large-scale residential development (LRD) for student accommodation on a site of approximately 0.34 hectares which currently comprises a car sales premises known as Vector Motors (formerly known as Victor Motors), on the Goatstown Road, Dublin 14.
- 3.2. The development will comprise the following,

- Demolition of all existing structures on the site and the construction of a purpose-built student accommodation (including use as tourist or visitor accommodation outside the academic term) of 220 student bed spaces (including 10 no. studios) in a 'U'-shaped development comprising 3 blocks connected by vertical circulation cores which extend in height from single to 6-storey buildings.
- Along the southern boundary, the building would range in height from single storey to 4 no. storeys and would extend to part-5 and 6 storeys (with setbacks) along Goatstown Road and northern boundary.
- External amenity space of c. 1,247 sqm would be provided in the form of a central, east-facing courtyard at ground level (c. 694 sq. m) and roof terraces at 4th floor level (c. 220 sq. m) and 5th floor level (c. 333 sq. m) fronting onto Goatstown Road.
- Internal amenity space equating to c. 538 sqm would be provided in the form of 2 no. ground floor lounge/study areas, kitchen/tearoom, laundry, and concierge/office space.
- 218 no. bicycle parking spaces would be distributed across the central courtyard and northern boundary and adjacent to the front boundary of the site (north-west).
- 6 no. carparking spaces comprising 2 no. disabled parking spaces and 4 no. setdown parking spaces would be provided adjacent to the front entrance to the site.
- Vehicular access to the site is via Goatstown Road from 2 no. entrance points, which is a reduction from 3 no. entrances currently.
- Ancillary single storey ESB substation and switch room and refuse store would be provided at ground level, along the eastern site boundary.
- Site development works would also include the provision of surface water and underground attenuation and all ancillary works including site wide landscaping works, lighting, planting and boundary treatments.

**Table 1: Key Figures**

<b>Gross Site Area</b>	0.34 hectares
<b>Gross Floor Area</b>	6,786 sqm
<b>Height</b>	1 – 6 storeys
<b>No. of Bedspaces</b>	220 bedspaces in 39 clusters and 10 no. studios.
<b>Density</b>	161 units per hectare (uph)
<b>Plot Ratio</b>	1.8
<b>Public Open Space</b>	0 sqm
<b>Communal Open Space</b>	1,247 sqm, (central courtyard of 694sqm, 4 <sup>th</sup> floor terrace – 220 sqm & 5 <sup>th</sup> floor terrace – 333sqm).
<b>Internal Amenity Space</b> (study areas, lounge, laundry and kitchens)	538 sqm
<b>Car Parking</b>	6 spaces – (2 disabled & 4 set-down)
<b>Bicycle Parking</b>	218 spaces

3.3. In addition to the standard plans and particulars, the application is accompanied the documents and reports which include inter alia:

- Planning Report and Statement of Consistency
- Statement of Response to LRD Opinion
- Environmental Impact Assessment Screening Report
- Daylight and Sunlight Assessment Report
- Design Statement
- Resource & Waste Management Plan
- Operational Waste Management Plan



- Student Management Plan
- Universal Access Statement
- Bat Report
- Civil Engineering Infrastructure Report & Flood Risk Assessment for Planning
- Telecommunications Impact Assessment Report
- Traffic and Transport Report
- Ecological Impact Assessment
- Landscape Rationale
- Public Transport Capacity Assessment Report
- Verified Views & CGI
- Townscape & Visual Impact Assessment & Addendum
- Housing Quality Assessment
- Building Lifecycle Report
- Construction Environmental Management Plan
- Energy & Sustainability Statement
- Archaeological Assessment
- Appropriate Assessment Screening Report
- Hydrological & Hydrogeological Qualitative Risk Assessment
- Ground Investigation Report

## 4.0 **Planning Authority Opinion**

- 4.1. The planning authority and the applicant convened a meeting under section 32C of the Planning and Development (Amendment) (Large-Scale Residential Development) Act 2021 for the proposed Large-scale Residential Development (LRD) on the 12<sup>th</sup> of June 2024. The development proposed at pre-application consultation stage comprised a purpose-built student accommodation scheme with approximately 221 number bed spaces, indoor and outdoor amenity space equating

to c. 2,025 square metres, the provision of 210 no. bicycle parking spaces and 6 no. car parking spaces, in blocks ranging in height from single storey to 4, 5 and 6 storeys. The record of that meeting is attached to the current file.

4.2. Further to that meeting, the planning authority issued an opinion under Section 32D of the Act stating that the documentation submitted is not deemed to constitute a reasonable basis on which to make an application for permission for the proposed LRD in respect of the following areas,

- Scale and impact on existing residential amenity – insufficient evidence was provided to mitigate concerns regarding excessive height and overbearing impact on buildings to the north of the scheme and along the streetscape.
- Open space and landscaping – public open space in accordance with Sections 12.8.2 and 12.8.3 of the Development Plan has not been provided. Development contributions in lieu of public open space may be applied.
- Compliance with National Guidelines – commentary should be provided demonstrating compliance with the relevant parameters of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*, (Compact Settlements Guidelines). Where deviation from the Guidelines occurs, it must be clearly set out and justified.
- Additional information is required regarding the following,
  - A report detailing the proposed materials and finishes to the scheme.
  - A complete set of floor plans, including contiguous elevations and long sections in addition to verified views, including winter views.
  - Housing Quality Assessment containing information in accordance with Policy Objective PHP29 & Section 12.3.7.12 of the Development Plan.
  - Building Life Cycle Report.
  - Details of the long-term management of the scheme.
  - Traffic & Transport Assessment including a rationale for the proposed parking or lack thereof.
  - A quantitative and qualitative assessment of the communal and public open space.

- Design details regarding the surface water management system.
- Taking in Charge details if applicable.
- Construction Management Plan.
- Letter from Uisce Éireann confirming capacity in public infrastructure.
- Specific information is required to address the points raised by the Transportation Engineer, Drainage Engineer, Parks Superintendent and the Environmental Enforcement Scientist.

#### **4.3. Planning Authority Decision**

By order dated the 6<sup>th</sup> of February, the planning authority (PA) made a decision to grant permission subject to 29 no. conditions. The conditions are generally standard in nature, but the following requirements are noted (in summary):

- Condition No. 2 – requires the submission of revised plans and drawing showing the omission of Cluster P38 (comprising 8 no. bedspaces and associated living space) from the fifth floor of the development at the northern site boundary.
- Condition No. 3 – limits the number of bed spaces to no more than 212.
- Condition No. 5 – requires a 24-hour staff presence in the development during out of term periods when the development is in use as tourism accommodation.
- Condition No. 6 – restricts the use and accessibility of the roof gardens to the hours of 8am – 11pm.
- Condition No. 18 – requires the implementation of measures detailed in the Construction and Environmental Management Plan (CEMP) and specifies additional measures to be agreed in writing with the PA prior to the commencement of development.
- Condition No. 25 – requires a financial contribution of €389, 587.50 in lieu of public open space and in accordance with Section 12.8.8 of the County Development Plan. (This condition is subject to a first party appeal).

#### **4.4. Planning Authority Reports**

##### **4.4.1. Planning Reports**

The report of the Planning Officer (PO) included the following:

- The development would yield a density of 161 units per hectare (uph), which is above the recommended density range of 50 to 150 uph for a Suburban - Intermediate site in the Compact Settlements Guidelines. As the area is not categorised as 'accessible' in accordance with Table 3.8 of the Compact Settlements Guidelines, there is a concern regarding the density. This is addressed by way of Condition No. 2 which removes Cluster P38 to the north of the development.
- The resulting density of 155 uph is justified by the PO on the basis that on-site facilities are in place, it is 870m from the entrance to UCD and is a car-free development.
- Under the Building Height Strategy (BHS) for the Development Plan, the site is deemed to be in a Residual Suburban Area. Policies BHS 1 and BHS 3 apply to the proposal. The PO undertook a detailed criteria-based assessment of the development in accordance with Table 5.1 of the BHS and concluded that whilst the scheme was generally acceptable, there were concerns regarding the overbearing impact of the 6<sup>th</sup> storey element on properties to the east and north. The omission of Cluster P38 would address these concerns.
- The PO noted the refusal reasons for development of a similar scale under ABP-313235-22. Refusal reason No. 1 related to the impact of the proposal on daylight and the Vertical Sky Component throughout the Trimbleston scheme and a question was raised regarding the accuracy of the VSC results. The PO noted that a new assessment had been prepared and was satisfied that the issue had been addressed in the subject proposal. The VSC values are largely met apart from two units that would experience 'Moderate Adverse' effects. However, these units would benefit from the omission of Cluster P38.
- The quantum of communal open space was acceptable. No public open space is provided but the Development Plan does not contain a specific requirement for public open space in Student Accommodation. The PO

references Section 12.8.3.1 of the Development Plan which states that ‘all’ residential schemes must provide a minimum provision of public open space in accordance with Table 12.8. It is recommended in the report that a development contribution in lieu of public open space is required by condition.

- The proposed car-free development is considered acceptable based the provisions of SPPR 3 of the Compact Settlements Guidelines which supports the minimisation or elimination of car parking for developments in urban areas. The PO notes the proximity of the UCD campus which will be the main trip generator and the proximity of the site to public transport and finds the car-free proposal to be acceptable.

#### 4.4.2. Other Technical Reports

- Transportation Planning – The provision of cycle parking is acceptable, but more Sheffield stands are required. The lack of car parking is in accordance with Table 12.5 of the Development Plan and with SPPR 3 of the Compact Settlements Guidelines. Conditions are recommended.
- Parks and Landscape Services – The lack of public open space is noted. It is recommended that a condition is attached that requires a financial contribution in lieu of public open space.
- Environmental Enforcement – No objection. Standard conditions recommended.
- Drainage Planning - No objection. Standard conditions recommended.
- Public Lighting – Public lighting plan required.

#### 4.5. Prescribed Bodies

- Environmental Health Officer – No objection. Standard conditions recommended.

#### 4.6. Third Party Observations

17 no. third party submissions were received by the PA. The issues raised by third parties reflect the issues raised in the third party appeals and relate to the following concerns,

- Scale & height
- Impact on existing properties – in terms of daylight/sunlight, overlooking, overbearing impact.
- Visual impact
- Traffic & lack of car parking
- Noise & nuisance.

#### 5.0 Planning History

##### 5.1. On the subject site -

**ABP-313235-22** – Planning permission **refused** by the Board on the 1<sup>st</sup> of January 2025 for an SHD development comprising the demolition of all structures on the site and the construction of 221 no. student bedspaces a part single, four, five and six-storey U-shaped block on a 0.34 hectares site. Car parking would be provided for 6 no. cars, and 210 bicycle parking spaces would also be provided. Permission was refused for the following reasons:

1. *The Daylight, Sunlight and Overshadowing Analysis provide results for daylight impact based on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209) and Vertical Sky Component. There are concerns about accuracy of the results for Vertical Sky Component (VSC) in particular the high level of properties experiencing an increase level in values despite the proposal providing for a development of significantly increased bulk and scale relative to existing structures on site. Having regard to the totality of the information contained on file the board is not satisfied that the proposed development would not adversely impact on daylight levels within existing properties immediately adjoining the application. In this regard*

*the proposed development would be contrary to the proper planning and sustainable development of the area.*

- 2. The proposed development by virtue of design, scale and layout, in particular the north facing clusters located at fourth and fifth floor level, would, due to the limited separation distances between buildings result in direct overlooking off the roof terrace room on private rooftop terrace area serving Apartment no. 20 of Trimbleston housing scheme located to the north of the site. The proposed development would be injurious to the residential amenities of this property and would, therefore, be contrary to the proper planning and sustainable development of the area.*

**ABP-308353-20** – Planning permission **granted** by the Board on the 3<sup>rd</sup> of February 2021<sup>1</sup> for an SHD comprising the demolition of an existing building and hard surface parking area and the construction of 239 no. student bedspaces with amenity spaces, bicycle and car parking spaces and all associated site works. The proposed building ranged in height from 4 storeys (with roof terraces) along the southern site boundary to 5 and 6 storeys, with setbacks, along Goatstown Road. The Board's recommended opinion on the proposal was issued under Ref. **ABP-306829-20**.

**D12A/0486** - Permission **granted** by the PA for modification to the front and side facades of existing building to include for raising height of part of existing front facade and for recladding over existing cladding to front elevation and part of side elevation.

**PL06D238413 (D10A/0623)** - Permission **refused** by the Board and by the PA in 2011 for the refurbishment, extension and change of use of motor sales premises to use as a neighbourhood shop with ancillary off license sales. The Board refused for three reasons. Reasons (1) and (2) related to the scale of retail development and car parking, development plan retail policies and the Objective A residential zoning of the site. Refusal reason no. (3) related to the location of the site at a curvature in close proximity to two signalised junctions on the Goatstown Road (R132), a principal commuter route, and exacerbation of existing traffic congestion in the area.

---

<sup>1</sup> This decision was quashed by the High Court on the 4<sup>th</sup> of March 2022.

**PL06D227350 (D07A/0984)** - Permission **refused** by the Board and the PA in 2008 for the demolition of the existing structure and construction of a single 3-6 storey block, over part single and part two levels of basement, comprising 49 apartments. The Board refused permission for one reason relating to development plan standards and to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, development would constitute overdevelopment of the site and, by reason of its height, scale, mass and bulk relative to adjoining buildings and structures and its proximity to the boundaries of the site, would result in a substandard quality of open space within the site due to the effects of overshadowing, be visually obtrusive, particularly when viewed from the south and east along the Goatstown Road and would depreciate the value of property in the vicinity.

**D04A/0828** - Permission **granted** for the demolition of the existing structure and construction of a 3, 4 and 5 storey apartment block comprising 30 apartments (2 no.1 bedroom, 28 no. 2 bedroom), 4 duplex units (a 2 bedroom and 3 no. 3 bedroom) and 50 car parking spaces at basement level.

5.2. Relevant permissions in vicinity -

**ABP-309430-21** - Permission **granted** on the 3<sup>rd</sup> of June 2021 for an SHD development providing for 698 no. student bedspaces in 8 no. blocks ranging from three to seven storeys at Our Lady's Grove, Goatstown, Dublin 14 to the northwest of the site.

**D08B/0147** - Permission granted for a 106sqm roof terrace and 38sqm associated room to existing roof of penthouse level for Apartment 20, Trimbleston, Goatstown Road, Dublin 14.

## 6.0 Policy Context

### 6.1. Development Plan

#### **Dun Laoghaire Rathdown County Development Plan (CDP) 2022 -2028**

- 6.1.1. The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.



The Board should consider inter alia the following:

- 6.1.2. **Zoning** - The site zoned is 'Objective A' with a stated objective *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*.

Student Accommodation is 'Open for Consideration' under Objective A. Land uses listed as 'Open for Consideration' can be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Section 13.2 of the CDP contains the definition of Use Classes in relation to the zoning objectives. Student Accommodation is listed as a category under the 'Residential' land use and is defined as, *'A building or part thereof used or to be used to accommodate students whether or not provided by a relevant provider (within the meaning of Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not for use (i) as permanent residential accommodation, or (ii) subject to (b), as a hotel, hostel, apart-hotel or similar type accommodation, and (b) includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times. (from Planning and Development (Housing) and Residential Tenancies Act 2016)'*.

- 6.1.3. **Section 4.3.2.5 – Policy Objective PHP29: Provision of Student**

**Accommodation** - It is a Policy Objective to facilitate increased provision of high-quality, purpose built and professionally managed student accommodation in line with the provisions of the National Student Accommodation Strategy (2017). Purpose built student accommodation should be provided on campus or in suitable locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with surrounding residential amenities avoiding overprovision of student accommodation in any one area. In considering planning applications for student accommodation the Council will have regard to: M The 'Guidelines on Residential Developments for Third Level Students' (2005), and any amendment thereof. M The provisions of The

National Student Accommodation Strategy (2017). M Circular PL 8/2016  
APH2/2016. M Circular NRUP/05/2021.

6.1.4. **Section 4.3.1.1 - Policy Objective PHP18: Residential Density** - It is a Policy Objective to:

- Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

6.1.5. **Section 4.3.1.3 - Policy Objective PHP20: Protection of Existing Residential Amenity** - It is a Policy Objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments. –

- On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses.
- On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria "At District/Neighbourhood/Street level" as set out in Table 5.1 in Appendix 5.

- On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings.
- Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights.

6.1.6. **Section 4.4.1.8 - Policy Objective PHP42: Building Design & Height** - It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF). (Refer also to Chapter 12, Section 12.3.1.1 – Design Criteria).

The Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5):

- Policy Objective BHS 1 – Increased Height.
- Policy Objective BHS 2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas.

Policy Objectives BHS 1 and BHS 2 relate to the subject development as the site is not in an area covered by an approved LAP or Urban Framework Plan.

#### 6.1.7. **Chapter 12 – Development Management**

**Section 12.3.7.11 - Student Accommodation** - All proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005), the provision of the 'National Student Accommodation Strategy' (2017), circular PL8/2016, and circular NRUP/05/2021.

The Council will support the provision of on-campus accommodation and purpose built-professionally managed student accommodation off-campus at suitable locations. When dealing with planning applications for such developments a number of criteria will be taken into account including:

- The location of student accommodation should follow the following hierarchy of priority: -
  - On campus.
  - Within 1km distance from the boundary of a Third Level Institute.
  - More than 1km from a Third Level Institute and within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes. In all cases such facilities will be resisted in remote locations at a remove from urban areas.
- The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such accommodation will not be permitted where it would have a detrimental effect.
- The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.
- The number of existing similar facilities in the area (applicable only to off-campus accommodation). In assessing a proposal for student accommodation, the Planning Authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity.

