



An
Coimisiún
Pleanála

Inspector's Report

ACP-323800-25

Development

Large-Scale Residential Development (LRD) of a Purpose-Built Student Accommodation (PBSA) development comprising 217 no. student bedspaces, internal communal amenity space, external amenity spaces, a café-restaurant and demolition of the existing commercial/industrial building and all associated public realm improvement works.

Location

21-23 Blackpitts, Dublin 8, D08P3K4.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEBLRD6077/25-S3

Applicant(s)

Blackpitts Residence Unlimited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

First and Third Party

Appellant(s) Blackpitts Residence Unlimited.

Peter Crotty.

Anita Kenna.

Observer(s) Inez Mahony.

Noel Flemming.

Date of Site Inspection 18th November 2025.

Inspector Kathy Tuck.

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1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c.0.240ha is situated at 21-23 Blackpitts, Dublin 8. Blackpitts is located immediately west of Clanbrassil Street (R137) and approximately c.4km to the south-west of Dublin City Centre. The surrounding area comprises of a mix of tenure types including 2 storey dwellings and 3 and 4 storey apartment buildings.
- 1.2. The subject site is bounded to the north by Donovan Lane, to the west by Blackpitts and to the east and south by a 3-4 storey apartment building (Greenville Place) which provides for commercial and retail floor space at ground floor level where it addresses Clanbrassil Street. The subject site is separated from the existing apartment building by an area of surface car parking.
- 1.3. The site currently comprises of 6 no. two storey commercial buildings which appear to be vacant. There is an area of surface carparking situated along the western section of the site which separates the buildings from the public road. The site is enclosed by a low lying stone clad plinth wall with railings situated above and access is provided by 3 no. set of gates situated along Greenville Avenue / Blackpitts

2.0 Proposed Development

- 2.1. This is an application for a Large-Scale Residential Development which consists of the following:
- 2.2. The demolition of the existing commercial/industrial buildings on site which has a stated area of c. 2,140 sq.m in total.
- 2.3. The Construction of a Purpose-Built Student Accommodation scheme which has a stated total area of c. 7,675 sq.m all located within one block ranging in height from 4 to 6 storeys (over basement), comprising 217 no. student bedspaces (209 no. single rooms and 4 no. twin rooms) within 32 clusters.
- 2.4. The provision of internal communal amenity space at basement and ground level, including parcel room, reception/common area, concierge desk, library/study room, multiuse rooms, laundry room, cinema room, and gym. The provision of external

amenity spaces including outdoor courtyard area at ground floor level and an external rooftop terrace.

- 2.5. The proposal will also provide for a café-restaurant with a floor area of c. 144.5 sq.m situated at ground floor level. It will provide for cycle parking at basement and surface levels, a pedestrian and service entrance along Donovan Lane and a pedestrian, cycle and service entrances along Blackpitts.
- 2.6. The development includes associated public realm improvement works along Donovan Lane and Blackpitts, including alterations to the existing footpaths/public road, provision of 5 no. set-down spaces and 1no. loading bay along Donovan Lane.
- 2.7. The development includes for landscaping, boundary treatments, waste management areas, and services provision (including ESB substation), as well as all associated works required to facilitate the development, including connection to the Uisce Éireann network. Plant areas are provided at basement and roof level.

3.0 Planning Authority Pre-Application Opinion

- 3.1. The Planning Authority and the Applicant convened a meeting under Section 247 of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale Residential Development in respect of a purpose built student accommodation (PBSA) development on 27th August 20224.
- 3.2. A stage 2 LRD Meeting under Section 32C of the Planning and Development Act, 2000 (as amended), was held on the 17th January 2025. Following this meeting, the Planning Authority issued an LRD Opinion on 13th February 2025 pursuant to Section 32D (1) of the 2000 Act. It was the opinion of the Planning Authority that the documentation submitted required further consideration and amendment in order to constitute a reasonable basis for an application for a Large Scale Residential Development (LRD).
- 3.3. The detailed assessment contained within the Opinion highlights issues for the applicant to consider or address when making a future planning application. These can be summarised as follows:

1. Concern over height, scale and massing & undue negative visual impact on the surrounding area., Plot Ratio and Density remains a concern- Reductions required in the overall height and massing of the building.
2. Further CGIs / photomontages of the proposal viewed from opposite the site on Greenville Parade
3. Concern over useability of communal open space given time of year residents will occupy the building.
4. Explore more active street frontage and street animation.
5. Transportation Planning Division Issues.
6. Drainage Department Issues.
7. Conservation Issues.
8. Archaeology Issues

3.4. The applicant was advised that in the event that an LRD planning application is submitted, it should be accompanied by a statement of response to the issues set out in the LRD opinion and a statement of consistency with all relevant planning policy.

4.0 Planning Authority Decision

4.1. Summary of the Decision

- 4.1.1. The Planning Authority issued a notification to Grant Planning Permission for the LRD application on the 12th September 2025 subject to 23 no. conditions. The following conditions are of note. Furthermore, Condition no. 5 is subject to the 1st Party Appeal.
- 4.1.2. **Condition no. 2:** Section 48 development contribution €619, 601.40.
- 4.1.3. **Condition no. 3:** Section 49 development contribution €192, 990.60.
- 4.1.4. **Condition no. 4:** Developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank.
- 4.1.5. **Condition no. 5:** Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the Planning Authority, showing the following amendments:

- a) The fifth floor (as referenced on Drawing no. DR-A-P402-S1-A; Proposed Floor Plans 2 of 2) shall be omitted entirely, including the removal of 28 student bedspaces and associated ancillary accommodation.
- b) The fourth floor shall be reduced in size and set back by a minimum of 2 metres on all sides, including the corner and full northern elevation.
- c) The fourth-floor balcony in the northeastern corner off the communal kitchen/common area shall be omitted.
- d) The communal living/kitchen areas at ground floor (north-eastern side) and fourth floor (north-eastern side) shall be widened to improve usability
- e) A revised roof terrace shall be provided at the new roof level, reduced in size and fully set back from all edges. Details of boundary screening and management arrangements, including daytime-only operating hours, shall be submitted for written agreement prior to its construction.

Reason: To protect visual and residential amenity, ensure the building integrates appropriately into the streetscape, and prevent undue impact on neighbouring properties.

4.1.6. **Condition no. 6:** Restricts the use of the development to student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute, or tourist/visitor accommodation only during academic holiday periods.

4.1.7. **Condition No. 7** - The student accommodation shall be operated and managed by an onsite management team on a 24 hour, full time basis, A detailed student management plan shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. Any changes in the operation and management of the accommodation shall be the subject of a new planning application. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apartment or similar use without a prior grant of permission Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

4.2. Planning Authority Reports

- 4.2.1. Planning Reports
- 4.2.2. The report of the Planning Officer sets out a description of the site, details of the proposed development which includes for a table of the sequential details of the proposal, details of the LRD consultations to date, details of the planning history pertaining to the site, details of reports received from internal and external consultees, a detailed summary of all submissions received, details of the relevant sections, policies and objectives of the Dublin City Development Plan 2022-2028, and details of relevant Government Policy and Guidelines. I note that reference is made to 'The National Planning Framework 2018, this document has now been updated by the National Planning Framework, First Revision 2025. I have reviewed this document and provide a summary of the relevant polies within section 6.1 of my report below.
- 4.2.3. The report also provides for an Appropriate Assessment Screening and an Environmental Impact Assessment Screening Determination.
- 4.2.4. The assessment set out under section 11 of the report considers the Zoning & Principle of Development, Layout & Design (Height & Density), Student Accommodation, Daylight & Sunlight, Impacts on Residential Amenity, Transportation, Access and Movement, Drainage and Services, Conservation, and Archaeology.
- 4.2.5. The report raises concern over the density and height as proposed given the site context in terms of the surrounding existing residential properties. Reference is made to Table 3 of Appendix 3 of the City Plan which provides for performance criteria for assessing proposals for applications with enhanced height, density and scale. The assessment accepts that while a higher density could be accommodated at this location, the proposed density of c.285 units per hectare is not considered suitable at this location. It is argued that in the context of the receiving environment, the proposed development continues to raise concern by reason of its height, density and overall scale. The Planning Officer states that the contextual elevations submitted show that the proposed building appears incongruous when set beside its adjoining neighbouring buildings. There is concern with regard to it being overly dominant when viewed from the single and two storey dwellings opposite the subject site. On foot of these comments, the report recommends that a reduction in height and consequently reduction in density be made by way of a compliance condition. This condition to

reduce the height will result in a number of bedspaces being omitted (c. 28 on the fifth floor) and additional units will be required to be omitted on the fourth floor to enable a full set back of a min 2m for this entire floor. This was carried though via condition no. 5 of the grant of permission which is subject to the 1st Party Appeal.