**Section 12.3.1.1** Design Criteria - Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.

**Section 12.3.3.2 – Residential Density** – See Policy PHP 18. The number of dwellings to be provided on a site should be determined with reference to the *‘Sustainable Residential Development in Urban Areas – Guidelines for Planning*

*Authorities’ (2009), and the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020).*

**Section 12.3.4.2 Habitable Rooms** - All habitable rooms within new residential units shall have access to appropriate levels of natural /daylight and ventilation.

Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard.

**Section 12.4.5.1 – Parking Zones** – The subject site is in Parking Zone 3, which are areas generally characterised by

- access to a level of existing or planned public transport services,
- a reasonable level of service accessibility, existing and planned, by walking or cycling
- a capacity to accommodate a higher density of development than rural areas.

Within parking Zone 3 maximum standards shall apply to uses other than residential where the parking standard shall apply. In Zone 3 additional parking shall be provided for visitors in residential schemes at a rate of 1 per 10.

In some instances, in Zone 3 reduced provision may be acceptable dependent on the criteria set out in 12.4.5.2 (i) with particular regard to infill/brownfield developments in neighbourhood or district centres.

**Section 12.4.5.2 Application of Standards** - In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in Zones 1 and 2 along with some locations in Zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria. In all instances, where a deviation from the maximum or standard specified in Table 12.5 is being proposed, the level of parking permitted and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to criteria as set out below:

- (i) Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5) -

- Proximity to public transport services and level of service and interchange available.
- Walking and cycling accessibility/permeability and any improvement to same.
- The need to safeguard investment in sustainable transport and encourage a modal shift.
- Availability of car sharing and bike / e-bike sharing facilities.
- Existing availability of parking and its potential for dual use.
- Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).
- The range of services available within the area.
- Impact on traffic safety and the amenities of the area.
- Capacity of the surrounding road network.
- Urban design, regeneration and civic benefits including street vibrancy.
- Robustness of Mobility Management Plan to support the development.
- The availability of on street parking controls in the immediate vicinity.
- Any specific sustainability measures being implemented including but not limited to:
  - The provision of bespoke public transport services.
  - The provision of bespoke mobility interventions.

**Table 12.5 - Car parking - Parking Zone 3 - Student Hostel/Accommodation**

Maximum 1 per 10 bedspaces.

**Section 12.4.6 – Cycle Parking** - Cycle parking should accord with the Council published – ‘*Standards for Cycle Parking and Associated Cycling Facilities for New Developments*’ (2018) or any subsequent review of these standards. Table 4.1 of this document outlines the minimum standards (sum of both short-stay and long-stay) of cycle parking provision that will be sought for residential developments.

Student accommodation requires a minimum of 1 short-stay (visitor) parking space per 5 bedrooms and, 1 long-stay parking space per 2 bedrooms.

### **Section 12.8.3 – Open Space Quantity for Residential Development –**

**Table 12.8** - Public Open Space Requirements for Residential Developments - Residential Development in the existing built-up area should provide a minimum of 15% of the site area.

It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same.

**Section 12.8.4 – Open Space Quantity for Mixed Use, Non-Residential and Commercial** - The Planning Authority shall require a minimum of 10% of the overall site area for all large-scale, mixed-use, non-residential, and commercial developments to be reserved for use as Public Open Space/Urban realm space. (Any residential element of a mixed-use scheme shall provide public open space in accordance with Table 12.8).

Where the required public open space standards cannot be achieved for non-residential, mixed use and commercial, the Council will also require a contribution in lieu to be paid by the Developer to contribute to the public realm and public realm improvement works.

#### **6.1.8. Appendix 5 Building Heights Strategy**

**Section 4.4 – Policy Approach** – The Building Heights Strategy (BHS) follows the approach set out in the *Urban Development and Building Height Guidelines (2018)* (Building Height Guidelines) and supports increased building height at appropriate locations. A detailed performance management criteria table also forms part of the

policy. Where proposals for increased height over and above 4 storeys in residual suburban areas, or above any specified heights in an LAP or the Development Plan or other identified area, the proposal must be assessed against Section 5 of the BHS.

**Policy Objective BHS 1 – Increased Height** – this policy objective supports the consideration of increased height in Major Town Centres, District Centres, Sandyford Urban Framework Plan (UFP) area, UCD and suitable areas well served by public transport links (i.e. within 1000m /10 min walk of a Luas stop, DART station, or Core/Quality Bus Corridor, 500m / 5 min walk of a Bus Priority Route, provided that it does not have a negative impact on existing amenities.

**Policy Objective BHS 2 – Building Height** – this policy objective relates to areas covered by an approved Local Area Plan or UFP (UFP must form part of the County Plan).

**Policy Objective BHS 3 – Building Height in Residual Suburban Areas** - It is a policy objective to promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas\* of the County provided that proposals ensure a balance between reasonable protection of existing amenity and the established character of the area. Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas. Any such proposals must be assessed in accordance with the criteria set out in table 5.1 as contained in Section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height of the area.

*\*The BHS notes that ‘Areas not covered by an existing or forthcoming Local Area Plan or other guidance/policy as set out in this plan and not falling into objective F, B, G or GB are termed residual suburban areas.’*

The site is within the boundary of the Goatstown Local Area Plan 2012, which was extended to 2022 and has now expired.



**Table 5.1** - Criteria for assessing proposals for increased height are set out for County Level, District/Neighbourhood/Street Level, at site/building scale as well as County Specific Criteria.

#### 6.1.9. **Dun Laoghaire Rathdown Development Contribution Scheme 2023-2028**

Section 6 of the Development Contribution Scheme deals with Contribution in Lieu of Public Open Space and states the following,

- **6.1.** - The Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 provides that in the event that the standards for public open space referred to in the County Development Plan are not met and/or where public open space cannot be facilitated within a development, an additional contribution may be required by way of condition when granting planning permission.
- **6.2.-** Where the Planning Authority considers that the standards for public open space referred to in the County Development Plan are not met and/or that open space cannot be facilitated within the development As adopted 9th October 2023 concerned, an additional financial contribution of €7,500,000 per hectare shall be calculated on a pro rata basis on the quantum of the shortfall in public open space and monies paid in accordance with such condition shall be applied to the provision of and/or improvements to a park and/or enhancement of amenities in the area.

#### 6.2. **National Policy / Guidelines**

- 6.2.1. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR).** The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

### 6.2.2. National Planning Framework First Revision (2025) (NPF)

The first revision to the NPF was approved by Government in April 2025. The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements.

Regarding student housing, Section 6.6 of the NPF states that:

Demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. Student accommodation also contributes to the financial, cultural and social fabric of regions, cities and towns. The adaptive reuse of existing buildings and brownfield sites for student accommodation can assist with the reduction of vacancy and dereliction, thereby promoting vitality and vibrancy in settlements, in support of Town Centre First principles. The National Student Accommodation Strategy supports these objectives.

The NPF recognises that investment in student accommodation within our universities is one facet which will help to achieve National Strategic Outcome 6 – *A strong economy supported by enterprise, innovation and skills.*

The Dun Laoghaire Rathdown County Development Plan 2022-2028 references National Policy Objective (NPO) 13 in relation to building height. NPO 13 was carried forward into the First Revision of the NPF under NPO 22 which states that, *In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.*

### 6.3. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023.
- Urban Development and Building Heights Guidelines, 2018
- Sustainable Residential Development and Compact Settlement Guidelines 2024 (density / height / separation distances / open space). (Note - These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type).

#### **Other**

- Climate Action Plan 2025
- National Biodiversity Action Plan

#### **6.4. Documents referenced in the application -**

- 6.4.1. Guidelines on Residential Developments for Third Level Students (2020) –** published by the Minister for Education and Science and the Minister for the Environment and Local Government to assist and inform developers and designers in formulating proposals for student residential development under Student Residential Accommodation tax incentives.
- 6.4.2. The National Student Accommodation Strategy (2017) -** published by the Department of Education and skills. This document identifies actions to ensure that there is an increased level of supply of purpose-built student accommodation (PBSA) to reduce the demand for accommodation in the private rental sector by both domestic and international students attending higher level education institutions.
- 6.4.3. Circular PL8/2016 APH 2/2016 -** states that a flexible approach should be applied in planning conditions which relate to the use slash occupation of student accommodation in order to ensure the financial viability of such projects. Planning authorities are advised not to attach conditions restricting the use of student accommodation complexes for alternative uses during the summer or holiday periods while also ensuring that student accommodation is;
- *not used for residential accommodation of a permanent nature*

- *safeguarded for use by students and other persons related to the higher education institute during the academic year,*
- *and capable of being used for legitimate occupation by other persons slash groups during holiday periods where not required for student accommodation purposes.*

## 6.5. Natural Heritage Designations

- 6.5.1. No Natural Heritage Area (NHA) or proposed NHA (pNHA) designations apply to the subject site.
- 6.5.2. Appropriate Assessment is considered in Section 9.0 of this report.

## 6.6. EIA Screening

- 6.6.1. An Environmental Impact Assessment Screening Report was submitted with the application. The applicant determined that the project was sub-threshold for the purposes of EIA and the development was assessed against the criteria set out in Schedule 7 and Schedule 7A.
- 6.6.2. Under Part 2, Schedule 5 of the Planning and Development Regulations, the proposed development was considered under the following classes,
- 10(b)(i) – construction of more than 500 dwelling units
  - 10(b)(iv) – urban development that would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere and,
  - Class 15 – Any project listed in part 2 which does not exceed a quantity, area or other limit specified in (Part 2) in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 6.6.3. The proposed development does not meet the threshold for mandatory EIA under any of the classes it was considered under. This was acknowledged in the

application. The Screening Report submitted by the applicant examined the potential impacts of the development under the requirements of Schedule 7 and Schedule 7A. I have carried out an EIA screening determination on the project which is set out in Appendix 2 of this report.

- 6.6.4. No issues relating to EIA were raised in the grounds of appeal. I consider that the location and scale of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.
- 6.6.5. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

#### **6.7. Water Framework Directive**

- 6.7.1. I have assessed the proposed development for student accommodation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 6.7.2. Appendix 2 of this report expands on the issues considered in the screening determination.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The decision of the PA is subject to a first party appeal and to two third party appeals.

#### Third Party Appeals

Third party appeals were lodged by Gary McIlroy, John and Oksana Cronin and Trimbleston Owners Management CLG c/o Indigo Real Estate Management. I note that the appeal from Trimbleston Owners Management CLG is accompanied by a technical report prepared by consultants from BRE Group and titled '*Review of daylight and sunlight assessment for a development at Goatstown Road, Dublin*'.

The grounds of appeal have been combined and summarised below.

- Impact on adjoining development – insufficient separation distance between the proposed development and existing development at Trimbleston would result in overlooking and overbearing impact.
- Density - The proposed density of 161 units per hectare (uph) is excessive and above the recommendation for the site in the Development Plan. It also exceeds the maximum range of 50 – 150 uph for Suburban – Intermediate areas in Table 3.8 of the Compact Settlements Guidelines for Planning Authorities. The appeal notes that Condition No. 2 requires the omission of 8 bedspaces in Cluster P38. This would reduce the density to 155 uph, which is still above the maximum range. (The scheme would have a plot ratio of 1.9).
- Height – The six-storey building is excessive within the site context and is not in accordance with Development Plan policy contained in the Building Height Strategy for the county and in particular with Objectives BHS 1 and BHS 3. The omission of the Cluster P38 in the northern end of the development does not adequately address the excessive height. The appeal puts forward that the site is suitable for a 4-storey development and anything higher would have an overbearing impact on the adjoining development at Trimbleston by virtue of the scale and proximity.

- Overshadowing – Concerns are raised about overshadowing of adjoining properties to the east and north of the site. A technical report was submitted with the grounds of appeal which reviews the daylight and sunlight assessment submitted with the application. To address the impact of the development in terms of overshadowing the grounds of appeal suggest omitting the 5<sup>th</sup> storey of the proposal.
- Overbearing impact – The proposed six-storey building would have a negative visual impact on the properties at Trimbleston adjoining the site at the north and north-eastern site boundaries by virtue of its density, scale, height, bulk and massing. The separation distances between properties are insufficient and the proximity of the proposal to the site boundary would have an overbearing impact on the areas of private and public open space on the adjoining site at Trimbleston.
- Overlooking – The proposal would result in overlooking of adjoining properties at Trimbleston by virtue of the location of the high-level windows facing onto the adjoining site and third proximity to the site boundary and from the proposed roof top terraces. Areas impacted in the adjoining development include the communal open space to the northeast of the subject site, the balconies along the eastern site boundary and the roof top terrace of the apartment to the north of the site. The proposed development would overlook properties at the adjoining site and the angled windows at fourth and fifth floor levels would not be sufficient to mitigate against overlooking. The roof top room to the north of the site would be particularly affected by overlooking. Apartment No. 20 would also experience negative impacts from overlooking.
- Daylight & Sunlight – The development would result in loss of daylight to existing properties and in particular to the properties in the Trimbleston development. The grounds of appeal state that the daylight and sunlight assessment submitted by the applicant is not robust and contains lacunae.
- Deficient Open Space – The provision of communal open space (1,247 sqm) is not in accordance with Section 12.8.3 of the as it includes a service courtyard and roof terraces which are unlikely to be used, and which could result in noise and nuisance to existing development. The appellant submits

that the layout of the open space areas would result in a fragmented provision of space which would be overshadowed and claustrophobic. No central area would be provided. The appellant notes that the PA have attached a condition to the decision to provide a development contribution in lieu of public open space. CDP policies in Section 12.3.1.1 and 12.3.7.11 are referenced regarding the provision of high-quality open space in high density developments and student accommodation.

- Deficient Car Parking Provision – appellants contend that the scheme is deficient in terms of car parking and vehicular access. The scheme essentially has no car parking apart from 2 disabled parking spaces and 4 set-down spaces to the front. No justification has been provided as to how the quantum of parking was arrived at. The scheme fails to address the requirements of Table 12.6 of the Development Plan which states that the ‘standard’ parking requirement is 1 car space per 10 student bedspaces in Zone 3. Based on this, the scheme would require at least 22 parking spaces. The lack of parking could result in overspill parking in the adjoining and adjacent residential areas. It is also submitted that the development will also require staffing, and no provision has been made for that.
- Traffic Impacts - No provision seems to be made for how traffic will be managed during the check-in times for students. Additional traffic on the Clonskeagh Road and the proximity of traffic junctions could result in a hazard. The public transport provision in the area is also poorly serviced with infrequent bus routes which could encourage private car use.
- Disturbance and Noise - The proposed rooftop terraces would have an impact on the privacy of local residents and could result in nuisance and noise from anti-social behaviour. The development may be used as tourist accommodation outside of term-time. No measures to mitigate against the misuse of the roof top terraces outside of term time are included in the application.
- Planning history - Planning history for the site includes a refusal for a scheme of similar scale and height, (ABP-313235-22). The reasons for refusal relate to the accuracy of the Vertical Sky Component (VSC) results and the impact



the north facing clusters would have on apartment No. 20 of the Trimbleston housing development in terms of overlooking. The grounds of appeal contend that these issues have not been addressed.

- Construction Phase - Condition No. 13 relates to the construction phase and requires that the contractor keep surrounding roads and clean and clear of traffic obstructions. The appeal considers that the proximity of the busy roadway, cycle track and footpath will make it impossible for the contractor to be considerate of existing residential amenity and public safety during construction. The appeal also notes that Condition No. 18, points (i) to (r) are not supported by appropriate plans.
- Planning precedents - The development would set poor planning precedents based on the lack of consideration of previous planning judgements of similar scale, overshadowing, excessive density, excessive scale and height and non-compliance with planning policy in the Development Plan and Compact Settlements Guidelines.
- Depreciation of property value – The proposed development could have a negative impact on existing residential amenities and result in a depreciation of property values in the Trimbleston development by virtue of the proximity of the proposal to existing communal open spaces.
- Additional points raised in the Trimbleston appeal - The Trimbleston appeal submits that their planning submission was not given due consideration by the PA. Planning history for the site is referenced and extensively detailed along with the court decision in *Clane Community Council v An Bord Pleanála & Ors [2023] IEHC 467*. Reference is also made to the previous court decision on the site *[2021] IEHC 258* which quashed the decision of the Board which related to SHD development ABP-308353-20. The appellant notes that the current application was lodged while a decision on ABP-313235-22 (now decided) was pending. It is argued that both schemes are the same and that Irish legislation does not allow a simultaneous planning appeal and a new application for the same development on the same site. The appellant is also of the opinion that the decision of the PA does not fully consider the reasons for refusal contained in the Bord decision of ABP-313235-22.

## First Party Appeal

The grounds of the first party appeal relate to the content of financial contributions included at Condition No. 25 which states the following,

*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 (calculated by €7,500,000 x 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 interest of the proper planning and sustainable development of the area.*

The grounds of appeal include the following,

- The applicant submits that that Condition No. 25 should be removed as 'purpose-built student accommodation' (PBSA) is separately defined under the provisions of the 'Planning and Development (Housing) and Residential Tenancies Act 2016' and therefore does not fall under the same development management standards which are applicable to traditional 'residential' development. Therefore, Sections 12.8.2 and 12.8.3 of the Development Plan do not apply to the subject proposal.
- The applicant notes that 'student accommodation' is a separately defined land use in the County Development Plan (CDP) and that there are separate sections in the plan that guide proposals for residential and student accommodation.
- In terms of the application of the Development Contribution Scheme, the applicant argues that, whilst student accommodation could be viewed as a commercial development, the provisions of Section 12.8.8 of the CDP do not

apply as there is no specific requirement for public open space to be provided in PBSA schemes.

- Reference is made to the Chief Executive (CE) report in relation to Ref. ABP-313235-22, which is the previous SHD application on the subject site. The CE report states that, 'Student housing is not considered to be residential development from the perspective of open space requirements.' The applicant considers this to be a justification for their argument.
- The applicant notes that the scheme would provide 1,247 sqm of communal open space in the form of two courtyards, in addition to roof terraces. In addition, they are willing to accept a condition to upgrade the public domain area directly in front of the site. Furthermore, Condition No. 28 requires the payment of a contribution of €618, 127.13 towards expenditure incurred by the PA in respect of the 'Community Parks facilities and Recreational amenities' benefitting the development.
- For the purposes of calculating the development contributions, the PA considered the development to be 'commercial' rather than 'residential' and levied the development accordingly. On this basis the commercial development should not be subject to the Development Plan standards that relate to residential development.
- In support of their arguments, the applicant references previous planning decisions by the PA which related to similar development types where the provisions of Condition No. 25 were not required, (Ref. – ABP-315033-22 / PA Ref. D22A/0614 and ABP-311585-21 / PA Ref. D21A/0667).
- Reference is made by the applicant to the definition of a house under Part 1 of the Planning and Development Act 2000 (as amended) which is different to the definition of student accommodation under the Planning and Development (Housing) and Residential Tenancies Act 2016.
- The applicant refers to the High Court decision in *Jennings v An Bord Pleanála* [2023] IEHC 14, whereby in relation to Part V, the decision concludes that student accommodation does not fall within Part V and S. 96 of

the Planning and Development Act 2000 (as amended) and specifically with the concept of 'houses' found in S. 96.

## 7.2. Planning Authority Response

- No response received.

## 7.3. Applicant's Response

7.3.1. The applicant submitted two separate responses to the grounds of appeal. The first response received on the 31<sup>st</sup> of March 2025, addressed the issues in the appeal lodged by John and Oksana Cronin. The second response was received on the 3<sup>rd</sup> of April 2025 and responded to the issues raised in the other two appeals lodged by Trimbleston Owners Management CLG and Gary McIlroy.

7.3.2. In the interest of brevity, I have combined and summarised the main issues from both submissions below.

- Previous reasons for refusal - The development addresses previous reasons for refusal by increasing the set-back at 5<sup>th</sup> floor level, reducing the number of bed spaces from 221 to 220, increasing the quantum of bicycle parking, amending the finishes on the northern elevation, introducing angled windows on the northern façade and redesigning all roof terraces to provide them on the western elevation only, facing onto Goatstown Road.
- Regarding the reason for refusal relating to daylight and sunlight, the applicant states that these issues have been addressed in the subject application. The issues raised about daylight, sunlight and overshadowing in the Inspectors Report for the previous SHD application, **ABP-313235-22**, have been resolved by the design iterations and different consultants (3D Design Bureau) were engaged to carry new assessments for Daylight & Sunlight. An additional Daylight and Sunlight Assessment Report was prepared by 3D Design Bureau in response to the grounds of appeal and the technical report / peer review from BRE Group consultants. The applicant refutes the assertion in the appeal that the 5<sup>th</sup> and 6<sup>th</sup> storeys should be

removed to mitigate the impact on the development at Trimbleston and provides a commentary on the Daylight and Sunlight Assessment which supports this.

- Scale and Density - The plot ratio of the development is 1.8 and the site coverage is 40%, which the applicant contends is a modest level of development for the urban location.
- Height – The proposed 1, 4, 5 and 6 storey development is broadly in line with the prevailing building heights to the north of the site and on both sides of the Goatstown Road. In the opinion of the applicant, the proposal does not materially contravene the Development Plan as Policy Height Objective BHS 1 of the Building Height Strategy includes a provision where an argument can be made for increased height subject to assessment against performance-based criteria contained in Table 5.1 of the Strategy.
- Separation distances – The development is in accordance with SPPR 1 of the Compact Settlements Guidelines which require a minimum of 16m separation distance between opposing rear windows serving habitable rooms above ground floor level. The proposed development is set back between 15.5m at ground level and 28.5m at fifth floor level from the existing residential dwellings to the rear. To the north the proposal is set back by 11.8m from the blank gable wall of Trimbleston from ground to 4<sup>th</sup> floor level. The proposed fifth floor level is set back 18m from Trimbleston. This would be increased to over 21m by the omission of Cluster P38 under Condition No. 2 and the separation distance would be 29m from any student bedroom in Cluster P39. Windows on the southern side of the development would be set back by 29.3m from the nearest residential development on Willowfield Park and all windows in the development have been offset at this elevation.
- Visual Impact – The applicant notes that the verified views (Viewpoints 12 and 13) provide an assessment of the visual impact of the development looking west from within Trimbleston. These viewpoints were chosen to provide a fair representation of the proposed development in the context of the wider residential development. The PA's decision to omit Cluster P38 is referenced, and the applicant notes that the revised development would be 21m from the

single rooftop apartment to the north of the site and that there are no windows at the northern elevation at this level which would mitigate any perceived overlooking or overbearing impacts as alleged in the appeal. Existing mature tree lines along the boundary would also screen the development.

- Access, Parking and Traffic – The applicant considers the proposed car parking provision to be acceptable given the nature of the purpose-built student accommodation and the proximity of the development to the UCD campus and the provisions of the Development Plan which includes ‘maximum’ thresholds for car parking. Reference is made to a technical response submitted with the appeal by the applicant’s consulting engineers which justifies the level of parking proposed based on information on traffic movements from the TRICS database, modal split for students from the 2022 Census and the site context as it relates to public transport and accessibility. The applicant states that the development is in accordance with SPPR 3 of the Compact Settlements Guidelines which allows for reduced parking on the site.
- Precedents – The applicant does not agree that the development would set a poor precedent on the basis that the scheme would provide a quality living environment for future residents who would benefit from a range of shared amenities and facilities. Contrary to the grounds of appeal, the applicant submits that the proposed development would have a beneficial impact on the surrounding area by virtue of an enhanced streetscape and urban fabric.
- Depreciation of property – The appellant has not provided any evidence to support this opinion. The development is located on zoned lands where the proposed use is ‘Open for Consideration’ subject to the provisions of the Development Plan.
- Overlooking – The applicant states that the development has been subject to an iterative design process to mitigate the potential for overlooking of adjoining properties. Design details include appropriate separation distances and louvred narrow and angled windows. The southern element of the development is reduced to 1 storey, which would be 15m from the two storey houses, with the 4-storey element c. 25m away. The western section of the

development would be c. 29m from the duplex apartments to the east. The closest part of the building above ground level would be 14m from the duplex apartments to the east and would have narrow windows to prevent overlooking. The applicant notes that the 'small window' on the northeast façade of the development could be removed by condition should the Board consider it appropriate. All the windows on the northeast corner of the development and facing onto the communal open space on the adjoining site include louvres to mitigate potential overlooking of the ground floor amenity. On the northern elevation, angled windows would be provided at third and fourth floor levels with no windows at fifth floor level, (as per Condition No. 2 of the PA's decision).

- Open Space Provision – Contrary to the appellants opinion, the development would be well served by high quality amenity space in a variety of internal and external forms. External amenity space would amount to 1,247 sqm and would comprise a large central courtyard in the development, a smaller courtyard beside Student Lounge 2 and four roof garden spaces adjacent to Goatstown Road. In addition to the quantum of open space, the applicant notes that the Daylight and Sunlight Assessment demonstrates that the spaces would achieve sufficient levels of daylight and sunlight and would provide an acceptable level of amenity for residents. The Development Plan does not contain any relevant standards for the provision of public open space in purpose-built student accommodation as the use is commercial rather than residential.
- Car Parking – A technical response to this issue was prepared by the applicant's consultants. The response argues that a reduction in car parking in developments that have access to public transport is supported in national planning policy as per the National Planning Framework and the Compact Settlements Guidelines. The Development Plan states that maximum car parking standards shall apply to uses other than residential and subject to the discretion of the PA. In this instance reduced parking is appropriate for the nature of the development and for the site, which is an underutilised, urban site, in proximity to public transport and within walking distance to the UCD campus. Set-down parking at the start and end of term will be managed

through the student portal where limited time slots will be allocated for students arriving or departing. Overspill parking is not possible on Goatstown Road and given the proposed use parking demand and overspill parking is unlikely in the surrounding area.

- Construction Phase – The applicant submits that the nature and scale of the development is not unusual and can be accommodated using normal construction practices that will be managed through the provision of a Construction and Environmental Management Plan which will be subject to agreement with the PA. This will minimise disruption to the locality.
- Disturbance from roof top terraces – Access and use of the roof top terraces will be managed by the Management Company on a 12 monthly basis. The roof top terraces are sufficiently set back from neighbouring properties, (29m from the closest rear garden at Trimbleston) that projectiles or rubbish could not realistically land in any neighbouring gardens.
- Impact on Trimbleston (Sycamore building) – The Sycamore building faces onto the site. At the closest point, the proposed development would have a separation distance of at least 28 metres from the western elevation of the Sycamore building, which is in accordance with SPPR 1 of the Compact Settlements Guidelines. The fifth-floor element was reduced in scale by the PA. This would provide a 50m separation distance between the top floor of the development and the Sycamore building. Given the separation distance between the buildings the applicant does not consider it realistic that the building would block the skyline to the adjoining development. The Daylight and Sunlight Assessment Report found that of the 17 no. windows assessed, 12 would experience a 'Negligible' effect from the development with the remaining 5 experiencing a 'Minor Adverse' effect for Annual Probable Sunlight Hours (APSH). In terms of 'Winter Probable Sunlight Hours', 11 of the windows would experience a 'Negligible' effect from the development, 3 would experience a 'minor Adverse' effect and 3 would experience a 'Moderate Adverse' effect. In terms of Vertical Sky Component, 4 no. windows in the Sycamore building would experience a 'Moderate Adverse' effect. All these windows are a ground floor level and are currently constrained by



overhanging balconies above. The remaining windows are predicted to experience a 'Minor Adverse' effect. A supplementary 'No Balcony Study' found that in the absence of the overhanging balconies, the windows would meet the BRE criteria for annual sunlight access (APSH). The PA's condition to remove Cluster P38 will improve the sunlight levels to the windows assessed in the Sycamore Building. Regarding the impact on birds, the applicant references the Ecological Impact Assessment (EclA) report which states that the proposed development will not impact the flight patterns of birds flying over the site.

Enclosures in the applicant's response –

- Architectural Design Statement
- Daylight and Sunlight Assessment Report
- Legal opinion on reference made to *Clane v An Bord Pleanála* [2023] IEHC 467
- Architectural drawings detailing compliance with Condition No. 2

#### **7.4. Further Responses**

- 7.4.1. A further response was received from the Trimbleston Owners Management CLG was received on the 28<sup>th</sup> of March 2025. No new planning issues are raised.

#### **7.5. Observations**

One observation was received from Momoko Sun, who is a resident in the Trimbleston development. The issues raised are summarised below.

- Loss of privacy and overlooking of existing housing development at Trimbleston.
- Loss of daylight to habitable rooms and private open space in existing housing.
- Safety during the construction and operational phase for houses in close proximity to the site boundary.

- Increased traffic and noise.
- Environmental concerns regarding loss of green space and pressure on existing services such as drainage systems and waste management.

## 8.0 **Assessment**

### 8.1. **Third party appeal**

8.1.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Density
- Design – Visual Impact
- Amenity of the Proposed Development
- Height
- Impact on Residential Amenity
- Car Parking & Traffic
- Procedural Issues
- Material Contravention
- Other Issues

### 8.2. **Principle of Development**

8.2.1. The proposed development is on a site zoned 'Objective A', which seeks '*To provide residential development and improve residential amenity while protecting the existing residential amenities.*' Under Objective A, 'student accommodation' is listed as a land use which is 'Open for Consideration'. Section 13.1.4 of the Development Plan states that uses '*listed as 'Open for Consideration' may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable*

*effects, and would otherwise be consistent with the proper planning and sustainable development of the area’.*

- 8.2.2. Policy Objective PHP29 of the Development Plan seeks to facilitate the increased provision of purpose-built student accommodation in suitable locations which have convenient access to third level colleges. The objective also seeks to deliver the facilities in a manner compatible with surrounding residential amenities and avoiding an overprovision of student accommodation in any one area. Section 12.3.7.11 of the Development Plan sets out the development management requirements for student housing and states that student housing should be provided based on a hierarchy of location with the highest priority given to facilities on campus and followed by locations within 1km distance from the boundary of a third level institute with the lowest priority given to locations more than 1km from a third level institute but within proximity to high-quality public transport corridors.
- 8.2.3. I am satisfied that the proposed development is acceptable in principle based on its categorisation as open for consideration in the Objective A zoning matrix, Policy Objective PHP28 which supports the provision of student housing and the location of the site within 1km of the UCD campus, which is in accordance with the hierarchy of locations for such development in Section 12.3.7.11 of the Development Plan. On this basis, the proposal can be assessed on its merits against the policies and objectives of the Development Plan.
- 8.2.4. The grounds of appeal questioned whether the proposed development would materially contravene the zoning objective for the site given the potential impact it would have on the residential amenity of adjoining properties. This will be fully assessed under the following headings.

### **8.3. Density**

- 8.3.1. The grounds of appeal argue that the density of the development is excessive and is not in accordance with the provisions of the CDP or the Compact Settlements Guidelines. The subject proposal is for student accommodation consisting of 220 bedspaces on a site with the gross area of 0.34 hectares. Section 3.2 of the Compact Settlements Guidelines states that student accommodation density should be calculated based on 1 dwelling per 4 bedspaces for net density. On this basis the

permitted development is the equivalent of 55 units which would yield a density of 161 units per hectare (uph).

- 8.3.2. Section 4.3.1 of the CDP seeks to maximise the use of zoned and serviced residential land and establishes a default minimum density of 35 uph for all new residential developments in the county, (excluding lands zoned GB, G and B). Policy Objective PHP18 of the Development Plan also seeks to provide high density development in appropriate locations. The CDP does not contain an upper limit for residential density. Section 12.3.3.2 of the CDP (Residential Density) states that the number of dwellings to be provided on a site should be determined with reference to the Government Guidelines contained in the '*Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities*' (2009) and the '*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* (2020). (I note to the Board that since the CDP was adopted the Sustainable Residential Development in Urban Areas have been replaced with the Compact Settlement Guidelines). The CDP also states that 'As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport', as per Policy Objective PHP18.
- 8.3.3. Section 12.3.7.11 of the CDP supports the provision of student accommodation subject to a range of criteria which includes a hierarchy of locations. The subject site equates to level 2 of the hierarchy as it is 'Within 1km distance from the boundary of a Third Level Institute'. I consider that given the nature of the development proposed for PBSA, and its location in relation to a third level college campus, that the location of the site is suitable for high density development.
- 8.3.4. In the context of the Apartment Guidelines the site is a 'Intermediate Urban Location with such areas identified as being suitable for smaller scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net). The 'Sustainable Residential Development in Urban Areas' Guidelines were replaced with the Compact Settlements Guidelines, within which the site is categorised as 'City - Suburban/Urban Extension'. Densities of up to 150 uph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in

Table 3.8 of the Guidelines). An 'accessible location' is defined as 'Lands within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services.' The subject site is not technically within the definition of an 'accessible' site, as it is outside of the 500m catchment for high-frequency urban bus services and is c. 1.5km from the Dundrum Luas stop.

8.3.5. Condition No. 2 of the decision of the PA requires the omission of Cluster P38 which contains 8 bedspaces. This would result in a net density of 155uph which is still more than the density range of 150 uph. Although the CDP adopts a flexible approach to the application of density and does not contain any upper limit restrictions, it relies on the standards contained in the Apartment Guidelines and the Compact Settlement Guidelines. Therefore, consideration should be given as whether the proposed density of 155 uph on a site which does not meet the definition of an 'accessible' site, constitutes a material contravention of the CDP. Section 3.2.1 of the Compact Settlement Guidelines states that, *'It may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area.'* Whilst the density of the proposed development would be above the 150 uph range which is open for consideration at 'accessible' suburban / urban extension locations, the location of the site is in accordance with Section 12.3.7.11 of the CDP, which supports the provision of PBSA as it is within 1km of the UCD Campus. It is also in accordance with Policy Objective PHP29 of the CDP, which seeks to facilitate increased provision of PBSA and is proximity to urban bus services and within walking distance to high frequency public transport. On this basis, I consider that the nature of the development and the location of the site are suited to high density development, which would be appropriate at this location. Higher densities are also supported by Policy Objective PHP18 of the Development Plan. Therefore, I do not consider the density to be a material contravention of the CDP.