- 4.2.6. A further concern is raised with regard to the provision of the roof terrace, the Planning Officer states given the residential neighbouring context, screening and limited hours of use will be required to ensure this roof space does not cause undue negative impacts on residential amenity. Again, a condition is recommended to be included by the Planning Officer to overcome this concern.
- 4.2.7. Concern was also raised over the useability of some of the communal spaces - widths of the communal cooking and living areas of some clusters will need to be increased to improve useability. To overcome this concerns the Planning Officer considered it reasonable to omit bedspaces to enable enlarged common areas.
- 4.2.8. Overall, the conclusion drawn in section 15 of the Planning Officers reports aligns with the decision issued by the Planning Authority and recommends that permission be granted subject to condition.

4.2.9. Other Technical Reports

- Transportation Planning Division: Report notes no objection subject to conditions.
- Archaeology: Report notes no objection subject to conditions.
- Conservation: Report considers that a reduced height should be requested via condition. It states that the building should retain a 4-storey 'shoulder' height to the main 'base' form.
- Drainage Division: Report notes no objection subject to conditions.
- Environmental Health Officer: Report notes no objection subject to conditions.

4.3. **Prescribed Bodies**

4.3.1. Uisce Eireann

The report states that the applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility

CDS24009260 has been issued to the applicant advising that water and wastewater connections are feasible. The report concludes that connections are feasible subject to condition.

4.3.2. Transport Infrastructure Ireland.

The report requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

4.4. **Third Party Observations**

The Planning Authority received a significant amount of 3rd Party Observations with regard to the proposed development. The Planning Officer set out a summary of all concerns received under section 9 of their report. Some of the broad topics included:

- Impact on residential amenities – Overlooking/overshadowing/overbearing.
- Negative Visual Impact – height/footprint/scale/de-valuation of property.
- Negative impact on surrounding historic character.
- Overdevelopment/Loss of light.
- Contravenes a number of objectives within the Dublin City Development Plan 2022-2028.
- Houses required for local people – does not strengthen the community.
- Overprovision of transient accommodation in the area.
- Traffic impacts – increased congestion/lack of construction routes/cumulative impacts with permitted developments in the vicinity.
- No provision of additional green spaces.

5.0 **Planning History**

The following pertains to the subject site:

PA Ref: 1350/91 Permission GRANTED for a Cash and Carry Enterprise Centre on part of former McHenry Site at Blackpitts/Donovans Lane, 8.

PA Ref: 2179/99 Outline Permission GRANTED to erect a mansard type roof to existing building to form offices in new roof space at Unit 2 Greenville Place, 21 Blackpitts, Dublin 8.

PA Ref: 2904/05 Permission GRANTED for change of use of retail warehouse to office use including alterations to existing ground floor external facade and internal remodelling at Unit 3, Enterprise House, Blackpitts, Dublin 8.

PA Ref: 3682/15 Permission GRANTED for upgrading and improvement works at existing enterprise centre (approved under Reg Ref. 1359/91) consisting of reinstatement of 4 no. original windows to rear 1st floor elevation, internal alteration and overall refurbishment of existing enterprise centre at 22, Blackpitts, Dublin 8.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. National Planning Framework – First Revision (April 2025).

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure.

Section 6.6- Housing

Sub-heading (page 94) 'Students' states that 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.

NPOs for appropriately located and scaled residential growth include:

National Policy Objective 2: The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the Northern and Western and Southern Regional Assembly areas combined.

National Policy Objective 3: Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

National Policy Objective 4: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and

Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22: 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.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

6.1.2. Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness

In June 2025, Government published the Design Guide for State Sponsored Student Accommodation²⁸. It defines best practices and aims to ensure value for money for the State, while supporting the delivery of additional student accommodation. It also promotes the development of modern student accommodation that is functional, sustainable, maintainable, flexible, safe, and architecturally well.

Section 7.7 Building More Purpose-Built Student Accommodation

Government is committed to a long-term student accommodation strategy focused on increasing the supply of student accommodation in line with demand. The strategy aims to create an environment where accommodation cost and availability does not

act as a barrier to attending third level education. It also aims to increase the supply of student specific accommodation, reducing reliance on the private rental market and increasing housing availability for private individuals and families.

The Student Accommodation Strategy 2025–2035, which will be published shortly, will set out Ireland's national policy to support access to appropriate housing for full-time undergraduate and postgraduate students attending publicly funded Higher Education Institutions. The Strategy's objective is to increase the supply of new student accommodation beds through two pillars - supply and viability measures and to provide targeted affordability supports for priority groups identified under the National Access Plan.

6.2. **Regional Policy**

6.2.1. Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

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.

The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

Section 9.3 of the RSES, Housing and Regeneration, notes that recent trends in the delivery of specialised housing typologies such as student accommodation, build to let developments and shared accommodation is indicative of the change in approach that will be necessary to accommodate the changes in demand and demographics in the Region into the future, and the RSES needs to reflect this.

The followings RPOs are of particular relevance:

RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

6.3. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

6.3.1. **Sustainable Residential Development & Compact Settlement Guidelines 2024**

The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well-designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

Of relevance to the subject application are the following:

Section 3.2: Notes that when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling.

Section 3.3: Includes Table 3.1 defining categories of urban areas within Dublin City. 'City – Urban Neighbourhoods' comprises four types of urban areas, sub-items (i)-(iv), compact medium density residential neighbourhoods around the City Centre, strategic and sustainable development locations, town centres designated in a statutory development plan, and lands around existing or planned high-capacity public transport nodes or interchanges.

Section 3.4: Outlines a two-step density refining process of the City category, based firstly on a determination of accessibility (as per definitions in Table 3.8) and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).

Section 5.3: Includes SPPRs 1-4 on separation distances, private open space, car and cycle parking, and policy on open space and daylight. As student housing is a form of shared accommodation, these residential standards are not directly applicable.

6.3.2. Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025

The Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 came into effect on 08th July 2025. This application was submitted to the Planning Authority on the 23rd July 2025 and as such are the relevant guidelines in this instance.

Section 5.2 of the guidelines relates to 'Purpose-Built Student Accommodation'. It states that the Department of Further and Higher Education, Research, Innovation and Science is developing "The Design Guide for State Sponsored Student Accommodation 2025" to inform the approach to Student Accommodation. The Guide is an iterative framework that reflects best practices and supports the efficient delivery of state sponsored student accommodation. It is also intended, where appropriate, that the standards contained within the Guide can inform the planning and design of off-campus forms of student accommodation that are led by the private sector. I have referred to this document below.

SPPR 8 states:

- A. (i) There shall be no requirement or restriction in relation to the provision of en-suite bathrooms for single study bedrooms within Purpose Built Student Accommodation schemes.
 - (ii) The minimum required area for a single study bedroom without en-suite facilities is 8sqm and the minimum required area for a single study bedroom with en-suite facilities is 11.5sqm; and statutory plans may not set out minimum required areas that exceed the minimum required areas set out within this SPPR.
 - (iii) The minimum space requirements for kitchen/dining/living areas serving 10 and 12 persons are 3.6 sqm and 3.3 sqm per person, respectively; and statutory plans may not set out minimum required areas that exceed the minimum required areas set out within this SPPR.
- B. Where any other requirement or restriction is set out within a statutory plan, this Specific Planning Policy Requirement shall apply to any single student accommodation scheme.

6.3.3. Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

The Guidelines are intended to set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National

Planning Framework and Project Ireland 2040. There is a presumption in favour of high buildings at public transport nodes and state that it is Government policy to promote increased building height in locations with good public transport services.

- SPPR 1 seeks to support increased building height and density in locations with good public transport accessibility to secure the objectives of the NPF and RSES and shall not provide for blanket numerical limitations on building height.
- SPPR 3 states It is a specific planning policy requirement that where;
 - (A) (1) an applicant for planning permission sets out how a development proposal complies with the criteria above (section 3.2); and
 - (2). the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- (B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme
- (C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

6.4. **Climate Action Plan 2025**

The 2025 Climate Action Plan builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

The 2025 Plan provides a roadmap to deliver on Ireland's climate ambition. It seeks for the continued cross-organisational cooperation which will help to deliver Ireland's climate goals and improved monitoring and reporting structures (a lower number of high impact actions) should help streamline the reporting process and make it easier to identify challenges as they arise

6.5. **National Biodiversity Plan 2023-2030**

The National Biodiversity Plan sets the national biodiversity agenda for the period 2023-2030. The plan strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

The plan identifies 5 objectives as follows:

1. Adopt a Whole-of Government Whole-of-Society Approach to Biodiversity;
2. Meet Urgent Conservation and Restoration Needs;
3. Secure Nature's Contribution to People
4. Enhance the Evidence Base for Action on Biodiversity; and
5. Strengthen Ireland's Contribution to International Biodiversity Initiatives.

6.6. **Other Guidance**

6.6.1. **National Student Accommodation Strategy 2017 (DHPLG).**

This plan emphasises the need to increase the supply of purpose-built student accommodation (PBSA) to meet the existing and increasing housing demand from both domestic and international students attending the country's Higher Education Institutions, and thereby also reducing the demand from students for accommodation in the private rental sector. The NSAS identifies that the demand for PBSA currently outstrips supply and predicts this trend will continue to 2024. It is noteworthy that in the Dublin area the NSAS estimates that by 2024 the supply of PBSA will be 28,806

bedspaces and the demand will be for 42,375 bedspaces, thereby representing a shortfall in provision of some 13,569 bedspaces.

6.6.2. Design Guide for State Sponsored Student Accommodation, 2025.

This document provides guidance on site planning requirements, and specific requirements on the residential accommodation (arrangement, floor areas), communal facilities and amenities (types, floor areas, design), and internal design and layout.

6.7. Dublin City Development Plan 2022-2028

6.7.1. Land Use Zoning

The subject site is zoned under Objective Z1- Sustainable Residential Neighbourhoods, with a land use zoning objective which seeks to protect, provide and improve residential amenities. Relevant open for consideration uses in Z1 areas include student accommodation and restaurant use.

The site is also situated within the Zone of Archaeological Constraint for a Recorded Monument (RMP) DU018-020 (Historic City).

Relevant Sections of the Development Plan:

6.7.2. Chapter 3 Climate Action

- CA8: Climate Mitigation Actions in the Built Environment
- CA9: Climate Adaptation Actions in the Built Environment
- CA10: Climate Action Energy Statements

6.7.3. Chapter 4 Shape and Structure of the City

- SC8: Development of the Inner Suburbs
- SC10: Urban Density
- SC14: Building Height Strategy
- SC15: Building Height Uses
- SC16: Building Height Locations

- SC 17: Building Height
- SC 18: Landmark/Tall Buildings
- SC 19: High Quality Architecture
- SC 21: Architectural Design
- SC 23: Design Standards

6.7.4. **Chapter 5 Housing**

- QHSN1: National and Regional Policy
- QHSN2: National Guidelines
- QHSN3: Housing Strategy and HNDA
- QHSN10: Urban Density
- QHSN011: Universal Design
- QHSN36: High Quality Apartment Development
- QHSN44: Build to Rent/Student Accommodation/Co-living Development
- QHSN45: Third-Level Student Accommodation
- QHSN47: High Quality Neighbourhood and Community Facilities
- QHSN48: Community and Social Audit

6.7.5. **Chapter 6 City Economy and Enterprise**

- Policy CEE2 Positive Approach to the Economic Impact of Applications
- Policy CEE21 Supply of Commercial Space and Redevelopment of Office Stock
- Policy CEE32 Education and the City Economy

6.7.6. **Chapter 8 Sustainable Movement and Transport**

- Objective SMT010

6.7.7. **Chapter 9 Sustainable Environment Infrastructure and Flood Risk**

6.7.8. **Chapter 11 Built Heritage and Archaeology**

- Section 11.5.5 Archaeological Heritage

- BHA26 Archaeological Heritage

6.7.9. **Chapter 15 Development Standards**

- Section 15.4.1 Healthy Placemaking
- Section 15.4.2 Architectural Design Quality
- Section 15.4.3 Sustainability and Climate Action
- Section 15.4.4 Inclusivity and Accessibility
- Section 15.5.1 Brownfield, Regeneration Sites and Large-Scale Development
- Section 15.5.4 Height
- Section 15.5.5 Density
- Section 15.5.6 Plot Ratio and Site Coverage
- Section 15.5.7 Materials and Finishes
- Section 15.5.8 Architectural Design Statements
- Section 15.5.9 Models and Photomontages
- Section 15.6 Green Infrastructure and Landscaping
- Section 15.7.3 Climate Action and Energy Statement

6.7.10. **Section 15.13.1 Student Accommodation**

- 15.13.1.1 Unit Mix
- 15.13.1.2 Daylight and Sunlight
- 15.13.1.3 Communal Facilities
- 15.13.1.4 Car Parking / Bicycle Parking
- 15.13.1.5 Temporary Use as Tourist Accommodation
- Section 15.13.1 Student Accommodation states:

The City Council supports the provision of high-quality, professionally managed, purpose-built third-level student accommodation, either on campus or in accessible locations adjacent to quality public transport corridors and cycle routes, in a manner which respects the residential amenities of the locality.

6.7.11. Relevant Appendices:

- *Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.*
- *Appendix 5: Transport and Mobility: Technical Requirements.*
- *Appendix 9: Basement Development Guidelines.*
- *Appendix 11: Technical Summary of Dublin City Council Green & Blue Roof Guide (2021).*
- *Appendix 16: Sunlight and Daylight.*

6.8. **Natural Heritage Designations**

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.4.23km to the west of the South Dublin Bay SAC (Site Code SAC000210), the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024) and the South Dublin Bay pNHA (Site Code NHA000210).

7.0 **EIA Screening**

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.

The subject application was accompanied by a Schedule 7 Screening Assessment. I have completed an EIA Screening Determination which is set out under Appendix 2 of my report and which concludes that by reason of the nature, scale and location of the project, 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.

8.0 **The Appeal**

8.1. **Grounds of 1st Party Appeal**

The Commission received a 1st party appeal under Section 139 of the Planning and Development Act, 2000 (as amended), against Condition no. 5(a)(b)(c)(d)(e) of the

Planning Authorities to grant permission. The grounds of the appeal can summarised as follows:

1. Support of Local Authority

- LRD Written Opinion confirmed that the documentation submitted “would constitute a reasonable basis for an application for permission for the proposed LRD.”
- Support for this development is clearly demonstrated by the grant of permission.
- No other departments raised objections to the proposed development.
- Planning Authority accepts the policy basis and urban context for taller development at this location.
- Planner’s Report highlights the site’s accessibility and suitability for student housing; confirms compliance with Development Plan standards for amenity; and development attracted no fundamental objections from technical consultees.
- evident that the planning authority had accepted that this site can accommodate the quantum, scale and height of development proposed in the planning application.
- Through the LRD Pre-planning process, the scale and massing of the development was modified downwards a number of times between Stages 1 (S247), 2 (Opinion) and 3 (Planning Application) in order to address earlier concerns in relation height, scale, visual and amenity impact.
 - design submitted for the Stage 1 S.247 meeting proposed a full 7 storey scheme with 250 student bedspaces.
 - modified for the Stage 2 submission and then again following receipt of the LRD Opinion in order to address all remaining concerns raised by the planning authority.
- Scheme as lodged for planning was reduced to 217 student bedspaces in a 4-6 storey development, representing a c.15% decrease in the quantum of development from that originally proposed.

- Imposition of Condition 5 in the decision to grant, which reduces the height and quantum of development further, is considered unwarranted, unreasonable and disproportionate.
- Institutional PBSA investors indicate that schemes in Dublin City need a minimum 200 bedspaces in order to make the development and the full suite of student amenities required.

2. Condition no. 5

To comply with this condition, the development must:

- remove the entire fifth floor, reducing the scheme by 28 no. student bedspaces to 189 no. bed spaces
- fourth floor must be reduced in size and set back at least 2 meters on all sides and remove the northeastern corner balcony - reduce the number of bedspaces on that floor by an estimated 14 no. bedspaces to a new total of c.175 bedspaces.