8.3.6. The PA attached Condition No. 2 to address concerns about the overall scale of the development and to reduce height and the potential for overlooking of adjoining

properties. These issues will be addressed under the relevant sections in the following report and the Board will decide whether the condition should be attached if permission is granted. The omission of Cluster P38 would result in a density of 155 uph which is marginally above the upper range of 150 uph in the Compact Settlements Guidelines. Based on the location of the site and the nature of the development proposed, I consider that the subject site is suitable for high density development subject to an assessment of the bona fides of the overall development and its impact on the amenity of adjoining properties, which will be carried out in the following sections of the report.

#### **8.4. Design – Visual Impact**

- 8.4.1. The grounds of appeal consider that the development would have a negative visual impact on adjoining properties and the wider area due to the scale and bulk of the development. Buildings within the site would be laid out in a U-shape along the southern, western and northern site boundaries with a central amenity space, bicycle parking and service buildings along the eastern site of the site. The development ranges in height from a single storey element in the south-eastern corner of the site to six-storeys at the northern section of the site. The form and layout of the development allows the significant frontage to Goatstown Road to be utilised with higher level buildings whilst allowing for a separation between the lower-level housing at Trimbleston and Willowfield to the east and south. Overall, I consider the transition in scale to be an appropriate response to the traditional two storey development to the south of the site to the 3, 4 and 5-storey development at Trimbleston to the north and west of the site.
- 8.4.2. A Townscape and Visual Impact Assessment (TVIA) and Verified Views and CGI images from 14 selected viewpoints were submitted with the application and give a comprehensive overview of how the proposal would integrate with the surrounding area. The character of the existing townscape is described as, *‘historically dominated by low-rise residential townscape that forms part of the inner-suburban cityscape of Dublin city though there are incidental institutional, retail areas and open landscapes in the form of sporting facilities and parks.’* There are no protected structures within 500m of the subject site and there are no specific designations to preserve views or

prospects to, from or across the site. The surrounding townscape is categorised in the TVIA as a 'mix 'ordinary' and 'good' townscape that has medium sensitivity though it is severed by the broad and busy linear route of the R825 Goatstown Road.'. The predominantly low-rise residential nature of the surrounding area is also noted.

8.4.3. It is accepted that there will be negative visual impacts during the construction stage, but these will be temporary in nature. Post construction, I consider the most significant impacts would be experienced from the immediate areas. Due to the curving nature of the Goatstown Road to the front of the site and the orientation of the commercial development at Willowfield, the development projects forward of the established building line to the south and north. The TVIA considers the 9.5m width of the Goatstown Road to be of sufficient scale to accommodate the height proposed and I would agree. Apart from the carriageway width, houses on the opposite side of Goatstown Road have an additional separation from the road through a green area of varying width with mature trees in the public realm and in private gardens. This would provide sufficient width to allow for an increase in height on the site without any significant negative impact on visual amenity. I note that the Landscape Masterplan for the site has sixteen trees along the western site boundary to Goatstown Road, which would add visual interest and soften the urban character of the development.

8.4.4. Having reviewed the application details and visited the site, I consider the most sensitive receptors for visual impact to be the existing development directly to the north and west of the site at Trimbleston and, existing development directly to the south of the site at Willowfield Park. Views 2, 3, 6 and 8 of the TVIA show the proposed development from points along Goatstown Road to the north and south of the site. The existing viewpoint sensitivity at these locations is deemed to be 'medium' with the predicted change to be 'major' with 'substantial' effects for close proximity views. A 'slight adverse' effect is predicted for Willowfield Park to the south and the TVIA considers that the buildings will integrate with those at Trimbleston to the north.

8.4.5. Viewpoints 12 and 13 show the proposed development from points within the Trimbleston development looking west. Viewpoint 12 looks west from the central access area facing onto the No's 160-165 which form a 3-storey terrace of duplex

apartments over ground floor units. Viewpoint 13 is from a point further east within the development and from an area of public open space flanked by two-storey units to the south and 4-5 storey development to the north. The grounds of appeal believed the viewpoints from Trimbleston downplayed the overall impact of the development. This was disputed by the applicant whose response notes that the location of the viewpoints was selected to provide a fair representation of the development within the context of the wider development. The TVIA concluded that the viewpoint sensitivity from Trimbleston is 'medium' and, that the development would note result in a 'significant' change given the existing nature and mass of the Trimbleston development. The change was acceptable as the development would effectively balance and correlate with the adjacent townscape character in views from the open spaces or public realm areas within the development.

- 8.4.6. The TVIA concludes that, *'The proposal would effectively balance and visually correlate to the broad width of Goatstown Road and integrate with the architecture, form, scale and mass of the recent developments to the immediate north at Trimbleston and The Grove making a positive contribution to place-making...and that... While more substantial than the existing buildings on the site and higher than the prevailing buildings in the wider Goatstown area, any potential adverse effects would be outweighed by a marked improvement the architecture and streetscape comparative to the existing situation.'*
- 8.4.7. In general, I accept the findings of the TVIA. The proposed development would replace the existing commercial car sales facility with a new urban streetscape with landscaping and well-designed and considered architectural finishes. Whilst the development will have a visual impact when viewed from Willowfield Park to the south, the finishes on this elevation provide interest and respond well to the environment. To the north, the visual impact will be more pronounced by virtue of the increased scale. However, I consider the proposed form, and finishes would avoid a monolithic presence in the street and would provide variance and architectural diversity. In terms of visual impact from adjoining properties, the four-storey block to the north would have the most significant change in views by virtue of the proximity of the proposed block and its position forward of the building line in response to the curve in the road. However, I do not consider the change in character of the adjoining urban site to result in a negative visual impact to the



adjoining properties. The full impact of the proposal in terms of overlooking, loss of light and overbearing impact will be assessed in the relevant sections below.

## **8.5. Amenity of the Proposed Development**

- 8.5.1. The grounds of appeal submitted that the proposed development would provide insufficient levels of communal open space for future residents and noted that no public open space would be provided within the development. The response from the applicant refutes this assertion and states that high quality amenity space is provided in a variety of internal and external forms for both passive and active use.
- 8.5.2. A total of 1,247 sqm of external amenity space would be provided throughout the development and would include a large central courtyard within the development and a smaller courtyard adjacent Student Lounge Area 2 in the south-western corner of the site. An additional four roof gardens would be provided on the central block of the development and facing onto Goatstown Road.
- 8.5.3. The report of the PO notes that the quantum of communal open space would equate to c. 5.7 sqm per person which would satisfy the requirements of a one-bedroom apartment as per Section 12.8.3.2 of the CDP. There was no objection to the level of communal open space proposed.
- 8.5.4. There are no development standards for communal open space in PBSA schemes in the CDP, the Apartment Guidelines or the Compact Settlement Guidelines. Policy Objective PHP29 of the CDP states that the student accommodations should be facilitated in line with the provisions of the National Student Accommodation Strategy (2017). Chapter 4 of the CDP also states that the Council will have regard to '*The Guidelines on Residential Developments for Third Level Students*' (2005), and any amendment thereof, when considering applications for PBSA.
- 8.5.5. A Housing Quality Assessment was included in the Urban Design Report submitted with the application. The report states that the development has been designed to meet the standards set out in the *Guidelines on Residential Developments for 3rd Level Students*. I have reviewed the details of the application, and I am satisfied that the proposal would provide a sufficient level of amenity for future residents in terms of access to communal open space. I do not agree with the appellants that the

quality of communal space is poor. The daylight and sunlight assessment for the development shows that most of the open space at ground level, (apart from the courtyard adjacent to the southern boundary) would receive sufficient levels of sunlight in accordance with BRE Guidelines. The methodology of the assessment for internal spaces within the building was queried in a 'peer review' document submitted with the grounds of appeal. This issue will be addressed in full in the relevant section below. I do not agree that the roof gardens would be unusable, and I consider the range of different spaces throughout the development would be of benefit to residents. Overall, I consider that the development would yield a sufficient level of amenity for future residents.

- 8.5.6. I note that Section 12.8.3.1 of the CDP requires that all development must provide a quantum of public open space. Section 12.8.8 of the CDP states that where this is not provided a financial contribution in lieu of public open space should be required. A condition of this nature was attached to the decision of the PA and is subject to a first party appeal which is assessed in Section 7.11 below.

## 8.6. Height

- 8.6.1. The grounds of appeal object to the overall height and scale of the proposal. Appellants argue that the six-storey height is excessive and not in accordance with Development Plan policy. Appellants also believe that the omission of a Cluster P38 at the northern end of the development does not adequately address the excessive height, and that the height would have an overbearing impact on the Trimbleston development.
- 8.6.2. The subject site is zoned Objective A - *To provide residential development and improve residential amenity while protecting the existing residential amenities*. It is also within the boundary of the lapsed Goatstown Local Area Plan 2012, which was extended to 2022. Table 2.16 of the CDP states that the Goatstown LAP was 'Broadly Consistent with the Core Strategy' (of the Development Plan).
- 8.6.3. Policy Objective PHP42 of the CDP addresses 'Building Height and Design' and seeks to ensure that new development complies with the Building Height Strategy (BHS) for the County, as set out on Appendix 5 of the CDP, which is also consistent with NPO 13 of the NPF. NPO 13 requires that building height and car parking in

urban areas are assessed against performance-based criteria rather than blanket standards. This objective has been carried forward into the First Revision of the NPF which came into effect in April 2025. NPO 22 of the revised NPF states that *'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth'*.

- 8.6.4. Policy Objectives BHS 1 and BHS 3 are relevant to the subject proposal. BHS 1 relates to 'Increased Height' and BHS 3 addresses 'Building Height in Residual Suburban Areas'.
- 8.6.5. The proposed development consists of a U-shaped block ranging from single, four, five and six storeys in height. The development increases in scale from south to north and transitions from the traditional suburban form of two-storeys at Willowfield Drive, to the three to five storey development at Trimbleston to the north and east.
- 8.6.6. The single storey element would be in the south-eastern corner of the site, to the rear of the two-storey house at No. 10 Willowfield Park. A four-storey element would be positioned along the southern site boundary and to the rear of the mixed-use development at No's 4 - 8 Willowfield Park. The five and six storey elements would be towards the centre of the site, facing onto Goatstown Road, and along the northern site boundary. The carriageway alignment of Goatstown Road along the road frontage of the site is not straight and curves outwards from the site at its northern section. As a result, the design of the proposal is such that the six-storey element steps forward of the building line of the existing properties in Trimbleston with the remainder of the road frontage facade having a varied level of set back from the public road.
- 8.6.7. The BHS references the now lapsed Goatstown LAP, which allowed for 3 storeys with a set-back floor on the subject site. There is no draft LAP for the site and no proposals for an LAP. The site is categorised as a 'residual suburban area', in the BHS as it is in an area not covered by an existing or forthcoming LAP or other guidance policy and not falling into objective F, B, G or GB. Policy Objective BHS 3 is of relevance to the proposed development as it relates to Building Height in Residual Suburban areas. This policy states that it is an objective to promote a general building height of three to four storeys with appropriate density in residual

suburban areas provided that a reasonable protection of existing amenities can be provided. The BHS also has regard to SPPR 3 of the Building Height Guidelines, and states that there may be instances where an argument can be made for increased height in a residual suburban area. In such instances, any proposal must be assessed in accordance with the criteria set out in table 5.1 of the BHS.

Increased height is defined as buildings taller than the prevailing building height in the surrounding areas. Taller buildings are defined as those that are more than two storeys taller than the prevailing height in an area. Within the context of the site and the surrounding pattern of development, the proposed development was considered by the PA to be of 'increased height' and was assessed against the criteria of Table 5.1. The applicant also carried out an assessment of the development against the criteria as part of their application in the Planning Report and Statement of Consistency.

8.6.8. Table 5.1 of the BHS follows the principles and criteria contained in Section 3.0 of the Building Height Guidelines. SPPR 3 requires that any development of increased height be assessed against the criteria set out in Section 3.0 of the Building Height Guidelines. Table 5.1 of the BHS follows the principles and criteria contained in the Building Height Guidelines and requires that the proposal is assessed against a range of criteria at County level, at District/Neighbourhood/Street level and at Site/Building scale. Both the applicant and the PO carried out detailed analysis against the criteria of Table 5.1 in their assessments of the development and form part of the public record. In the interests of brevity, I will summarise what I consider to be the key performance indicators for each of the relevant locations.

- County level – The development would assist in achieving the objectives of the NPF by contributing to compact growth, providing a high-density development for student accommodation in proximity to a university campus. The site is well served by public transport, (Luas and bus services), and is within walking and cycling distance to UCD. A capacity study submitted with the applicant confirmed that there would be sufficient carrying capacity on existing public transport for the predicted residents. No protected views or prospects would be affected by the development.
- District / Neighbourhood / Street level – An Urban Design Statement, Townscape and Visual Impact Assessment and a Landscape Design Report

was provided with the application. The proposed development responds well to the existing built environment and increases in scale where appropriate and in proximity to the higher density development to the north. The built form and materials proposed would provide variance and interest in the streetscape and would present a well-considered response to the public realm. (I note to the Board that the applicant proposed to undertake public realm works to the front of the site as part of their first party appeal against conditions).

- Site / Building scale – The subject site is not in an ACA or a Conservation Area and there are no Protected Structures on the site or in proximity to the site. The performance of the scheme in terms of access to daylight and sunlight was assessed in full in the Daylight and Sunlight Assessment Report submitted with the application with further assessment carried out in the technical response to the appeal. I am satisfied that the scheme would provide sufficient levels of daylight and sunlight to internal and external spaces. The impact of the proposal on the surrounding development in terms of overbearing impact, overlooking, loss of daylight and overshadowing is assessed in the following section.

8.6.9. I am satisfied that the subject site can be considered suitable for increased height given its character as an underutilised infill site, in an urban location with extensive street frontage and good transport links. The design of the proposal responds well to the existing pattern of development by stepping up in height towards the north of the site where the form of development is of greater scale. The suitability of the development in terms of its impact on existing amenity will be assessed in the following sections.

## **8.7. Impact on Residential Amenity**

### Daylight & Sunlight

8.7.1. A Daylight and Sunlight Assessment Report was submitted with the application. The report assesses the impact of the proposed development on daylight to surrounding properties, (measured using Vertical Sky Component (VSC)), the effect on sunlight to surrounding properties (measured in annual and winter probable sunlight hours (APSH / WPSH)), and the effect on sun on the ground (SoG) to external amenity

spaces. The performance of the scheme itself was also assessed for its daylight and sunlight access to habitable rooms and the sun on the ground to amenity spaces. The Daylight and Sunlight Assessment Report was prepared in accordance with *BR 209 - Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (2022)*, (*the BRE Guidelines*). The Apartment Guidelines state that planning authorities should ensure appropriate expert advice and input where necessary and have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future guidance specific to the Irish context. Section 12.3.4.2 of the CDP states that 'Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard.' I am satisfied that the Daylight and Sunlight Assessment report was carried out under the most recent and relevant guidance.

- 8.7.2. The grounds of appeal noted the previous reason for refusal on the site, which related to the impact of the proposal on daylight (VSC) and submitted a technical response, 'peer review', of the applicants Daylight and Sunlight Assessment Report. A further technical response was submitted by the applicant in response. The details and issues raised are assessed below.
- 8.7.3. The initial Daylight and Sunlight Assessment Report assessed the effect of the proposed development on the VSC (daylight) for 66 no. existing windows at No's 2, 4, 6 & 8 Willowfield Park to the south, at No's 157-164 Trimbleston, (3 storey development comprising duplex units above apartments) and No's 165-166 Trimbleston, (3-storey houses) to the east, at The Pine building directly to the north of the site, and The Sycamore building to the east of the site. The windows subject to the assessment were selected in accordance with the criteria contained in the BRE guidance. The assessment found that the effect to VSC on 48 no. of these windows would be 'negligible', 12 no. would be 'minor adverse', 5 no. 'moderate adverse' and 1 no. 'major adverse'. Section 3.2 of the Assessment states that a 'Major Adverse' level of effect will be stated if the level of daylight or sunlight is reduced to less than 50% of the applied target value. A 'Moderate Adverse' impact

would occur where the level of daylight or sunlight is reduced to equal or greater than 50% and less than 80% of the applied target value.

- 8.7.4. Both 'major' and 'moderate' adverse impacts would occur at a commercial property (real estate agent) at No. 2 Willowfield. The other 4 no. moderate adverse impacts would occur at ground floor level on The Sycamore building at Trimbleston, where all windows are constrained by overhanging balconies. In accordance with BRE guidance a 'No-balcony' study was carried out. The results found that, if the overhanging balconies were removed, all windows on the Sycamore building would experience a 'negligible' level of impact. Minor adverse impacts (i.e. if the effect is marginally outside of the criteria in the BRE Guidelines) would be experienced by some windows at 1<sup>st</sup> and 2<sup>nd</sup> floor level on the Sycamore building as a result of the development.
- 8.7.5. The impact of the development on sunlight was measured in the assessment using APSH / WPSH, which is the measure of sunlight experienced at a given window over a year and the winter months. Only windows that are orientated within 90 degrees due south are included in this assessment. Therefore, 50 windows were assessed in the Trimbleston development. For APSH, the results found that 45 of the windows are BRE-compliant with 39 no. having a 'negligible' level of impact, 2 no. with a beneficial impact and 5 no. with a minor adverse impact. 90% of the windows met the criteria for effect on APSH.
- 8.7.6. The effect on the WPSH of 41 no. of these windows/rooms were considered to be BRE-compliant, with 39 no. presenting a 'negligible' level of impact and 2 no. with a 'beneficial impact'. 3 no. windows/rooms were classified as 'n.a.' - one due to the very low baseline value, and the others because the annual reduction was less than 4%, therefore the WPSH can be deemed compliant on that basis. Finally, 3 no. windows/rooms presented a 'minor adverse' level of effect and 1 no. 'moderate adverse'. Circa 88% of these windows have met the criteria for effect on WPSH as set out in the BRE Guidelines.
- 8.7.7. All the affected windows for both APSH and WPSH are located on The Sycamore building. Windows that would experience a 'moderate adverse' level of impact are constrained by overhanging balconies and an additional 'No-balcony' study was carried out. This showed that all the affected windows would have a 'negligible' level

of impact to the APSH, while the WPSH showed 3 no. windows as 'minor adverse' and 1 no. as 'moderate adverse'.