3. Appeal Request – Rationale

- Site is located in Dublin's inner city and seeks to deliver purpose-built student accommodation (PBSA) in a central and accessible location - within a 15-minute cycle of Trinity College Dublin, the National College of Art and Design, the Royal College of Surgeons, Griffith College, Dublin Business School, University College Dublin, Technological University Dublin (Grangegorman), and the National College of Ireland.
- National, regional, and local planning policy supports the reuse of brownfield and infill sites for residential development DCP 2022-2028 - encourages the provision of PBSA to help relieve pressure on the wider housing market and to ensure that student housing is appropriately located and managed.
- Open for Consideration under Z1 zoning objective.
- Subject site is a brownfield plot located within a wider area undergoing significant regeneration in the south inner city - site lies within the Blackpitts-Newmarket area, which has experienced significant change in recent years, including the redevelopment of similar brownfield sites for mixeduse and

higher density schemes including residential (such as build-to-rent and PBSA), cultural, tourism, and institutional uses for example, the recently approved mosque development at Blackpits.

4. Precedent

- a number of relatively recently permitted/constructed developments within the vicinity which demonstrate that the site is located within an Inner City area where significant, brownfield redevelopment for residential and specialist residential accommodation at significantly higher scale and density has been considered appropriate and in accordance with national guidance and the City Development Plan.
- It is submitted that the Planning Authority's assertion that "the majority of examples provided are from sites within the SDRA 15 area" is factually incorrect. The two specific examples cited in submission, Reg. Ref: 2132/20 (Leonard's Corner, Z3 — to provide for and improve neighbourhood facilities) and Reg. Ref: 2654/20 (Mosque Development, Z15 — to protect and provide for institutional and community uses) are not located within SDRA 15 (or any designated).
- These precedents are highly pertinent and directly support the position that Condition 5 is unnecessarily restrictive and disproportionate in the context of the subject site. Any suggestion that the cited examples are irrelevant due to SDRA considerations is therefore unfounded and should not influence the Commission's determination.

5. Building Height, Design, Scale and Massing

- proposed building ranges in height up to 6 storeys over basement.
- Architectural Design Statement - indicate neighbouring buildings predominantly use brick in various colours and tones, often complemented by banding, detailing, or sections of stone. The facade's design, overall structure, and choice of materials have been thoughtfully planned to accord with the surrounding architecture and local context.
- The proposed scheme primarily incorporates red brick, with red sandstone banding along the facade which forms a colonnade at street level –

- Key entrance points and public areas of the development are positioned at the corner of Blackpitts and Donovan Lane.
- corner features a two-storey brick base at ground level, distinguished by green ceramic faience to set it apart from the rest of the building.
- windows feature green detailing to add visual interest and reduce the building's massing.
- upper-level setbacks on the 4th and 5th floors introduce a contrasting material palette while maintaining a consistent architectural style.
- This approach ensures alignment with the established character of the local area.

6. Condition 5(a)

The fifth floor (as referenced on Drawing no. DR-A-P402-S1-A; Proposed Floor Plans 2 of 2) shall be omitted entirely, including the removal of 28 student bedspaces and associated ancillary accommodation.

- LRD Opinion requested:
 - Reduction in overall height and massing
 - Increase in a set back which extends across the entire building.
 - 7 storey building to the front on Blackpitts /side onto Donovan Lane - proposed height and mass are considered overwhelming and should be reduced further.
- Requirement to omit the entire fifth floor is disproportionate, unnecessary, and completely at odds with the LRD process and the documentation before the Planning Authority.
- Opinion did not prescribe that the proposed height and scale needed to be reduced to the extent that has now occurred as a result of Condition 5 and the reductions that were also proposed in response to the Opinion. This included:
 - the sixth (top) floor was removed in its entirety - reducing the scheme from 7 no. Storeys to 6.

- further setbacks and articulation were introduced along the Blackpitts elevation, and the overall scale and massing were reduced.
 - refinements decreased the scheme from 250 bedspaces at Section 247 stage to 217 at LRD application stage.
- Planning Report by McGill Planning, accompanying the LRD application, demonstrates that the revised scheme fully satisfies the criteria required under SPPR 3 of the Urban Development and Building Height Guidelines (2018).
- Guidelines establish that increased height must be actively pursued in central and accessible urban locations such as the subject site:
 - expressly identify six storeys as the default height objective for city centre and town centre locations, subject to performance-based assessment, and the proposal clearly meets those requirements.
 - embedded within the Dublin City Development Plan 2022-2028, which adopts a design-led framework for increased height in the City.
 - Policy SC17 and Appendix 3 of the Plan explicitly confirm that where a scheme demonstrates compliance with design, amenity, and contextual integration standards, enhanced building height will be supported.
- Design therefore represents a direct and policy compliant response as it:
 - integrates sensitively with the lower scale residential streets to the west,
 - Reflecting the emerging pattern of taller, higher-density development to the east and within the wider Blackpitts/Newmarket area.
 - Aligns with both the Building Height Guidelines and the Development Plan's height strategy,
 - Comprises compact, sustainable, and high-quality urban development that national and local policy require at this location.
- Design rationale is further supported by a Townscape and Visual Impact Assessment:
 - confirms that the site has medium sensitivity and strong capacity for change.

- significantly improve the visual environment by replacing an outdated warehouse building that currently detracts from the streetscape.
 - Architectural Heritage Impact Assessment concluded potential for the proposed development to have any direct physical impact on any structure of architectural heritage significance.
- professional assessments collectively demonstrate that the proposed height and scale are appropriate in both policy and design terms.

Sunlight/Daylight

- Planning Officers Report overly conservative interpretation of the results in the Daylight and Sunlight Analysis and the impact on adjoining properties heavily influenced the inclusion of Condition no. 5.
- Section 11.5 Planning Officers Report is referenced.
 - fails to acknowledge is that the existing residential units at Greenville Place to the east and south of the site, and at Greenville Parade to the west of the site, currently benefit from atypical, very high levels of sunlight and daylight, relative to their inner-city location.
 - baseline condition currently experienced by the surrounding buildings is very favourable with respect to daylight and sunlight, as the site is currently occupied by a two-storey warehouse of only circa 9m in height and a 16m deep surface carpark to the front.
 - 5 dwellings at Greenville Parade c.36m to the west of the site; Greenville Place apartment block (4 storeys) is set back 13m from site.
 - “very favourable” baseline conditions then the level of impact of the proposed 6 storey development is amplified when assessed under the BRE criteria,
- Planning Officers Report failed to acknowledge that the Modelworks Assessment includes a supplementary assessment where an alternative baseline is estimated based on a mirroring of the Greenville Place apartment block height, on the site – which is sanctioned by Appendix F5 of the BRE Guideline:

“To ensure that new development matches the height and proportions of existing buildings, the VSC, daylight distribution, and APSH targets for these windows could be set to those for a ‘mirror-image’ building of the same height and size, an equal distance away on the other side of the boundary.”

- When this simulation is used, then the level of impact of the proposed 6 storey development is significantly reduced. The overall resulting impact would be “Minor” and therefore wholly acceptable in an Inner City, brownfield setting.
- Five Greenville Parade houses to the west-
 - impact on Sunlight to the windows as a result of the development is “negligible”.
 - impact on Daylight, the impact is “Moderate”
 - assessment confirms that the impact only marginally fell below the BRE VSC target of 27% (24% on average achieved).
- Considered that the overly negative assessment of the Sunlight and Daylight Report in the DCC Planner’s Report unduly influenced the decision to crudely reduce the development by a full floor, when it was not justified.
- Condition 5(a) disregards the substantial revisions already made, the revised technical evidence submitted, and the fact that the LRD Opinion did not consider the proposed height unacceptable.
- Condition is unwarranted and undermines national and local policy objectives to promote compact growth, make efficient use of brownfield urban sites, and deliver urgently needed purpose-built student accommodation in highly accessible city centre locations.

7. Condition 5(b)

Fourth floor shall be reduced in size and set back by a minimum of 2 metres on all sides, including the corner and full northern elevation.

- Unjustified and fails to reflect the carefully considered design refinements already undertaken - would reduce the quantum by a further 14 bedspaces. In total condition 5(a) and (b) would equate to a total loss of 42 bedspaces.