- 8.7.8. A Sun on the Ground (SoG) assessment was carried out to measure the level of sunlight on March 21<sup>st</sup> in the rear gardens of the neighbouring properties at 157-160 Trimbleston, 161-164 Trimbleston, the communal open space between The Pine and The Sycamore buildings, the front gardens of No's 84, 86, 88, 90 & 92 Goatstown Road and the roof terrace at The Pine. All gardens would experience a 'negligible effect' and 100% of the outdoor spaces met the criteria for effect on sun lighting as per the BRE guidance.
- 8.7.9. The grounds of appeal contend that the proposed development would result in overshadowing of existing residential development and loss of daylight and sunlight to existing dwellings. A technical review of the applicant's Daylight and Sunlight Assessment was prepared by BRE Group consultants for an appellant and submitted with the appeal. This document is referenced as a 'peer review' and a third technical document was prepared by the applicant's consultants (3D Design Bureau) and submitted in response. I note to the Board that there are three technical documents on the file which relate to daylight and sunlight.
- 8.7.10. Both the applicant and appellants reports note that the BRE Guidance (BR 209) is advisory in nature and is intended to assist with good design. Regarding the assessment of existing buildings, the third party peer review report concluded that the 'scope of the loss of daylight and sunlight is generally reasonable' in the first party's report, but in their opinion, the applicant's approach to daylight distribution in existing properties / no-skyline (NSL) is incorrect. The review argues that the applicant considered the daylight distribution assessment to be independent of the VSC analysis. Therefore, it was not carried out as an independent assessment and was only used as an additional assessment in cases where the VSC criteria are not met. It is also suggested that the northern part of the Sycamore building should also have been assessed as the daylight and sunlight to the windows on the southern end of the building would be impacted by the development. The peer review considers the presentation of results to be 'unconventional' as the numerical assessment of minor to major adverse impacts is based on the percentage below target value. The appellant considers that care should be taken when viewing these



results as they represent the reduction in comparison to the BRE target, and not an overall loss compared to the existing situation.

- 8.7.11. In response to the third-party peer review, the consultants for the applicant submitted a technical response to the issues raised in the appeal. The first party response states that none of the points raised in the peer review constitutes a material change to the daylight and sunlight assessment report that was submitted with the application. Consideration was given to the inclusion of the northern section of the Sycamore building in the assessment but as it did not meet the criteria for assessment it was not included. The response notes that the most northerly windows assessed met the recommended levels of the BRE and on that basis it was not considered necessary to test any windows further north in the building. Regarding the submissions made that the numerical logic applied is 'unconventional', the applicant disagrees. They note that applying numerical logic to levels of effect to the various impact assessments within the BRE Guidelines gives a more rounded result as the criteria for each assessment is multi-faceted and situations can arise whereby a window can have a proposed VSC value that is above the recommended minimum value of 27% and yet have a ratio of change that is below the recommended level of 0.8, which makes it compliant.
- 8.7.12. The applicant's response acknowledges that a NSL assessment should have been conducted for 4-8 Willowfield Park for which the floor plans were obtained. This assessment was carried out as part of the response. The results of the NSL assessment for 4-8 Willowfield Park were broadly in line with that of the VSC assessment conducted for the same properties, with only a slight change occurring in one window (Ref. Wfd in Figure A.1 – Response to Third Party Appeal). The VSC assessment for this room was shown to be marginally outside the BRE recommendations, which the NSL assessment found to be marginally within the recommendations.
- 8.7.13. Regarding the issue of the methodology used for the daylight illuminance method, the logic behind the inclusion and modelling of the trees is expanded on. The applicant notes that the adopted approach of presenting results for summer and winter separately as opposed to combining the studies to take account of the changing transmission of the trees was a software limitation which has since been resolved. The results were re-calculated using annual trees and the illuminance

methodology and the updated results confirms that the original results represent the best- and worst-case scenarios.

- 8.7.14. In the interests of completeness, I have carried out a review of the applicant's assessments as they relate to the adjoining development.

#### Daylight - VSC

- 8.7.15. Overall, the results from both assessments found that in terms of daylight, (VSC), the properties that would experience the greatest level of impact from the development would be the buildings at Willowfield Park to the south of the site and in particular, the first-floor windows on the rear of Nos. 2 and 4 Willowfield Park. The windows at No. 2 would experience a '**moderate adverse**' and '**major adverse**' impact respectively, and a window at No. 4 would experience a '**minor adverse**' impact following the assessment of the VSC. I note that No. 2 is a commercial development, and this use would be less sensitive to loss of light. A subsequent NSL assessment was undertaken for No's 4, 6 and 8 Willowfield. This study assesses the change in position of where in the room the sky can be seen or not seen in the existing and proposed situations and helps to identify the areas within a room where adequate levels of diffuse daylight are likely to be present, (i.e. an imaginary line within the room). A floor plan of the existing room is required to carry out this assessment. If, following construction of a new development, the No-Sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 8.7.16. This assessment was only carried out on No's 4, 6 and 8 as floor plans could not be attained for No. 2. The results of the NSL calculation for Willowfield found that all properties examined would all experience a **negligible effect** from the development regarding the NSL test. The applicant notes that the properties at Willowfield are in commercial use and as such the impact on daylight would not be as significant as to a residential property. However, the TVIA states that the first-floor level at No. 4 is in residential use.
- 8.7.17. The results of the VSC tests carried out for the 3-storey apartment and duplex units along the eastern site boundary (No's 157-164 Trimbleston) found that the impact on daylight for these units would be **negligible** with all windows achieving compliance

with the BRE Guidelines post construction. The results for the 2-storey houses adjacent to the south-eastern corner of the site (No's 166 and 165 Trimbleston), found that the ground floor windows at No. 165 would experience a **minor adverse** impact from the development. The remainder of the windows tested would experience a **negligible effect**. Some of the windows tested at The Pine building, directly to the north of the site, would experience a **negligible effect** from the loss of VSC. However, these windows are secondary windows which are on the projecting element of the south facing elevation on all four floors.

- 8.7.18. The Sycamore building is positioned to the north-east of the site and on the opposite side of a communal open space area for the Trimbleston development. BRE recommends that where a window experiences a reduction in VSC which is less than a 0.8 ratio the development will have an effect. The VSC tests carried out found that the 9 of the windows on the Sycamore building would experience a **minor adverse** effect from VSC because of the proposed development. This was expressed in the test as the windows experiencing a reduction in the ratio of proposed VSC to baseline VSC that ranged from 0.72 to 0.79. The assessment also found these windows to be 90-97% compliant with BRE guidance.
- 8.7.19. The test found that four no. ground floor windows at the Sycamore would experience a **moderate adverse impact**, whereby the ratio of decrease in VSC to these windows ranged from 0.56 to 0.58. As these windows were constrained by an overhanging balcony, a supplementary 'No Balcony' study was carried out. Section 2.2.13 of the BRE Guidelines states that 'Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight'. The Guidelines recommend carrying out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place, i.e. a 'No-Balcony' study. If the proposed VSC with the balcony was under 0.80 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light.

- 8.7.20. The results of this study found that without the overhanging balconies the windows would be BRE compliant with the proposed development in place. The report concludes that the overhanging balconies are responsible for the restriction of daylight in this instance. I note to the Board that the technical peer review document agrees with the methodology applied to test the windows for VSC and with the predicted impacts. However, they are of the opinion that a NSL test should also have been carried out for these properties if the floor layouts were available.
- 8.7.21. In conclusion the properties at Willowfield were found to experience the most significant impacts on daylight from the proposed development, with the property at No. 2 experiencing a '**moderate adverse**' and '**major adverse**' impact respectively. The first-floor window at No. 4 would experience a '**minor adverse**' impact following the assessment of the VSC. I note that No. 2 is in commercial use (stated to be a real estate office) which would typically be a less sensitive use than residential. The first-floor level of No. 4 is stated to be in residential use, but this would experience a **minor adverse** impact. I consider the impacts on Willowfield to be acceptable given the commercial nature of the development which would experience the most impact, and the minor adverse impact proposed for the residential use at No. 4. The recessed windows at the Sycamore building are currently constrained and some would experience **moderate adverse impacts** from the development. I note that the each of the apartments to be impacted have secondary windows on the projecting facades that are not constrained. On balance I consider that a **moderate adverse impact** to some windows within each apartment to be acceptable where other windows are not.

#### Sunlight – APSH / WPSH

- 8.7.22. The assessment results for sunlight, (APSH / WPSH) found that all windows at No's 157-164 Trimbleston, were found to be BRE compliant with negligible impact regarding APSH, with one window at ground floor level at No. 157 experiencing a beneficial impact. The results for WPSH were similar, with all windows compliant with BRE guidelines. Where reductions in WPSH occurred, they were found to be 'negligible' with two windows experiencing a beneficial impact. The results for APSH and WPSH for 165 -166 Trimbleston found that all windows would be comply with BRE standards with negligible impact where a reduction occurred. Windows tested

in The Pine building were also found to be BRE compliant with negligible impact for both APSH and WPSH.

8.7.23. The Sycamore building was found to experience the most impact from the development in terms of reduction in daylight levels. For APSH, five windows were found to experience a **minor adverse** impact. All five windows are on the building façade to the rear of a recessed balcony. Four of these windows are at ground level with one at 1<sup>st</sup> floor level. Although these windows did not achieve the recommended minimum APSH, they were found to achieve compliance in the range of 81 – 86%. For WPSH three windows at ground floor level (Ref. sb sc and se) would experience a '**moderate adverse**' impact from the development. The results showed that these windows would experience a reduction in the ratio of proposed WPSH to baseline WPSH which ranged from 0.44 to 0.58. The proposed WPSH at these windows would be less than the recommended 5% and was determined to be 3.5%, 2.87% and 1.79%. However, I note the window with the lowest predicted WPSH had a baseline of 3.11% to start with which did not meet the recommended 5%. **Minor adverse** impacts were found to effect four windows, three of which were at ground floor level and one at first floor level.

8.7.24. In terms of impact from a reduction in VSC the assessment found that the ground floor apartments in the Sycamore building would experience a **moderate adverse** impact, which would manifest in a reduction in the ratio of proposed VSC to baseline VSC which ranges from 0.55 to 0.60. These apartments were also found to experience a '**minor adverse**' impact from a reduction in APSH. The results for the WPSH test found that two windows in the ground floor corner apartment would experience a minor impact and the third window to this unit would experience a moderate adverse impact. The apartment beside this and to the north would experience a '**moderate adverse**' impact regarding the reduction in WPSH. A first-floor window in the apartment above would experience a '**minor impact**' from WPSH. In terms of overall impact, the corner apartment on the ground floor of the Sycamore building would experience the most impact from the development in terms of daylight and sunlight. However, the ground floor to the north would experience the greatest impact from a reduction in WPSH (winter sunlight) to the recessed windows behind the balcony.

The baseline study found these windows to be constrained by the overhanging balconies with some of the recessed windows in the corner unit not achieving the recommended minimum WPSH of 5% in the baseline assessment. A No Balcony Study was carried out for the constrained windows to assess the APSH and the WPSH. The results of the assessments for the constrained windows are contained in the table below for comparison.

<b>Sycamore Building – Sunlight Assessment (APSH &amp; WPSH)</b>						
	<b>APSH (baseline)</b>	<b>APSH (proposed)</b>	<b>Impact</b>	<b>APSH – No Balcony (Without development in place)</b>	<b>APSH –No Balcony (With development in place)</b>	<b>Impact</b>
<b>Corner Apartment</b>						
Sd (2 windows)	44.69%	38.85%	Compliant Negligible	Not tested	Not tested	
Se (larger window)	15.7%	10.02%	Minor Adverse	44.68%	39.01%	Negligible
Sf (small window)	41.35%	35.82%	Minor Adverse	41.35%	35.82%	Negligible
<b>Apt beside</b>						
Sa (2 windows)	45.3%	39.94%	Compliant Negligible		Not tested	
Sb (larger window)	16.97%	11.11%	Minor Adverse	44.63	38.77%	Negligible
Sc (small window)	13.82%	7.93%	Minor Adverse	31.77	25.87%	Negligible
	<b>WPSH (baseline)</b>	<b>WPSH (proposed)</b>	<b>Impact</b>	<b>WPSH – No Balcony Baseline</b>	<b>WPSH -No Balcony proposed</b>	<b>Impact</b>
<b>Corner Apt</b>						
Sd (2 windows)	6.54%	4.2%	Minor Adverse		Not tested	
Se (larger window)	3.11%	1.79%	Moderate Adverse	5.44	4.12%	Minor Adverse
Sf (small window)	4.44%	3.03%	Minor Adverse	4.6	3.19%	Minor Adverse
<b>Apt beside</b>						
Sa (2 windows)	13.36%	9.09%	Compliant Negligible		Not tested	N/A

Sb (larger window)	7.49%	3.5%	Moderate Adverse	9.83	5.83%	Compliant Negligible
Sc (small window)	6.51%	2.87%	Moderate Adverse	7.13	3.5%	Moderate Adverse

8.7.25. The third-party peer review of the assessment submits that for at least two of the windows the impact should be major adverse instead of moderate adverse as the loss of winter sunlight would be over 50%. The BRE guidelines recommends that a 'major adverse' effect is stated if the proposed development reduces the availability of daylight or sunlight of a neighbouring property to significantly below a baseline level. A 'Major Adverse' level of effect will be stated if the level of daylight or sunlight is reduced to less than 50% of the applied target value. This is assessed below.

8.7.26. It is evident that that the daylight and sunlight to some windows at the lower levels of the Sycamore building would be impacted by the development. Based on the assessment prepared by the applicant, there would be a **minor adverse** effect to the units in terms of levels of daylight, which is measured using VSC. Some windows were also found to experience a **minor adverse** effect for sunlight when assessed for the APSH. The greatest level of impact was found to be during the winter months of September to March, when three windows were found to experience '**moderate adverse** impacts' and another three would experience '**minor adverse** impacts'. The level of effect for the WPSH is queried by the third party in their peer review which states that the moderate adverse impact should be increased to a major adverse impact for two of the windows as the loss is over 50%. The window reference for these windows was not provided but, based on Table No. A.2.8 of the assessment report, it would relate to window / room Sb, which would experience a 53% reduction, and window Sc, which would experience a 55% reduction. Both windows are at ground floor level in the Sycamore building and are in the apartment adjoining and to the north of the corner unit. I note that this unit would experience a **minor adverse / negligible** effect when assessed for sunlight on an annual basis and would also experience a **negligible** impact on daylight from the proposed development. The windows that would be most significantly impacted during the winter hours are constrained by an overhanging balcony and are recessed between two projecting elements of the building. Whilst the loss of sunlight would be regrettable, the loss would occur during the winter months when the sun is low in the

sky and the daylight hours are shorter. The unit would experience minimal impact for the remainder of the year. I do not consider the level of impact proposed for a single unit would warrant a refusal for this reason alone. It is noted that the original assessment and additional assessments were carried out using the original development proposal and did not include the reduction in scale as a result of the PA's omission of Cluster P38 which would reduce the height of the building at its northern extent. The applicant contends that the reduction in scale would have a positive impact on the assessment results by virtue of the reduction in scale and massing of the proposal. However, this has not been proven. On balance, I am satisfied that the proposed development would have a minor impact on existing development in terms of loss of daylight and sunlight.

- 8.7.27. The impact of the proposal on the external amenity spaces of adjoining and neighbouring properties was assessed by measuring the Sun on the Ground (SoG) on the designated day of the 21<sup>st</sup> of March. The adjoining amenity spaces to the rear of No's 157-160 Trimbleston, 161-164, Trimbleston courtyard, the front garden of properties 84, 86, 88, 90 & 92 Goatstown Road, and the roof terrace at The Pine. The rear gardens of the properties at Willowfield were not assessed as the development is positioned to the north of the properties and as such would not have an impact. All the spaces were found to meet the BRE Guidelines.
- 8.7.28. The grounds of appeal raised concerns about the impact of the proposal on the private amenity space to properties at Trimbleston and to the communal open space in the courtyard between the Pine and Sycamore buildings. The results of the test for all spaces show that the reduction in the baseline level for sun on the ground would be minimal in most cases. The rear amenity space to No. 165 Trimbleston, which backs on to the eastern site boundary would experience the greatest level of impact on the 21<sup>st</sup> of March, which would be a reduction of approximately 11% in the percentage of area to receive above 2 hours of sunlight on the designated day. The amenity space would still experience at least 2 hours of sunlight on 63.83% of its area on the 21<sup>st</sup> of March which is above the BRE minimum requirement of 50%.
- 8.7.29. The communal amenity space at Trimbleston was found to experience above the minimum level of sunlight over 84% of its area. I note that the amenity space tested includes the central courtyard area and the area to the rear of No's 161-164 Trimbleston which is directly adjacent to the eastern site boundary and is correctly



categorised as communal space. Figure A.14 of the Assessment Report shows that the area in the most southerly section of this area and to the No. 164 Trimbleston would experience a slight increase in the area receiving less than 2 hours sunlight in the post development phase. However, the constrained nature of the space is noted which is a north-facing corner with the rear garden wall to No. 165 on one side and the existing site boundary to the west. On balance, I consider the results to be acceptable and I am satisfied that the amenity spaces would experience sufficient levels of amenity in terms of sunlight and would be in accordance with BRE Guidelines.