- Imposition of such a significant design alteration without full understanding of the implications for the internal layout of the floor or the balance of the external elevations, is rudimentary, ham-fisted and unnecessary.
- Omission and amendments represent a c.20% reduction in the quantum of student accommodation from what was applied for (and a 30% reduction from the 250 bedspace scheme originally tabled in pre-planning):
 - considered excessive, unreasonable and unjustified, having regard to the quality of the design.
 - applicant made significant alterations to the scheme design to address the visual and amenity concerns raised by the planning authority during LRD process.
- Design rationale for the scheme as was revised for the planning application is summarised below:
 - Layout and Built Form — Response to Context:
 - comprises a single building of up to six storeys + rooftop plant.
 - takes the form of a perimeter block, adopting the shape of the site.
 - frontage to Blackpitts to the west and Donovan Lane to the north, with an internal courtyard positioned against the east boundary.
 - Blackpitts frontage the building is four storeys tall at the street-front, with two further floors set back behind the shoulder - responds to the neighbouring three storey apartment building to the south.
 - Donovan Lane the building is five storeys at the street-front, with one additional floor set back behind the shoulder - responds to the neighbouring four/five storey apartment building to the north.
 - corner of Blackpitts and Donovan Lane there is an accent volume of six storeys — to mark the junction and the building's main entrance. The entrance recessed beneath the overhanging accent volume. This geometry adds visual interest to the built form.

- Facade Treatment
 - predominant facade material is light red brick,
 - Above the street-front shoulder, the upper floors are of light grey brick with concrete bands - intention of the lighter colouring is to complement the setback of the upper floors to minimise their visual presence.
 - walls are punctured by grids of large window opes, with the aluminium framed windows deeply recessed.
 - main entrance to the building is at the corner of Blackpitts and Donovan Lane, recessed beneath the cantilevered six storey accent volume.
 - ground floor is differentiated from the upper floors by terracotta/sandstone tiling and variations in fenestration design reflecting different uses at ground floor.
- design adjustments following the LRD Opinion Meeting are considered proportionate and effective, delivering the intended reduction in bulk while ensuring the scheme integrates appropriately with both the historic residential fabric to the west and the larger modern developments to the east.
- Two metre setback across the entire top floor, given that the 5" floor is also omitted under Condition 5a, would go far beyond what is considered reasonable or necessary –
 - distort the architectural balance of the elevations, undermining the scheme's design intent, and unnecessarily reducing the number of student bedspaces.
 - Planning Authorities own Written Opinion did not prescribe such radical changes, but requested exploration of alternatives, which the applicant has demonstrably undertaken.

8. Condition 5(c)

The fourth-floor balcony in the northeastern corner off the communal kitchen/common area shall be omitted.

- premise of this condition is factually incorrect - No balcony was ever proposed at this location.
- Area identified is a section of flat roof designed solely for maintenance access.
 - It was neither labelled as a balcony in the submitted drawings nor detailed or enclosed with balustrades, finishes, or other features that would indicate its use as a resident amenity space.
 - Planning Authority has therefore misinterpreted the design intent.
- Condition 5(c) is unnecessary and should be removed. It seeks to eliminate a “balcony” that does not exist, while ignoring the significant level of high-quality open space already incorporated into the scheme and demonstrated to meet and exceed planning standards.

9. Condition 5(d)

The Communal living/kitchen areas at ground floor (north-eastern side) and fourth floor (north-eastern side) shall be widened to improve usability.

- The requirement to widen the communal kitchen/living areas at ground and fourth floor is both unnecessary and unjustified –
 - scheme already exceeds the relevant quantitative and qualitative standards for purpose-built student accommodation.
 - Sustainable Urban Housing: Design Standards for New Apartments (2025), cluster units are required to provide between 3.3-3.6 sq.m of kitchen/dining/living space per bedspace.
- At fourth floor level (northeastern side), the cluster accommodates 7 single student bedspaces –
 - a minimum of 25.2 sq.m is required.
 - scheme instead provides 35.2 sq.m representing a significant uplift.
 - plans also confirm minimum widths of 2.226m and 2.220m, both of which are fully compliant with guidance.
- At ground floor level (northeastern side), the cluster provides 6 single student bedspaces –

- A minimum required of 21.6sq.m
 - Design delivers 39.7 sq.m - almost double the standard.
- The scheme also provides an extensive range of additional communal facilities, including a gym, study library, cinema, multiuse rooms, and a café/restaurant together with 1,194 sq.m of high-quality external amenity space.
- Taken as a whole, this ensures usability, functionality, and liveability well above baseline requirements.
- During the LRD process, the applicant reconfigured the ground floor layout specifically in response to the Planning Authority's feedback.
 - Kitchens and common areas were relocated to face Blackpits and Donovan Lane, activating the street frontage, increasing passive surveillance, and improving the vibrancy of the public realm.
- To now require further widening of these spaces, potentially at the expense of valuable bedspaces imposes an unreasonable standard not applied elsewhere in policy:
 - It would reduce capacity without any corresponding benefit and is at odds to the policy objective of ensuring the efficient use of serviced urban land.

10. Condition 5(e)

A revised roof terrace shall be provided at the new roof level, reduced in size and fully set back from all edges. Details of boundary screening and management arrangements, including daytime-only operating hours, shall be submitted for written agreement prior to its construction.

- unnecessary, as the submitted drawings demonstrate that the terrace is already set back from the parapet edges and has been carefully designed to ensure visual and residential amenity is protected.
- Terrace forms part of a comprehensive dual amenity strategy, combining a landscaped ground floor courtyard and roof level space to provide 1,194m of communal amenity, exceeding Development Plan standards.

- Daylight and Sunlight Assessment confirms that these spaces achieve full BRE compliance, ensuring usability throughout the academic year, while the Townscape and Visual Impact Assessment demonstrates that the visual impacts are limited and well mitigated.
- Operational measures have also been anticipated, including screening by using Balustrades and daytime only use, to ensure no undue impacts on neighbouring properties.
- To require further reduction and setback would not improve amenity or reduce impacts but would instead compromise the quality and usability of the terrace, undermining the carefully considered design.

11. Planning Authorities Density and Plot Ratio Concerns

- Condition 5 functions in part as an indirect mechanism to further reduce density, despite the fact that density concerns were explicitly raised and addressed during the LRD process.
- At pre-application stage, the Planning Authority advised that the plot ratio and density “remained concerning” and that a reduction “should be explored”.
- The applicant responded by removing the sixth floor in its entirety, revising the Blackpitts frontage to reduce bulk, and lowering the scheme to 217 bedspaces.

Resulted in:

- plot ratio reduction from 4.13 to 3.95
- density reduction to 285uph.
- revised density of 285uph sits within the 100-300 dph range identified in the Sustainable and Compact Settlements as acceptable for City-Centre sites, and therefore cannot reasonably be considered excessive.
- Scheme also demonstrably meets all relevant standards for amenity, communal space, and daylight/sunlight access, and complies with the criteria under SPPR 3 of the Urban Development and Building Heights Guidelines.
- Chapter 3 of the Guidelines sets out policy and guidance in relation to growth priorities for settlements at each tier in the national settlement hierarchy and in relation to residential density.

- Table 3.1 — Area and Density Ranges Dublin and Cork City and Suburbs, this site would be considered a City — Centre.
- Condition 5, by mandating the omission of the fifth floor, the setback of the fourth floor, and the reduction of usable amenity, represents a disproportionate second round of density reduction that lacks policy or technical justification.

12. Conclusion

- Condition 5 is disproportionate, unnecessary, and will result in an unsatisfactory design outcome that will denigrate the architectural intent and imbalance the overall form.
- significantly reduces the quantum of development, is also contrary to the clear direction of national and local policy with respect to supporting increased building height and compact urban growth on central, accessible, brownfield sites such as this underutilised site at Blackpitts.
- design of the PBSA underwent significant refinement throughout the LRD pre-planning process, whereby the original sixth floor was removed in its entirety, whilst substantial setbacks and articulation were also introduced.
- Planner's Report confirms that the principle of increased height at this location is acceptable, that the proposed use is appropriate within the zoning, that no undue concentration of student accommodation arises, and that all relevant development management standards are met.
- Condition 5 effectively reopens matters considered fully addressed in the comprehensive design and justification presented in the planning application, and following a detailed, iterative process through the LRD pre-planning stages.
- contrary to national policy objectives for compact growth, the efficient re-use of serviced brownfield land,
- condition is also at odds with copious precedent in this part of the south Inner City of similarly scaled developments that have successfully integrated into their streetscapes and the character of the area.
- will significantly reduce the number of bedspaces, which will not only diminish the design quality, while delivering no tangible planning or amenity benefit, but

it will also negatively impact the commercial viability of the project as a Dublin City PBSA for institutional investment.