8.7.30. I note that the previous reason for refusal in ABP- 313235 related to the Daylight and Sunlight Assessment carried out for the development, and particularly the stated impact of the VSC tests. This issue was raised by the appellant and was also examined in the report of the PO, who considered that the issue had been addressed. The response from the applicant also addressed this issue and states that the assessment for the previous application was prepared by different consultants, and they are satisfied that that the assessment submitted with the subject application is robust and comprehensive. I also note that third party peer review was generally positive apart from some observations on methodology which were addressed, and did not alter the initial results of the tests carried out. I have reviewed the report, and I am satisfied that it has been prepared in accordance with the appropriate BRE guidance and with the addendum report and additional studies, presents a robust conclusion on impacts.

#### Proposed Development – internal spaces

8.7.31. The Daylight and Sunlight Assessment submitted with the application examined how the proposed building would perform in terms of access to daylight in the proposed units. This was measured using Spatial Daylight Autonomy (SDA) which assesses whether a space receives sufficient daylight on a work plane during standard operating hours on an annual basis. Essentially the SDA measures how much of a space can be adequately lit by natural light alone without the need for artificial lighting. BRE 209 guidance recommends target lux levels to be achieved across 50% of the working plane of a room depending on the type of room and its function, i.e. kitchen, living, dining room. The assessment considers three scenarios, without trees, in winter – where trees have bare branches, and summer – where trees are in

foliage. Habitable rooms were also assessed for levels of Sunlight Exposure (SE) with the BRE target of a minimum of 1.5 hours of SE for a proposed unit with preference given to living rooms. The SE was assessed by measuring the level of SE hours for each unit on March 21<sup>st</sup> with and without deciduous trees as opaque objects.

8.7.32. The results of the assessment found that, under the criteria as set out in the BR 209, the SDA value in 228 & 245 of 258 no. habitable rooms would meet or exceed the appropriate target values in the summer & winter time calculations respectively. This would give a compliance rate of approximately 88% with summer trees and 95% with the trees represented in the winter state. The SDA assessment carried out without trees found a compliance rate of 98%, which indicates that existing trees (along the north, east and west boundaries), along with the proposal of new ones, will have an impact on SDA. The report also includes an assessment of SDA under I.S. EN 17037 which has more onerous recommendations than BRE guidance. Under this assessment, the results found that the number of habitable rooms that would achieve compliance is 182 with summer trees and 194 with the trees represented in the winter state. This gives a reduced compliance rate of approximately 71% & 75% in the summer & winter time calculations respectively. The additional SDA assessment that did not include showed a compliance rate of c. 83%. Notwithstanding the difference in assessments, the report concluded that the rooms which meet the BRE criteria but not that of I.S. EN 17037 would receive adequate daylight. This is because BR 209 provides room-specific criteria, unlike I.S. EN 17037. BR 209 considers the varying daylight requirements for different room types, which I.S. EN 17037 does not account for.

8.7.33. Regarding the assessment of the proposed development, the third-party peer review document generally accepts the methodology used by the applicant. carried out by the applicant. However, a query is raised about the exact shape and type of the trees modelled for the assessment. The appellant notes that a general value was taken for all trees on the site, despite there being a range of different types, which could impact results. A further issue is raised regarding the presentation of the results where a value is given for each room based on summer and winter tree conditions. The appellant argues that the correct approach would be to present one result for the entire year taking into account the changing transmission of the trees

throughout the year. Whilst noting that in terms of overall results, this would not make a difference in whether rooms do or don't meet the recommendations in summer and winter conditions, additional analysis should have been carried out for rooms that meet the recommendations in winter but not in summer.

- 8.7.34. In response to this issue, the applicant is satisfied that they complied with BRE guidance which notes that allows for uncertainty when including trees in assessments. They also note that the values for trees were calculated by averaging the values taken from Table G1 of the BRE guidelines. To address the presentation of results, the applicant carried out an additional analysis to provide an updated 'annual study'
- 8.7.35. A total of 258 habitable rooms were surveyed in the assessment. Out of the entire scheme only 6 rooms were found to be non-compliant which meant that they did not achieve the target lux level for that room over 50% of the working plane in scenarios with or without trees. Five of these rooms were at ground floor level and one was at first floor level. The non-compliant rooms are generally positioned in corners and where angles are created in the building form. An additional 16 rooms in the scheme would experience below the recommended percentage of area for the required lux level because of the trees. Ten of these rooms would be at ground floor level, and the percentage of area to be covered by the relevant lux level would range from 34 – 46%. At first floor level, five rooms would be affected by the trees with the percentage of area to be covered by the relevant lux level ranging from 24 – 45%. The final room would be located at second floor level and would achieve a target lux level for 49%. I note that the rooms which fail to meet the target lux levels are generally positioned facing the central courtyard and would have a pleasant aspect overlooking the landscaped area. On this basis I consider the overall design of the scheme would compensate for not achieving the target lux level. Residents would also have the option to enjoy alternative communal spaces which would achieve the recommended lux levels should they so wish.
- 8.7.36. On balance, I consider the performance of the scheme in terms of access to daylight and sunlight to be acceptable. Only 6 rooms out of 258 would not meet the recommended levels of SDA across the year. These rooms are on the lower level of the scheme and would be physically constrained by the form of the building. I consider this to be acceptable given the constraints of the infill site and the

architectural response required to address adjoining residential development. In terms the impact of trees on the additional 16 rooms, I note that the levels of compliance vary greatly with 11 of these rooms achieving a target lux level over 41% of the area. Most of these rooms are also at ground and first floor levels and whilst they would be affected by the trees the landscaping plan is an essential element in delivering a high-quality scheme which is pleasant to live in. The value of trees and landscaping in terms of biodiversity is also noted. Whilst some rooms would not achieve the recommended levels of daylight, I consider this to be acceptable for a high-density development on an infill, urban site with a well-designed and considered landscape.

#### Proposed Development – External areas

8.7.37. A Sun on the Ground (SoG) assessment was carried out for the open spaces in the proposed development. The appellants peer review objected to the results of the assessment which grouped together the ground floor areas and the roof top gardens to present an overall result. The applicant states that this was considered appropriate as all spaces contribute to the external amenity for future residents. However, in the interests of clarity an additional study was undertaken by the applicant. This assessment shows that the main ground floor area would comply with the BRE requirements but an area adjacent to Student Area 2, (ref. 1b), along the southern site boundary would not meet the recommended level of sunlight on March 21<sup>st</sup>.

8.7.38. I am satisfied that the external amenity spaces in the scheme would achieve a sufficient level of sunlight on the ground across its entirety. The area that would not meet the recommended level of sunlight on the designated day is a courtyard adjacent to a Student Area. This space would as a secondary space to the main ground level courtyard, which would achieve the recommended level.

#### Overlooking & Overbearing Impact

8.7.39. The grounds of appeal raised concerns regarding the impact of the proposal in terms of overlooking and overbearing impact. A technical response was submitted by the applicant in reply to these grounds and notes that the development was designed to mitigate impacts from overlooking. This was achieved through the provision of angled windows facing onto existing buildings on the upper levels of the

development and through ensuring separation distances that are in accordance with the Compact Settlements Guidelines.

- 8.7.40. Section 12.8.7.1 of the CDP sets a recommends a minimum of 22m separation distance between directly opposing rear first floor windows in new developments. This translates to a general requirement to obtain a minimum standard of 11m from first floor windows to the site boundary with the adjoining property. This standard has been superseded by SPPR 1 of the Compact Settlements Guidelines which requires a separation distance of at least 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level. Separation distances below 16m may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 8.7.41. In terms of proximity to existing development, the northern section of the proposed development would be the closest to the front block of the Trimbleston development. The Pine building is a four-storey block that faces onto Goatstown Road. There is a five-storey element to the rear of the building with attendant roof top amenity space. The existing single storey commercial building on the subject site is constructed up to the site boundary with the adjoining development. The closest point between The Pine and the proposed development would be at the north-eastern and south-eastern corners respectively. A separation distance of 11.8m would be provided at this point, however there are no windows on either elevation facing each other and no overlooking would occur at this point. This distance would be to 15.4m along the western elevation as the existing development is angled away from the proposed building. The southern elevation of the Pine building is blank with some pop-out windows facing west and east. As such, overlooking would not be an issue.
- 8.7.42. The apartments to the front of the Pines have corner balconies which extend slightly forward of the southern elevation. As the proposed development would project forward of the existing building the impact on the balconies is a significant consideration. I am satisfied that the balconies would not experience overlooking from the development. There are no windows directly facing the balconies on the north-western corner of the development. The closest windows to the balconies would have vertical louvres attached to the western section of the windows to

prevent views toward the balconies at ground to 2<sup>nd</sup> floor level. Windows on the upper levels would be angled to face north-west to prevent views towards the balconies and the wider Trimbleston development to the east. The design interventions on this elevation would be sufficient to prevent overlooking of the balconies at the Pine. Given the separation distances between both blocks and the lack of windows on the southern elevation I am satisfied that the existing four-storey development would not experience an overbearing impact from the subject proposal. Impacts in terms of loss of light and visual impact on these balconies have been addressed in the relevant sections of this report.

8.7.43. Apartment No. 20 has a significant roof top amenity space at fifth floor level. This area of private space would be susceptible to impacts from the development. The original proposal had a set-back at sixth floor level which was omitted by the PA due to concerns regarding its visual and overbearing impact on the properties to the east and north. The grounds of appeal submitted a set of drawings for the development which were revised to comply with the requirements of Condition No. 2 of the PA which omitted the sixth storey element of the northern block, Cluster P38. I am satisfied that the angled windows to the bedrooms at third and fourth floor levels would prevent overlooking of the private amenity space adjoining Apartment No. 20. Sections submitted with the development show the roof level of the proposed development would be just 1.5m above the existing roof level of the Pine building and the fifth-floor level would be set back from the southern elevation of the Pine building by 30m. I am satisfied that the amenity space adjoining No. 20 would not experience an overbearing impact from the development by virtue of the limited variance in height between the roof levels of both buildings and the separation distance between the amenity space and the 5<sup>th</sup> floor element of the proposed development.

8.7.44. The Sycamore building is a 3-4 storey building located to the north-east of the development and would face onto the north-western elevation of the proposal. The proposed development would be five storeys at this location and would have a separation distance of c. 28.3m between the closest points of the buildings. Windows on the north-western corner of the building would not face directly onto the Sycamore building but the windows facing north and west would face towards the communal open space to the front of the Sycamore building. Given the nature of the

communal open space, I do not consider this to be a significant impact in terms of overlooking or loss of privacy. The proposed windows would also be fitted with vertical louvres along sections which would restrict lines of sight from the internal spaces. Given the location and orientation of the Sycamore building, I consider this to be the most sensitive receptor in terms of visual and/or overbearing impact from the proposed development. The upper levels of the building would be clearly visible from the Sycamore building and its private and communal open spaces. However, as noted the corner elevations will not have directly facing windows and the built form will be angled with set-back elements to break up the elevation. The overall height of the building would be just slightly higher (1.5m) than the roof height of the Pine building. I am satisfied that the orientation and animation of the building and the separations distance of c. 28m, would be sufficient to prevent an overbearing impact on the Sycamore building and the communal open spaces to the north of the site.

- 8.7.45. Concerns were also raised about overlooking of the duplex units along the eastern site boundary. Units in the block comprising No's 160-164 Trimbleston have terraces at first floor level that face onto the adjoining site. There would be a separation distance of c. 38m between opposing first floor windows at the block comprising No's 160 – 164 Trimbleston. This is sufficient to prevent overlooking and overbearing impacts. There is one small window on the north-eastern elevation of the northern block which faces towards the block comprising No's 160-164 Trimbleston. This window is a secondary window to the living spaces at this corner. It would be c. 14m from existing units and would be fitted with vertical louvres to restrict views. The applicant has offered to omit this window should the Board consider it necessary. However, I consider the separation distance, and the design details will be sufficient to prevent overlooking. The two-storey houses at No's 165-167 would be approximately 14m from the south-eastern corner of the proposed building which would be single storey at this location. The development would step up to 4 storeys along the southern section of the site, but this element would be set back from the existing buildings by c. 24m. I consider the separation distances between the upper floors of the development to be sufficient to prevent overlooking or potential impacts from overbearing.

8.7.46. The proposed roof gardens are located along the western section of the development, facing onto Goatstown Road. Separation distances of between 29 – 50m would be provided between the roof gardens and the rear of the houses at Trimbleston, which would prevent overlooking. A small roof terrace would be positioned at fifth floor level on the north-western corner of the development, facing onto Goatstown Road. This terrace would be c. 15m from the southern elevation of the Pine building. Given the orientation of the terrace at the front of the building facing west onto Goatstown Road, and the separation distance between the buildings, I do not consider overlooking from this terrace to be an issue.

8.7.47. The majority of the proposed separation distances are in accordance with the requirements of the Compact Settlements Guidelines. Where the minimum separation distance of 16m is not achieved, the design is such that there are no directly opposing windows serving habitable rooms which is in accordance with SPPR 1 of the Compact Settlement Guidelines. On balance, I am satisfied that by virtue of the separation distances proposed and the design details incorporated into the building, that existing development will not experience loss of privacy from overlooking or overbearing impacts from the proposed development.

## 8.8. Car Parking & Traffic

8.8.1. The grounds of appeal raise concerns regarding the lack of parking provided by the development. It is contended that the level of parking is insufficient to cater for the development and that it will lead to overspill parking in the adjoining housing developments and public areas. The methodology applied in determining the level of parking is also questioned in the appeal.

8.8.2. The proposed development would have a total of six car parking spaces, two spaces would be accessible spaces and the remaining four would be set-down spaces. A total of 218 bicycle parking spaces would be provided. Table 12.5 of the CDP sets out the car parking standards for the county and states that a **maximum** of 1 car parking space per 10 student bedspaces is required for Zone 3, where the site is located. The level of parking proposed was raised as an issue by the PA in the pre-planning consultations, and the applicant was advised to provide a justification for lack of provision.



8.8.3. A Traffic & Transport Report was submitted with the application and a further technical response to the appeal was submitted by the applicant's consultants. The lack of parking is justified based on the site's location, which is c. 800m from the nearest entrance to the UCD campus and the proximity of the development to public transport. The applicant is satisfied that the site is within 1,000m /15 minute of a high-frequency public transport service as it is 700m from Bus Connects Orbital bus corridor S6 -Tallaght – Dundrum – UCD – Blackrock stop on Taney Road, and within 1,000 metres of the Dundrum / UCD – Tallaght - S4 Orbital Core Bus Corridor on Bird Avenue. It is also located along the proposed City Bound Route 86 linking Sandyford to Dublin City Centre, and bus stops for the No. 11 bus route are adjacent to the site. The Dundrum Luas stop is approximately 1.5km from the site. Both documents submitted by the applicant reference information taken from the 2022 Census which states that 96% of the students in the local catchment do not drive cars to work, school or college. The TRICS database was also used to compare trip generation between a PBSA development and a private apartment development of commensurate scale. The results found that trip generation for typical student accommodation is generally low and would be approximately 10% of the traffic flow of traditional apartments in the weekday AM and PM Commuter Peak Hours. The applicant also notes that the CDP allows for parking standards for student accommodation to be applied as 'maximum standards.'. In their justification for the lack of parking on the site the applicant notes the proximity of the site to the UCD campus, the range of services provided on the campus, as well as the accessibility of the site to Luas, existing and proposed bus services and the provision of protected cycle lanes on Goatstown Road.

8.8.4. In their assessment of the development, the PO considered the 'car-free' scheme to be in accordance with SPPR 3 of the Compact Settlements Guidelines which encourages a reduced level of parking in appropriate locations. The PO notes that, while the site does not satisfy the requirements to be deemed 'accessible', it is served by radial and orbital high-frequency bus routes (15-20 minutes) within a 10-minute walking catchment. Consideration was given to the proximity of UCD which would be the main trip generator. On this basis the lack of parking was acceptable to the PO.

8.8.5. Section 12.4.5 of the CDP relates to car parking and states that the Council's car parking standards have also been informed by the National Planning Framework and the '*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities*' (2020) including SPPR 8. Section 12.4.5.2 of the CDP allows for a deviation from the 'maximum' or standard number of car parking spaces specified for each land use in Table 12.5. Consideration may also be given to the provision of no parking spaces for some locations in Zone 3 subject to a range of criteria which include,

- Proximity to public transport services and level of service.
- Walking and cycling accessibility/permeability and any improvement to same.
- The need to safeguard investment in sustainable transport and encourage a modal shift.
- Availability of car sharing and bike / e-bike sharing facilities.
- Existing availability of parking and its potential for dual use.
- Particular nature, scale and characteristics of the proposed development.
- The range of services available within the area.
- Impact on traffic safety and the amenities of the area.
- Capacity of the surrounding road network.
- Urban design, regeneration and civic benefits including street vibrancy.
- Robustness of Mobility Management Plan to support the development.
- The availability of on street parking controls in the immediate vicinity.
- Any specific sustainability measures being implemented.

I am satisfied that the lack of parking on the site has been justified by the applicant based on the proximity to public transport services and level of service and the walking and cycling accessibility/permeability of the site, which are criteria listed in the CDP for consideration in no-parking schemes, and that it can be considered by the Board. I note the provisions of Section 12.4.5.2 of the CDP which allows for a relaxation in parking standards, or the provision of no parking in Zone 3, and I am satisfied that the development would not generate high levels of car trips by virtue of

its nature as purpose-built student accommodation. This is supported by the applicant in their reports which analyse CSO and TRICS data. The proximity of the site to the UCD campus and to a range of public transport options would further negate the requirement for on-site car parking.

8.8.6. The proposal is also in accordance with the provisions of SPPR 3 of the Compact Settlements Guidelines which states that in urban neighbourhoods “car-parking provision should be minimised, substantially reduced or wholly eliminated”. As the CDP specifically states that the parking standards for student accommodation in Table 12.5 are maximum standards and provides a set of criteria to assess the suitability of a development for reduced or no parking, I do not consider that the lack of parking is a material contravention of the CDP.

8.8.7. In response to the appellants concern regarding overspill car parking, the applicant states that the restriction of parking provision on site is one of a range of measures deployed as an industry standard demand management measure which encourage sustainable travel.

8.8.8. In relation of overspill of parking, there are limited areas in the vicinity of the site where this could occur. Goatstown Road would not facilitate on-street parking, and the Trimbleston Development has signage that indicates parking management is in operation with towing and clamping in force. There is unrestricted parking on Willowfield Park, however, space is limited and based on the nature of the development, I am satisfied that it would not generate significant levels of car use. Therefore, the likelihood of parking overspilling into adjoining areas is remote. Traffic at the start and end of each term would be managed with each student allocated a specific time slot. This which would adequately manage traffic movements during these times. In terms of staff parking, the parking on site is set down parking in the case of occupants and is highly unlikely to entail the assignment of in-term parking for individual occupants. On this basis I am satisfied that the level of parking provided is acceptable at this location and that traffic to and from the development can be managed to prevent impacts on existing residential amenity.

## 8.9. Procedural issues

- 8.9.1. The appellants are of the opinion that their submissions to the PA were not adequately considered in the assessment of the development. The report of the PO noted that 17 third party submissions were received during the public consultation phase. The issues raised in the submissions were listed in the report of the PO and on that basis, I am satisfied that they were considered in the assessment. The report also states that 'The planning issues raised will be taken into consideration in the assessment of the proposed development'. The issues raised will further be examined and assessed by the Board in this appeal.
- 8.9.2. The grounds of appeal questioned the legal legitimacy of the LRD application as the site was also subject to an application for a Strategic Housing Development, with a decision pending, at the time it was lodged. The appellant states that the plans and particulars submitted by the applicant to the PA to obtain a pre-planning opinion for the LRD were the same as those lodged the SHD scheme lodged under ABP-313235-22, and for which a decision was pending at the time. Reference is made to the court decision in *Clane Community Council v An Bord Pleanála & Ors* [2023] IEHC 467. The applicant does not dispute that the scheme submitted to the PA for an LRD meeting under Section 32B of the *Planning and Development (Large Scale Residential Developments) Act 2021* was similar to that submitted as an SHD under the *Planning and Development (Housing) and Residential Tenancies Act 2016*. They also note that amendments were made to the scheme on foot of the meeting and following the response from the PA and prior to submitting the application. The applicant states that no part of the legislation restricts such actions and has submitted a legal opinion supporting this.
- 8.9.3. Planning legislation currently in place does not restrict any applicant from engaging in a pre-application consultation with the PA while a decision on a concurrent application is pending for the same site. There is no provision in either the Planning and Development Act 2000 (as amended) or the Large-Scale Residential Developments Act that prevents any applicant from undertaking a pre-application consultation under Section 32B of the LRD Act while a decision is pending on a similar development for the same site. Regarding the subject application, the applicant engaged with the PA under Section 32B of the LRD Act and the PA issued their opinion on the development under Section 32D of the Act. On this basis, I am satisfied that planning legislation currently in place does not prevent a developer or

applicant from engaging with the PA for pre-planning consultation whilst a subsequent application for the same site is awaiting a decision and that the applicant followed proper procedure within the existing planning framework. I note that a decision to refuse permission for the SHD development, Ref. **ABP-313235-22** was made by the Board on 2<sup>nd</sup> of January 2025. The subject application was lodged with the PA on the 3<sup>rd</sup> of March 2025. Therefore, I am satisfied that a decision had been made on the SHD application referenced by the appellant at the time the subject application was made.

#### **8.10. Material Contravention**

- 8.10.1. I have reviewed the details of the scheme, and I am satisfied that it would not result in a material contravention of the CDP in terms of the density and lack of car parking proposed.
- 8.10.2. The density proposed for the site, with the implementation of Condition No. 2 of the PA which omits Cluster P38, would be 155 uph. The CDP adopts a flexible approach to the application of density and does not contain any upper limit restrictions. Instead, it relies on the standards contained in the Apartment Guidelines and the Compact Settlement Guidelines. The subject site is categorised as an 'City – Suburban / Urban Extension' in the Compact Settlement Guidelines where densities of up to 150 uph can be considered at 'accessible' suburban / urban extension locations (as defined in Table 3.8). Whilst the density of the proposed development would be above the 150 uph range which is open for consideration at 'accessible' suburban / urban extension locations, the location of the site is in accordance with Section 12.3.7.11 of the CDP, which supports the provision of PBSA as it is within 1km of the UCD Campus. It is also in accordance with Policy Objective PHP29 of the CDP, which seeks to facilitate increased provision of PBSA and is proximity to urban bus services and within walking distance to high frequency public transport. On this basis, I consider that the nature of the development and the location of the site are suited to high density development, which would be appropriate at this location. Higher densities are also supported by Policy Objective PHP18 of the Development Plan. Therefore, I do not consider the density to be a material contravention of the CDP.

The proposed development would have 6 no. car parking spaces, 2 of which would be accessible spaces and the remaining 4 would be set-down spaces only. Section 12.4.5.1 of the CDP states that the site is in Zone 3 for car parking, which requires 1 space per 10 bedspaces for student accommodation. Section 12.4.5.2 of the CDP which allows for a relaxation in parking standards, or the provision of no parking in Zone 3 based on compliance with a range of criteria. The proposed development would meet the criteria for the provision of no parking for residents based on the proximity to public transport services and level of service and interchange available and the walking and cycling accessibility. On this basis I am satisfied that the proposal does not represent a material contravention of the CDP in terms of car parking.

#### **8.11. Other Issues**

##### Noise and disturbance –

- 8.11.1. Concerns were also raised by appellants regarding the potential impact of the roof gardens on the residential amenity of adjoining properties in terms of noise and nuisance. The proposed development would be managed on a 12-month basis in accordance with the Student Management Plan submitted with the application. The management plan includes the public and communal spaces within the development and application also states that any complaints will be reviewed and responded to. I note that Condition No. 6 of the PA's decision restricts the use of the roof gardens to the hours between 8am and 11pm. I am satisfied that the implementation of the management plan would mitigate any noise travelling from the roof terraces and that the roof terraces would be of sufficient distance from properties to prevent impact from projectiles launched from the roof spaces. Should the Board be minded to grant permission for the development, I recommend that this condition is attached.

##### Construction phase –

- 8.11.2. Appellants noted the location of the site on a busy road and expressed concerns regarding how the development would be managed and the potential impact on traffic and disturbance during the construction phase. A CEMP was submitted with the application. It sets out how the construction phase will be managed and includes internal and external traffic management, site access, lighting and health and safety

considerations. Condition No. 18 of the PA's decision requires the implementation of the CEMP as submitted and the submission of additional details regarding environmental management, noise and transportation matters. Any additional details require written approval by the PA prior to the commencement of development. The CEMP is a public document and is available on the public record associated with this application. Any additional measures required by the PA through compliance will also be part of the public record. Implementation of the management measures in the CEMP will ensure adequate management of the development.

## **8.12. First Party Appeal**

- 8.12.1. The first party is appealing the Condition No. 25 of the PA's decision to grant permission, which requires the payment of a financial contribution of €389,587.50 in lieu of public open space. The report of the PO notes that the Development Plan does not have any specific requirement for public open space in student accommodation. Whilst this is correct, Section 12.8.3.1 – 'Public Open Space', conflicts with this and states that *all* residential schemes must provide a minimum quantum of public open space in accordance with Table 12.8. The PO also notes that Section 5.3.3 of the Compact Settlements Guidelines requires that all residential developments provide a reasonable quantum of public open space. As no public open space would be provided in the high density scheme the PA considered it appropriate to attach a condition requiring a financial contribution in lieu of public open space under the provisions of Section 12.8.8 of the Development Plan which is supported by Section 6.2 of the *Dun Laoghaire Rathdown Development Contribution Scheme 2023 – 2028* which states that 'Where the Planning Authority considers that the standards for public open space referred to in the County Development Plan are not met and/or that open space cannot be facilitated within the development concerned, an additional financial contribution of €7,500,000 per hectare shall be calculated on a pro rata basis on the quantum of the shortfall in public open space and monies paid in accordance with such condition shall be applied to the provision of and/or improvements to a park and/or enhancement of amenities in the area.'
- 8.12.2. The grounds of appeal argue that, whilst not specifically stated, Condition No. 25 could be a 'special contribution' under the provisions of Section 48 of the Planning and Development Act 2000 (as amended), (the Planning Act). This is based on the

application of Condition No. 27 which requires the payment of a contribution in respect of public infrastructure and facilities, and Condition No. 28, which requires the payment of a contribution in respect of the provision of community parks facilities and recreational amenities benefitting the development.

8.12.3. The applicant notes that student accommodation is a separately defined land use within the Development Plan and is guided by a specific section of the plan which does not require any distinct provision for public open space. The appeal argues that the transient nature of the commercial type of development does not require the same amenities as residential development. Furthermore, the applicant submits that the definition of 'student accommodation' is contained in the *Planning and Development (Housing) and Residential Tenancies Act 2016* and is separate to the definition of residential development which is described as a 'house' under the Planning Act. Therefore, student accommodation can be viewed as a commercial development. They also note that the provisions of Section 12.8.8 do not apply to the subject development as there is no specific requirement for public open space in purpose-built student accommodation (PBSA) schemes. Reference is made to the report of the Chief Executive for the previous SHD application on the site (ABP-313235-22) which states that there is no requirement for public open space under Section 12.8.3 of the Development Plan as student accommodation is not considered to be residential accommodation from the perspective of open space requirements. The applicant also notes that the rates used to calculate the other financial contributions were commercial rates and as such the PA considers the development to be commercial in nature.

8.12.4. Section 13.2 of the CDP contains the definitions of use classes which are listed under the various zoning objectives for the county. 'Student Accommodation' and 'Build-to-Rent' accommodation are listed as a separate categories under 'Residential' use. The definition of 'Student Accommodation' is taken from the *Planning and Development (Housing) and Residential Tenancies Act 2016*). Apart from maximum car parking standards, the Development Plan does not contain any specific development standards for student accommodation.

8.12.5. Table 12.7 of the Development Plan states that in all new residential development schemes there should be some appropriate provision made for public open space. Table 12.8 requires 15% of the site area to be provided as public open space in



residential developments in existing built-up areas. Section 12.8.4 of the CDP sets out the open space requirements for mixed-use, non-residential and commercial developments and states that, *'The Planning Authority shall require a minimum of 10% of the overall site area for all large-scale, mixed-use, non-residential, and commercial developments to be reserved for use as public Open Space/Urban realm space'*. Where the required standards cannot be met for non-residential, mixed use and commercial development the PA will require a contribution in lieu to be paid by the Developer to contribute to the public realm and public realm improvement works.

8.12.6. Section 12.8.8 of the CDP deals with financial contributions in lieu of open space and states that where the required open space standards cannot be met, the Developer should indicate what the requirement is as per Section 12.8 of the Development Plan and where the shortfall occurs. Where the required open space cannot be achieved, the applicant shall provide a contribution in lieu of providing the full quantum of public open space. This shall apply to both residential (including Built to Rent) and non-residential/commercial developments. The section also notes that, in some instances, this may relate to a more urban context, which allows the development to contribute to the urban realm and the liveability value of the development in the context of its location by way of a financial contribution. This will take the form of a contribution towards capital investment in improving the urban realm by creating and/or upgrading local parks and spaces and revenue costs for the maintenance of these spaces.

8.12.7. Although student accommodation is listed as a category under 'residential use' in Section 13.2 of the CDP, there is no requirement for public open space to be provided in such developments. Development management standards for the provision of public open space in residential developments are set out in Section 12.8.3.1 (Table 12.8) of the CDP and in Section 12.8.4 for large-scale mixed-use, non-residential and commercial developments. Whilst the CDP does not contain a specific requirement for public open space for student accommodation a certain amount of open space is required for all large-scale development types. Section 12.8.8 of the CDP is clear that where the specified quantum of open space, (15% for residential and 10% for all other development), cannot be provided, a financial contribution in lieu will be attributed. This is supported in Section 6.2 of the Development Contribution Scheme. Therefore, I am satisfied that the application of

a condition requiring a financial contribution in lieu of public open space is appropriate and is supported by the CDP and the Development Contributions Scheme.

8.12.8. The applicant argues that the development is commercial in nature and that the application of commercial rates to the remainder of the development contributions supports the argument. Both the report of the PO and the PA's Section 32(D) opinion on the LRD considered the development to be residential in nature. However, as noted in the appeal, the financial contributions were calculated using commercial rates, apart from Condition No. 25 which was calculated using the development management standard for residential use. Whilst I accept that the use of both residential and commercial calculations could result in some ambiguity, I am satisfied that student accommodation is categorised as a residential use in Section 13.2 of the CDP. On this basis, I consider that the calculation used in the condition has been applied correctly. Should the Board disagree with this conclusion and consider that the development can be categorised as a commercial development, the financial contribution in Condition No. 25 could be recalculated using the standard for non-residential development, which is 10% of the site area.

8.12.9. In summary, Section 13.2 of the CDP lists student accommodation as a category under residential use. Although the CDP contains no development standards which require the provision of public open space in such developments, Section 12.8.3.1 / Table 12.8 require 15% of the site area for public open space in residential developments, and, Section 12.8.4 requires '*a minimum of 10% of the overall site area for all large-scale, mixed-use, non-residential, and commercial developments.*' On this basis the CDP requires a certain quantum of public open space in all developments. Where the required open space standards cannot be met, Section 12.8.8 of the CDP states that a financial contribution in lieu of open space can be applied. A provision is made for this occurrence in Sections 6.1 and 6.2 of the Development Contribution Scheme. Therefore, I am satisfied that Condition No. 25 is in accordance with the provisions of the CDP and that the provisions of the Development Contribution Scheme have been applied correctly. I recommend that Condition No. 25 is retained.

8.12.10. As noted above, the Board may consider that some ambiguity exists where the development contributions were applied as commercial rates for all contributions

apart from Condition No. 25. Should this be the case, the Board may wish to amend Condition No. 25 and for the amount to be recalculated using the required standard of 10% of the site area for mixed-use, non-residential and commercial development as set out in Section 12.8.4 of the CDP. If the Board considers this to be reasonable, I recommend that the calculation is revised on the following basis,

- 10% of the site area = 340 sqm (0.034 ha)
- 0.034 ha x €7,500,000 (as per Section 6.2 of the Development Contribution Scheme) = **€255,000**

## **9.0 AA Screening**

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and South Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

## **10.0 Recommendation**

### **10.1. Third Party Appeal**

10.2. Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

## **11.0 Recommended Draft Board Order**

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

**Planning Authority:** Dun Laoghaire Rathdown County Council

**Planning Authority Register Reference:** LRD24A/0974/WEB

**Appeal** by John & Oksana Cronin, Gary McIlroy and Trimbleston Owners Management CLG against the decision made on the 6th day of February 2025 by Dun Laoghaire Rathdown County Council to grant permission subject to conditions to Orchid Residential Limited, in accordance with plans and particulars lodged with the said Council.

### **Proposed Development**

- 11.1. Large-scale residential development (LRD) consisting of purpose-built student accommodation on a site of approximately 0.34 hectares which currently comprises a car sales premises known as Vector Motors (formerly known as Victor Motors), on the Goatstown Road, Dublin 14.
- 11.2. The development will comprise the following,
  - Demolition of all existing structures on the site and the construction of a purpose-built student accommodation (including use as tourist or visitor accommodation outside the academic term) of 220 student bed spaces (including 10 no. studios) in a 'U'-shaped development comprising 3 blocks connected by vertical circulation cores which extend in height from single to 6-storey buildings.
  - Along the southern boundary, the building would range in height from single storey to 4 no. storeys and would extend to part-5 and 6 storeys (with setbacks) along Goatstown Road and northern boundary.
  - External amenity space of c. 1,247 sqm would be provided in the form of a central, east-facing courtyard at ground level (c. 694 sq. m) and roof terraces at 4th floor level (c. 220 sq. m) and 5th floor level (c. 333 sq. m) fronting onto Goatstown Road.
  - Internal amenity space equating to c. 538 sqm would be provided in the form of 2 no. ground floor lounge/study areas, kitchen/tearoom, laundry, and concierge/office space.
  - 218 no. bicycle parking spaces would be distributed across the central courtyard and northern boundary and adjacent to the front boundary of the site (north-west).