8.2. **Grounds of 3rd Party of Appeal**

The Commission received 2 no. 3rd Party of Appeals against the decision of the Planning Authority to grant permission. The grounds of each of the appeal can be summarised as follows:

8.2.1. **Peter Crotty**

- Zoning Context
 - Under the Z1 Zoning objective PBSA must demonstrate they:
 - Will not detract from residential amenity.
 - Avoid over-concentration.
 - Proposal fails to achieve either of these requirements.
- Overbearing and dominant character
 - Planning Officer acknowledges overbearing and undue dominance on Blackpitts.
 - Section 11.5 of the Planning Officers report omits the 5th Floor – *'reduce the height to the public street to a maximum of 4 storeys'*.
 - Factually incorrect
 - Set back ensures building remains 5 storeys at Blackpitts and Donovan Lane.
 - Minor set back does not mitigate the dominant overbearing nature.
 - Further amplified by buildings projecting beyond established building line.
- Building Line and Streetscape
 - CGI's notably exclude any viewpoint from Liberty Court looking south.
 - Attachment A demonstrates building line of the Warehouse to liberty court. Appendix A of the Appeal included a map indicating such.
 - Proposal will project significantly beyond this line.
 - Will Have adverse effect on visual amenity and fail to integrate successfully.
- Incompatibility with Streetscape

- All development along Blackpitts incorporates substantial greening and landscape setbacks.
- Proposal lacks green frontage –incompatible with existing streetscape.

- Lack of tangible community benefits
 - Applicant asserts café represents a benefit to the community - not supported by zoning or existing local context.
 - Already high concentration of cafes within 400-600m of the site.
 - Area remains deficient in community serving facilities such as open space and community meeting rooms.
 - Café cannot be reasonably construed as meeting zoning objective – it is a private commercial operation to serve student accommodation –
 - Contrary to Policy QHSN47 and Section 15.4.1 (healthy placemaking) of the Dublin City Development Plan 2022-2028.

- Lack of sustainable design and Climate Action measures.
 - Scheme fails to meet Policy CA8-CA10; Section 15.7.3 (Climate Action and Energy of the City Plan by: -
 - Lack of street level greening
 - No contribution to biodiversity – Omits green-roofs as required by Appendix 11(Green and Blue Roof Guide).
 - Minimal SUDs provision – Contrary to Policy SI14 (Sustainable Drainage)
 - Limited energy Innovation - contrary to policy CA10.
 - Serious failure to align with citywide and national sustainable obligations.

- Recommended Modifications
 1. Reduce to 4 storeys – 4th storey set back.
 2. Align with established Blackpitts building line.
 3. Continue existing greening frontage.
 4. Provide a meaningful community benefit.
 5. Incorporate climate resilient design.

8.2.2. Anita Kenna

- Inadequate Scale Reduction and Overshadowing.
 - Condition 5(a) removes 5th floor – permitted height remains excessive.
 - Block daylight and sunlight – single small window only natural light to existing apartment units (Photo submitted from relevant window)
 - Affecting mental wellbeing.
- Over concentration of Transient Accommodation.
 - Libertie's accommodates a large number of transient housing schemes.
 - Erodes the residential balance and undermines governments aim to promote sustainable mixed communities.
- Incompatible with narrow streets and safety risks.
 - Donovan Lane – very narrow where traffic and pedestrian congestion already unsafe at peak times.
 - Inclusion of on street parking:
 - Creates traffic/delivery noise/fumes.
 - Wholly unsuitable for constrained location and incompatible with residential living.
- Noise and Disturbance – Short Term Summer Rentals.
 - Student accommodation brings frequent social gathering and noise.
 - Short term lets – constant transient occupants:
 - Doesn't foster a stable community.
 - Noise from roof top garden negative impact on peace and privacy.
- Cumulative Impact and Infrastructure.
 - Area already saturated with student accommodation:
 - No evidence that local infrastructure (wastewater/parking/open space) has capacity, to which consideration of such is required by Dublin City Plan 2022-2028.
- Residential and Economic Value.
 - Proposal together with similar developments recently granted will diminish both residential and economic value.
 - Undermines stability and long-term desirability of the area:
 - Becoming an overdeveloped cluster of short-term rental blocks and hotels.
- Insufficient Mitigation of Amenity Loss.

- Conditions attached do not adequately protect existing residents.
- Rooftop and communal areas still in close proximity to existing amenity areas (balconies).
- Intensifying privacy loss and disturbance.
- Request – Refuse Permission
 - In the event of a grant of permission - substantial redesign is required to:
 - Reduce height and Density.
 - Remove rooftop terrace.
 - Reconsider use for long term residents.
 - Community focus use.

This appeal was accompanied by original submission to Dublin City Council and a photo of existing fenestration on no. 19 Liberty Court.

8.3. **Planning Authority Response**

A response from the Planning Authority was received on the 28th October 2025 and requests that the decision be upheld and that the following conditions be included:

- Payment of a Section 48 development contribution.
- Payment of a Section 49 Luas X City development contribution.
- Payment of a Bond.
- A social housing condition.
- A naming and numbering condition.
- A management company condition.

8.4. **Observers**

The Commission received 2 no. observations in relation to the 1st party appeal lodged by the Applicant. They can be summarised as follows:

8.4.1. **Noel Fleming**

- Condition no. 5 represents a necessary and proportionate measure to ensure development meets fundamental planning and amenity standards and is consistent with the proper planning and sustainable development of the area.
- Condition 5 (a) and (b) must be retained – removal would result in a development that constitutes an undue negative impact on residential amenity and poor-quality design.

1. Principle of Conditionality: Protection of amenity.

- Original design of 6 storeys (217 bedspaces) did not achieve standards required to protect Residential Amenity.
- Dublin City Council determination overrides applicants retrospective claim of full support – conditional grant is by definition a rejection of the submitted scheme's design and scale.
 - Removal of condition 5 endorses a scheme Dublin City Council has concluded would give rise to undue negative impact.
- Argument relating to commercial viability should not out-weigh protection of existing amenity- core to the Planning System.
 - Threshold of 200 bedspaces is a business risk which does not override the Planning Authorities statutory obligation to ensure the proper planning and sustainable development of the area.
- Reliance on higher scale precedent fails to acknowledge that each development must be assessed on its unique merits and immediate context.
 - None cited have the same relationship with traditional small-scale houses as the subject site has with Greenville Parade and Hammond Street.
 - Applicants' assessment confirms proposal would cause high magnitude of visual change.

2. Justification for Condition 5(a) and (b) – Height and Scale

- Inclusion of condition 5 is fully justified on basis of protecting residential amenity/ visual impact/integrating building into the streetscape.

- Residual Visual Impact – imposition of condition clearly indicates scheme as submitted was considered to be overbearing.
 - Condition 5 is a reasoned attempt to materially reduce bulk of upper floors and ensure no undue impact on existing residential amenity.
 - Reduction to 4 storeys with a setback is a necessary response.
- Daylight/Sunlight Impact – addressing hypothetical measurements.
 - Reduction in height and bulk directly justified by the unacceptable impact on daylight/sunlight for existing neighbouring properties.
 - Appellants objection relates on a partial quote from Appendix F Para F5 of BRE Guidelines – failed to consider the precondition under which the ‘mirror-imaging’ technique is acceptable.
 - Clearly misapplication of appendix F5 of BRE Guideline.
 - Both conditions (proximity to boundary and taking more than their fair share of light) need to be satisfied for the use of mirrored baseline approach to be acceptable – Greenville Parade in no way satisfies the condition that they are unusually close to the site boundary. Highlighted by the Appellant on page 16 of 1st Party Appeal:
 - *‘....the terrace of 5 dwellings at Greenville Parade to the west of the site is located over 36m from the existing 9m high warehouses on site. To the east, the Grenville Place apartment block (4 storeys) is set back 13m from the 2 storey warehouses.’*
 - Appellants own evidence of existing setbacks contradicts ‘unusually close’ criterion – basis for applying the entire exception is logically invalidating:
 - Alternative baseline should be disregarded, and standard method must be applied (Comparing the VSC /APSH against the actual existing baseline and checking for a loss ratio below 0.8).
 - When applying this – 10 windows assessed on Greenville Parade only 2 (20%) would meet BRE criteria.
 - Only 55% windows on Greenville Place meet BRE criteria.