- 6 no. carparking spaces comprising 2 no. disabled parking spaces and 4 no. setdown parking spaces would be provided adjacent to the front entrance to the site.
- Vehicular access to the site is via Goatstown Road from 2 no. entrance points, which is a reduction from 3 no. entrances currently.
- Ancillary single storey ESB substation and switch room and refuse store would be provided at ground level, along the eastern site boundary.
- Site development works would also include the provision of surface water and underground attenuation and all ancillary works including site wide landscaping works, lighting, planting and boundary treatments.

## **Decision**

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

## **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 Dun 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.
- c) Dun Laoghaire Rathdown County Development Contribution Scheme 2023-2028.
- 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) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- j) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- k) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- l) Development Management, Guidelines for Planning Authorities, 2007.
- m) The location of the site in proximity to a third level institution.
- n) The nature, scale, and design of the proposed development.
- o) The availability in the area of a range of social, community, and transport infrastructure.
- p) The pattern of existing and permitted development in the area.
- q) The planning history at the site and within the area.
- r) The reports of the planning authority.
- s) The grounds of appeal, observation and responses to same.
- t) The responses to the grounds of appeal by the the applicant.
- u) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

### **Appropriate Assessment Screening**

The Board 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 Board 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 Dun 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.
- 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 Board 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 Board considers 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 Dun 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.

### 11.3. First Party Appeal

11.4. Having regard to the nature of the condition which is the subject of the first party appeal and based on the reasons and considerations set out below, the Board directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended:

#### **Condition No. 25**

To **RETAIN** the wording of Condition No. 25 as follows for the reasons and considerations hereunder:

*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 (calculated by €7,500,000 x 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 interest of the proper planning and sustainable development of the area.*

#### **Reason and Considerations**

‘Student accommodation’ is defined as a category of residential use in Section 13.2 of the Dun 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 Dun 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 Dun Laoghaire Rathdown Development Contribution Scheme 2023-2028 have been applied correctly and support Sections 12.8.3.1 and 12.8.8 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, which defines the proposed development as a category of residential use, which requires 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.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 3<sup>rd</sup> 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ol style="list-style-type: none"> <li>a. Cluster P38 (comprising 8 no. bedspaces, circulation, and associated living space) shall be omitted from the fifth floor of the subject scheme. 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, </li> </ol>

	<p>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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity and in the interests of the proper planning and sustainable development of the area.</p>
3.	<p>The development hereby permitted shall be limited to no more than 212 no. bed spaces.</p> <p><b>Reason:</b> To ensure that the development shall be in accordance with the permission, and in the interests of clarity.</p>
4.	<p>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.</p> <p><b>Reason:</b> In the interest of residential amenity and to limit the scope of the development to that for which the application was made.</p>
5.	<p>The proposed development shall be implemented as follows:</p> <p>(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,</p> <p>(b) Student House Units / Clusters shall not be amalgamated or combined.</p> <p>(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</p> <p>(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</p>

	<b>Reason:</b> In the interests of the amenities of occupiers of the units and surrounding properties.
6.	<p>The use of the roof gardens shall not be used and/or accessible between the hours of 11pm and 8am unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
7.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
8.	<p>Prior to commencement, the Applicant 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 DMURS Advice Note 6 and the NTA's Cycle Design Manual.</p> <p>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 Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interest of sustainable development and of traffic and pedestrian safety.</p>
9.	<p>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 No. Sheffield stands.</p>

	<p>b. 218 no. 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 layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>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.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
10.	<p>A minimum of one car parking space shall be equipped with one fully functional EV charging point in accordance with Section 12.4.11 Electrically Operated Vehicles of the current DLRCC County Development Plan. All proposed car parking spaces should be constructed to be capable of accommodating future electric charging points for electrically operated vehicles (ducting, mini-pillars etc.) without the requirement for future excavations/intrusive works.</p> <p><b>Reason:</b> In the interest of sustainable development.</p>
11.	<p>Prior to commencement, the Applicant shall submit revised drawings and details which demonstrate further reductions in width of the proposed vehicular entrances in accordance with the requirements of the planning authority. The drawings shall also demonstrate the provision of a continuous footpath and across the vehicular entrances in accordance with DMURS Advice Note 6 and the NTA's Cycle Design Manual.</p> <p><b>Reason:</b> In the interest of sustainable development.</p>
12.	<p>a. Prior to commencement of the proposed development, the Applicant shall submit details to the Planning Authority for written agreement</p>

	<p>indicating the contact details of an appointed Mobility Plan Coordinator for the proposed residential development.</p> <p>b. The Applicant 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.</p> <p><b>Reason:</b> In the interest of sustainable development.</p>
13.	<p>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.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
14.	<p>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.</p> <p><b>Reason:</b> In the interest of residential amenities, public health and safety and environmental protection.</p>
15.	<p>The Applicant and the developments Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following.</p>

	<ul style="list-style-type: none"> <li>a. Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.</li> <li>b. Keeping local residents informed of progress and timing of particular construction activities that may impact on them.</li> <li>c. Provision of a notice at the site entrance identifying the proposed means for making a complaint.</li> <li>d. Maintenance of a complaints log recording all complaints received and follow up actions.</li> </ul> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
16.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
17.	<p>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.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
18.	<p>The landscaping scheme as submitted to the planning authority on the 3<sup>rd</sup> 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.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously</p>

	<p>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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
19.	<p>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.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
20.	<p>Site development and building works shall be carried out only between the hours of 0800 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
21.	<p>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.</p> <p><b>Reason:</b> 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.</p>



22.	<p>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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
23.	<p>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.</p> <p><b>Reason:</b> 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.</p>
24.	<p>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 (calculated by <math>\text{€7,500,000} \times 0.051945</math> (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</p>

	<p>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.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
25.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Elaine Sullivan  
Senior Planning Inspector

5<sup>th</sup> of June 2025

**Appendix 1**  
**Standard AA Screening Determination Template**  
**Test for likely significant effects**

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>  <b>Case File: ABP-321994-25</b>	
<b>Brief description of project</b>	<p>The project would comprise the demolition of existing buildings on an urban site currently in use as a car sales showroom and the construction of a purpose-built student accommodation scheme comprising 220 bedspaces in a building ranging in height from single to 6 storeys in height, with ancillary accommodation and site development works.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site has a stated area of 0.34 ha and is in an urban suburb in south county Dublin.</p> <p>A full description of the development is contained in Section 2.0 of the accompanying Inspectors Report.</p> <p>The site is bounded by to the north and east by a residential development, Trimbleston, to the south by a low-rise local mixed-use commercial centre with surrounding housing and to the west by the Goatstown Road with detached suburban style housing on the opposite side of the road.</p> <p>The construction works would be standard in nature and would involve demolition and construction works. No large-scale excavations would be carried out to accommodate basements or under croft parking. The site is currently brownfield in nature and is clear of vegetation and planting.</p> <p>Emissions from the site would be limited to noise and emissions to air from machinery and plant, and emissions to surface and ground water because of runoff from construction activities.</p> <p>The development would be connected to the public mains water and wastewater services and surface water would be managed within the site prior to discharge to the public system.</p> <p>The site is in the Liffey and Dublin Bay catchment, (ID: 09) and the Dodder_SC_010 sub catchment (ID:09_16 (13)). No water courses were identified within 500m of the site and no hydrological connection was identified between the site and any identified watercourse.</p> <p>The closest European sites are the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, which are both c. 2.8km to the east of the site.</p>

Screening report	Y - A Report to Inform Screening for Appropriate Assessment was submitted.			
Natura Impact Statement	N			
Relevant submissions	The issue of AA was not raised in third party submissions or in submissions from prescribed bodies.			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
The Screening Report submitted with the application identified 16 European sites within 15km of the subject site. A specific measurement was not applied to the Zone of Influence in the Screening Report. Given the scale of the development, which would employ standard construction methods, the nature and location of the urban site and the surrounding context, I consider that the potential Zone of Influence would be limited to the subject site or the immediate vicinity. The source-pathway-receptor model did not identify any direct or indirect connections to any European sites. Therefore, I consider the most relevant sites to consider would be the nearest sites which are listed below.				
European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay and River Tolka Estuary SPA (Site Code 000210)	Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetland and Waterbirds  Link to details in the NPWS website - <a href="#">South Dublin Bay and River Tolka Estuary SPA   National Parks &amp; Wildlife Service</a> (May 2025)	2.8km	No	N
South Dublin Bay SAC (Site Code 004024)	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines	2.8km	No	N

	Salicornia and other annuals colonising mud and sand Embryonic shifting dunes  Link to details in the NPWS website – <a href="#">South Dublin Bay SAC   National Parks &amp; Wildlife Service</a> (May 2025)			
--	--	--	--	--

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

- (a) There would be no direct impacts on the European sites during the construction of operational stages of the development. Indirect impacts would be limited to noise and/or disturbance during the construction phase and emissions to air and water during the construction and/or operational phase.
- (b) The lack of a hydrological connection to any European site would prevent any significant impacts to water quality from polluted surface water runoff.
- (c) The site is not suitable as an ex-situ site for any of the Qualifying Interests of the SPA or any other European site, and the development would not have any impact in terms of habitat loss or degradation
- (d) The distance between the subject site and the closest European sites would prevent any impacts on air quality or habitats from air-borne construction dust and the from dust settlement.
- (e) The Screening Report identifies a Zone of Influence of approximately 300m for noise and/or disturbance to resting, foraging and commuting of the Qualifying Interests of the SPA. Given the separation distance between the sites, there will be no impact relating to noise and/or disturbance on any designated species.

**AA Screening Matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: South Dublin Bay &amp; River Tolka Estuary SPA (Site Code 00210)</b>  QI's: Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover	<b>Direct:</b> None  <b>Indirect:</b> Potential for temporary negative impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Potential for emissions to air from construction related activity. Potential for disturbance from noise.	<b>Direct:</b> None  <b>Indirect:</b> None – There are no hydrological connections between the sites. The site is not an ex-situ site, and the separation distance is sufficient to negate any effects from noise or air quality as a result of the development.

<p>Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetland and Waterbirds</p> <p><b>Site 2: South Dublin Bay SAC (Site Code 004024)</b></p> <p><b>QI's:</b> Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes</p>	<p><b>Direct:</b> None</p> <p><b>Indirect:</b> Potential for temporary negative impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Potential for emissions to air from construction related activity.</p>	<p><b>Direct:</b> None</p> <p><b>Indirect:</b> None – There are no hydrological connections between the sites. The separation distance is sufficient to negate any effects on air quality from emissions as a result of the development.</p>
	<p><b>Likelihood of significant effects from proposed development (alone): No</b></p>	
<p><b>Step 4 - Conclusion</b></p>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and South Dublin Bay SAC (Site Code 004024). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give

rise to significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) and South Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

## Screening the need for Water Framework Directive Assessment Determination.

The subject site is a brownfield site in an urban location surrounded by development. The site is within the e Liffey and Dublin Bay Catchment (Hydrometric Area 09) and River Dodder sub-catchment (WFD name: Dodder\_SC\_010, Id 09\_16) (EPA, 2024).

There are no water features on the site. The closest water feature is an unmarked watercourse c. 580m to the north-west of the site which discharges to 'The Lake' in UCD before discharging to the Elm Park Stream via underground connection. The site is in Flood Zone C. A Flood Risk Assessment was carried out for the development and found that there was no significant risk of flooding due to the development and that the SuDS measures proposed would reduce surface water runoff.

The proposed development comprises the demolition of all structures on the site and the construction of student accommodation consisting of 220 bedspace, ancillary communal facilities associated site works. A full description of the development is contained in Section 2.0 of the Inspectors Report.

A Hydrological & Hydrogeological Risk Assessment was carried out for the development and found that, during construction and operation phases there is no direct source pathway linkage between the proposed development site and open waters. There is no direct source pathway linkage between the proposed development site and any Natura 2000 sites (i.e., South Dublin Bay SAC/SPA/pNHA). There is an indirect source pathway linkage from the proposed development to Dublin Bay coastal waterbody through the stormwater network, River Slang and Elm Park Stream. There will also be an indirect source pathway linkage through the foul water drainage network, which eventually discharges to Irish Water's Ringsend WWTP. In the absence of SuDS measures there will be imperceptible impacts from the proposed development to the water bodies listed above due to emissions from the site stormwater drainage infrastructure to the wider drainage network. There are no pollutant linkages from the construction or operation of the proposed development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within Dublin Bay coastal waterbody. In line with good practice, appropriate and effective mitigation measures will be included in the construction design and management of the construction phase and during the operational phase of the proposed development.

No water deterioration concerns were raised in the planning appeal.



I have assessed the proposed development for student accommodation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The nature of the works which would involve standard construction works that would be carried out in accordance with standard industry practices and in accordance with a CEMP
- The brownfield nature of the site and its location in an urban area which is connected to the public water and wastewater services. (A Pre-connection Enquiry was submitted to UE in March 2024 estimating that connection would be required in September 2026 and Confirmation of Feasibility without Infrastructure upgrade was received from UE on 30th September 2024)
- The distance from the nearest water bodies and the lack of hydrological connections from the site

### **Conclusion**

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321994-25
<b>Proposed Development Summary</b>	Construction of student accommodation consisting of 220 bedspace, ancillary communal facilities associated site works.
<b>Development Address</b>	Vector Motors, Goatstown Road, Dublin 14
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<p><b>Class 10– Infrastructure Projects -</b></p> <p><b>10(b)(i)</b> – construction of more than 500 dwelling units</p> <p><b>10(b)(iv)</b> – urban development that would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p><b>Class 15</b> – Any project listed in part 2 which does not exceed a quantity, area or other limit specified in (Part 2) in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input checked="" type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Form 3 - EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	<b>ABP-321994-25</b>	
<b>Development Summary</b>	Construction of student accommodation consisting of 220 bedspace, ancillary communal facilities associated site works.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	EIA not required
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	AA Screening Report
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	<b>The following has been submitted with the application:</b> <ul style="list-style-type: none"> <li>An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC).</li> <li>A Hydrological Risk Assessment and Civil Engineering Infrastructure Report and Flood Risk Assessment which have had regard to Development Plan policies regarding the Water</li> </ul>

		<p>Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC).</p> <ul style="list-style-type: none"> <li>• A Construction Environmental Management Plan (CEMP), Operational Waste Management Plan (OWMP) and Resource Management Plan (RWMP) which considers the Waste Framework Directive (2008/98/EC).</li> <li>• SEA and AA were undertaken by the planning authority in respect of the Dun Laoghaire Rathdown County Council Development Plan 2022-2028.</li> </ul>	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<b>Yes</b>	<p>The proposed development consists of a U-shaped block ranging from single, four, five and six storeys in height and consisting of 220 bedspaces to the east of Goatstown Road with adjoining developments comprising mainly of residential development. The development is not regarded as being of a scale or character</p>	<b>No</b>

		significantly at odds with the surrounding pattern of development.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<b>Yes</b>	The proposed development will result in demolition of existing structures on site construction of a new development with the existing site subject to excavation and construction for residential use in accordance with the predominantly residential zoning of that applies to these lands.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	<b>Yes</b>	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>Yes</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP, OWMP and a RWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	<b>No</b>
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<b>No</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a	<b>No</b>

		RWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a OWMP plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<b>No</b>	No significant risks are identified. Operation of standard measures outlined in a CEMP and a RWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network. Surface water drainage will be separate to foul drainage within the site and leaving the site.	<b>No</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>Yes</b>	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a RWMP. Management of the scheme in accordance with a management plan will mitigate potential operational impacts.	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	<b>Yes</b>	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a RWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	<b>No</b>

<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>Yes</b>	Population of this urban area would increase. Student housing would be provided to meet existing demand in the area and take pressure of existing housing supply in the area.	<b>No</b>
<b>1.11</b> Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	<b>No</b>	Application is zoned Objective A and is an infill site in a predominantly residential area. There are no other sites in close enough proximity that would result in significant cumulative effects.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<b>No</b>	No European sites located on or adjacent to the site.  An Appropriate Assessment Screening was provided in support of the application.  No measures other than standard construction management measures are to be relied on in this case.	<b>No</b>
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding,	<b>No</b>	Bat survey report classifies site as being of low value in terms of bat activity with a low level of commuting and foraging on site and no bat	<b>No</b>



nesting, foraging, resting, over-wintering, or migration, be affected by the project?		roosts. Site is an active urban site dominated by existing structures and hardstanding and of low ecological value. The proposed development would not result in significant impacts to protected, important or sensitive species. Mitigation measures in the form of landscaping and implementation of bat friendly artificial lighting as part of the proposed development.	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<b>No</b>	The site and surrounding area do not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	<b>No</b>	The subject site is in an urban suburb with no such features.	<b>No</b>
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<b>No</b>	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>		<b>No</b>
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>No</b>	Access to and from the site will be via Goatstown Road. No significant contribution to traffic congestion is anticipated from the subject development.	<b>No</b>

<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>	There are no sensitive land uses adjacent to the subject site.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>		<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>		<b>No</b>
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>X</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>		EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
Having regard to: -			
1. the criteria set out in Schedule 7, in particular (a) the nature and scale of the proposed development, in an established residential area served by public infrastructure			

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_