- The reductions of condition no. 5 are necessary because the proposed 6 storey building would cause a major, unacceptable impact on nearby residential amenity and the physical limitations imposed are a reliable mitigation that overrides any disputed or misapplied hypothetical technical analysis –
 - Reason for the condition explicitly requires the protection of neighbouring properties from undue impact.

Conclusion:

- Request Commission uphold Condition 5(a) and 5(b):
 - These conditions are essential for mitigating the undue negative impacts of the proposed development on the visual and residential amenities – objective the 1st Party failed to satisfy.
 - To grant appeal would be to allow a poor standard of development which would be serious injurious to amenities of the area.

8.4.2. Inez Mahony

1. Daylight Sunlight Impacts

- Planners report identifies major impact on daylight levels in Greenville Place and Moderate to Greenville Parade:
 - These impacts are severe and cannot be ignored.
 - Mirror image baseline modelling does not represent real existing conditions.
 - Planning Officer assessed impact correctly on the actual baseline conditions – as required by BRE guidance.
 - Current context of low-rise warehousing – true impact of 6 storey block is far greater and Planning Officer relied on real world data and not theoretical constructs.
 - Appellants opinion that Greenville Place and Greenville Parade benefit from ‘atypical very high levels of sunlight and daylight relative to their inner-city locations’ is objectionable.

- Condition no. 5 directly mitigates the major daylight losses by reducing height and mass.

2. Overbearing visual impact on adjacent properties.

- Proposal is significantly overbearing upon Greenville Place and Greenville Parade and Donovan Lane at close range.
 - Surrounding area characterised by small-scale modest housing and narrow street widths.
 - Applicant suggestion modest scale is inappropriate for the city and should be ignored as it is both inaccurate and contrary to Dublin City Development Plan policy.
- Urban grain of the area is fine, intimate and sensitive to height.
 - Residential terraces opposing the site forms part of the Z2 zoning objective 'Residential conservation areas' which are formally recognised within the City Plan as having conservation merit and have an importance warranting protection.
 - Condition 5 ensures a more balanced relationship between the development and neighbouring homes.
 - Observation accompanied by numerous images of surrounding area which directly undermine the applicants attempt to characterise the area as contextually capable of absorbing 6-storey massing without significant harm.
- Conservation Officers report supports condition 5:
 - Report provides a detailed and expert critique of the applicants Architectural Heritage Impact Assessment .
 - Report explicitly rejects claim that the surrounding terrace houses undermines the structure of the city and are more akin to a rural village.
 - Conservation Officer states:
 - Houses form part of Z2 Residential Conservation Areas.

- Z2 areas have recognised conservation value and warrant protection.
- Applicants' photomontages are biased and overly represented by close-up views of the site, fail to appropriately represent wider context impacts.
- Proposed development would be a major change.
- Proposed development is more than twice the height of the Regionally Rated NIAH former St. Kevin's Male National School.

3. Pre Planning Process – Height Concerns.

- Throughout LRD process Planning Authority repeatedly expressed serious concerns regarding height, bulk, scale and overbearing impact – while modifications were made concerns remained.
 - Condition 5 entirely consistent with ongoing concerns and therefore not arbitrary.

4. Commercial Viability

- Commercial viability is not a relevant planning consideration under Irish Planning Legislation.
- The Commission must assess amenity, heritage, scale, character, and policy compliance – not investor profitability.
- The appellant has not referenced how the short-term tourism accommodation granted as part of this application approval will further monetarise this site but rather leans entirely on the economics of student bedspaces over a 41- or 42-week academic year.
- While the principle of development is accepted – Condition no. 5 ensures it is acceptable.
 - The Planning Authority has already accepted the principle of development for student housing – condition 5 does not prevent development it ensures the development is appropriately scaled, respects neighbouring properties and protect built heritage.

8.5. Further Responses

The commission received a submission from the Applicant on the 11th November 2025 in response to the 2 no. 3rd Party Appeals received and can be summarised as follows:

1. Inadequate Scale Reduction and Overshadowing Impact and Overbearing Dominant Character
 - Firmly remain of the view that the height as applied for is appropriate.
 - Accompanied by comprehensive Daylight/Sunlight Analysis
 - Further details accompanying this response prepared by Model Works.
 - Demonstrates that building passes 25° Angle test.
 - No technical evidence to suggest proposal would materially affect daylight availability or residential amenity.
2. Overconcentration of Transient Accommodation/Zoning Context
 - Disagree – the detailed student accommodation concentration was assessed based on census 2022 and aligns with best practice.
 - Assessment confirms student population within 1km catchment represents c.12.6% of overall population.
 - When considering all student accommodation schemes granted since 2022 together with this proposed development - this figure increase to 16.5%
 - Substantially lower than 30% which is the threshold for overdevelopment.
 - No other PBSA permitted/constructed within 1km catchment.
 - Therefore, no material imbalance or distortion of community profiles.
 - Z1 Zoning objective supports compact growth -

- Proposal brings forward development of a long-standing underutilised brownfield site – complying with national and city development plan policy.
- Surrounding area comprises broad mix of uses within easy walking distance and substantial proportion of (28%) of land within 1km remains low density family homes.
 - Proposal strengthens residential function of the Z1 zoning objective.
 - Not a hotel use and does not displace existing residents.
 - Directly assists in addressing shortfall in Purpose Built Student Accommodation (PBSA).
- Scheme undergone substantial design changes through LRD process.
 - Townscape and Visual Impact Assessment and Architectural Heritage Impact Assessment all confirm that receiving environment is capable of accommodating proposal.
 - No unacceptable tangible/visual heritage impact arises.
- Proposal fully accords with Z1 zoning objective
 - Doesn't give rise to overconcentration and does not detract from existing residential amenity.
 - Fully consistent with national, regional and local compact growth policies.

3. Incompatibility with Narrow Street Network and Safety Risks.

- Donovan Lane is an inner-city residential street where intensification, active travel and re-development is anticipated under national compact growth policy.
- Proposal includes public realm upgrades and revised street layout – ensure DMURS compliant.

- Proposal rationalises existing uncontrolled parking and provides for a number of short-term set-down parking bays and a single loading bay – all of which will be managed.
 - Auto-tracking confirms emergency and service vehicles access is not impeded.
- All fully assessed by the Transport Planning Section of the Planning Authority who have no objection to the development.
- Development has a very low traffic generation role:
 - All movements will be managed under operational management plan.
 - No evidence to demonstrate Donovan Lane is incompatible with proposed scheme or that the proposal will give rise to road safety or amenity impacts.

4. Noise, Disturbance and Short-Term Summer Rentals.

- All addressed under submitted Student Accommodation Management Plan.
 - All occupants will be registered with 3rd level institutions ensuring summer use will be restricted, regulated and aligned with nature of student accommodation.
- Waste Management – waste to be stored in a dedicated space.
 - Moved to entrance on collection days.
 - Ensures frequent controlled waste removal.
- Café – restricted by condition no. 8 of the grant of permission which limits late night use/disturbance while providing amenity to residents.
- Amenity Areas – Communal spaces will be managed as part of the operational strategy.
- Clear operational controls, planning authority conditions and management strategies – all mitigate noise potential and allows

development to remain compatible with residential amenity of surrounding area.

- Arrangements proposed are all standard across Purpose Built Student Accommodation (PBSA).

5. Inadequate Consideration of Cumulative Impact and Infrastructure.

- No evidence provided to support statement of insufficient local services.
- Proposal will not intensify already saturated provision of PBSA.
 - All fully addressed within planning application documentation.
 - Fully consistent with requirements of city plan.
- Concentration report submitted clearly demonstrates proposal will not give rise to over concentration.
- Technical assessments all confirm capacity in local infrastructure to serve proposal:
 - No objection from Uisce Eireann or the Water Services section of the Planning Authority.
 - SUDs measures proposed will improve upon the existing on site situation.
 - Proposal enhances active travel.
- Comprehensive Social and Community Infrastructure submitted demonstrates a strong provision of health/retail/recreational/community facilities within 1km of the site.
- Therefore, sufficient capacity exists within local services and infrastructure.

6. Adverse Impact on Residential and Economic Value.

- Proposal carefully designed to enhance residential and economic environment:
 - Replaces outdated and visually intrusive commercial property.

- Provides an active street-frontage/landscaping/public realm improvement.
- Enhance safety and permeability.
- Design carefully considered protecting neighbouring residential amenity.
 - Detailed daylight/sunlight assessment demonstrates no unacceptable loss of light or overbearing affects.
 - Massing/height/window orientation all respond sensitively to surrounding properties.
 - Step down to residential properties mitigate issues of overlooking.
- Design fully accords with Dublin City Development Plan 2022-2028 and is far from undermining neighbourhood stability.

7. Insufficient Mitigation of Amenity Loss

- Carefully designed to safeguard residential amenity:
 - Physical design/orientation/screening.
 - Rooftop communal open space area is modest in scale, enclosed by parapets and intended for passive use i.e. study as opposed to social uses.
 - Use restricted to daytime by onsite management – all regulated by comprehensive management plan.
 - Internal amenities limits the need to use outside space for social gathering.
 - Landscaping provides visual and screening and acoustic buffering.
- All of this together with Planning Authorities conditions represent a robust and proportionate approach to protecting residential amenity and tranquillity.

8. Incompatibility with Existing Green Streetscape.

- Designed to enhance and strengthen green character of Blackpitts through coordinating landscape and public realm strategy.
 - Introduces significant new planting/green roofs/ and high-quality streetscape improvements.
- Reference to public realm works at Blackpitts
 - No planning history so works undertaken by Dublin City Council.
 - Development has a scheme that is complementary and will visually integrate therewith.
- Proposal to Blackpitts include for upgraded footpaths; street trees; and active street frontage via the café.
 - Strengthen areas for green infrastructure.
 - Contribute to city's climate action and green infrastructure.
- Development introduces substantial new greening
 - 650m landscaped courtyard.
 - Comprehensive SUDs strategy.
 - Bio-diversity led planting strategy.
- Measures Ensure:
 - Visual continuity.
 - Contributes additional ecological and climate functions.
 - Green roofs and vertical walls improve micro-climate.

9. Lack of Sustainable Design and Climate Action Measures.

- Scheme incorporates a range of measures consistent with relevant policies and design guidance.
 - Street level planting constrained along Blackpitts due to underground services and limited footpaths.
- Proposal has a high-quality landscape strategy that collectively contributes to the local amenity and provides for visual enhancement – complies with Section 15.6 of City Plan.

- Bio-diversity friendly planting proposed – compliant with Appendix 11 of City Plan.
- SUDs scheme developed with water service section of the Planning Authority - compliant with SI 14.
 - Attenuation tanks and permeable surface will manage surface water runoff.
- Climate Action and Energy Statement and Sustainable and Mechanical and Electrical Report submitted.
 - Building will achieve a BER Rating of B1 and Compliant with Part L.

10. Lack of Tangible Community Benefit.

- Café – forms an integral part of the proposal and is compliant with the Z1 zoning objective:
 - Delivers an active, publicly accessible ground floor use.
 - Enhances street interface with Blackpitts.
 - Contributes to vibrancy, safety and permeability - Accords with Section 15.1 and Policy QHSN 47 of City Plan.
 - Designed to operate as an inclusive local space for wider community.
 - Improves natural surveillance and contributes to creation of safer more attractive public realm in compliance with Section 15.4.1 of the City Plan.
- Café represents just one component of the wider community orientated design measures:
 - Enhanced landscape.
 - Public realm upgrades.
 - Active street frontage.
 - Passive surveillance.

The response was accompanied by a Daylight and Sunlight Analysis prepared by Model Works. The assessment notes the following:

- 3rd Party appellant raised concerns about the proposal having adverse impact on light reaching no. 19 Liberty Court –
 - A Comprehensive daylight and sunlight assessment of the development was undertaken in accordance with relevant policy docs and guidelines and accompanied the planning application.
 - Principal document BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice, 3rd edition 2022.
 - BRE provides a methodology to determine which buildings may be impacted and therefore require a detailed assessment.
- Loss of daylight to 19 Liberty Court
 - Using the methodology described – units in no. 19 did not require a detailed assessment as it passes the 25⁰ angle test.
- 25⁰ Angle Test
 - Perpendicular line from the window of 19 Liberty Court does not intersect the proposed development and therefore the dwelling does not require a detailed assessment as per the BRE guide conclusion (any loss of daylight would be small).
 - As a supplementary test a line was projected from the window of 19 Liberty Court towards the proposed at 25⁰ – it did not intersect the proposed development further confirming that any loss of light would be minor.

Review confirms that due to the position of no. 19 Liberty Court in relation to the proposed development site, the BRE Guide does not require a detailed assessment for potential loss of light and any loss of light would be small.

9.0 Assessment

9.1. Introduction

9.1.1. Having examined the application details and all other documentation on file, including appeal and observation submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Development.
- Height, Density and Design.
- Daylight Sunlight.
- Impact on Residential Amenity.
- Overconcentration of Student/transient Accommodation.
- Community Provision.
- Sustainability and Climate Action.
- Other Matters.
- Planning Conditions.

9.1.2. In respect of the proposed development, I have carried out a screening determination for Appropriate Assessment (AA) and a screening determination for Environmental Impact Assessment (EIA) which are presented in sections 7.0 above, and section 10.0 and appendix 1, appendix 2 and appendix 3 below.

9.2. Principle of Development

Land Use Zoning

9.2.1. The application site features a land-use zoning objective 'Z1- Sustainable Residential Neighbourhoods', which seeks to 'protect, provide and improve residential amenities.' Student accommodation and cafe use are listed as being open for consideration uses under the Z1 zoning matrix.

9.2.2. Having regard to the nature of the development proposed and the current statutory plan for this area, the student accommodation and associated uses proposed on this

site are acceptable, I am satisfied that the proposed development would be in accordance with the Development Plan land-use zoning objectives for the site

Core Strategy

- 9.2.3. The appeal site is situated within the city centre of the administrative area of Dublin City Council. The Core Strategy of Dublin City Development Plan 2022-2028 states that based on the population targets and calculated housing need set out within national and regional planning policy, guidelines and prescribed methodology, the development plan must accommodate an overall population target of between 625,750 and 640,000 by 2028. It is further stated that the settlement hierarchy prioritises development in the Inner-City Area and the Key Urban Villages.
- 9.2.4. I note that the subject site is not situated within an identified Strategic Development Area. Table 2.10 of the Core Strategy identified that there is an estimated area of 189ha of zoned lands which would have a capacity to provide for 13,000 units. Section 2.7.2 of the City Plan relates to Active Land Management and states that national and regional policy places an emphasis on compact growth and supports the sustainable development of brownfield and infill lands, through consolidation to support the optimal use of the finite resource of land.
- 9.2.5. Furthermore, I would note that the support for PBSA is also provided for at both national and regional level through section 6.6 of the National Planning Framework – First Revision, Section 7.7 of the Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness, and Section 9.3 of the and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES).
- 9.2.6. Having regard to the location of the subject site and proximity to a range of sustainable modes of public transport, the nature and scale of development, zoning objectives for the site, the vacant nature of the structures on site and the pattern of development in the area I am satisfied that the development is consistent with and will contribute to the core strategy of the CDP.

9.3. Height, Density and Scale

- 9.3.1. This is a first-party appeal against Condition No. 5 as set out in the Notification of Decision of the Planning Authority to grant permission for the proposed development.

The specific wording of Condition no. 5 has been detailed at section 4.1.5 above. This 1st Party Appeal has been made in accordance with Section 139 of the Planning and Development Act 2000, as amended.

9.3.2. Condition no. 5 of the grant of permission, issued by the Planning Authority, requires that a number of amendments be made to the proposed development which included that the 5th floor plate be omitted, the 4th floor be set back 2 metres on all sides, the balcony on the 4th floor be omitted, the living/kitchen areas at ground floor and 4th floor be widened, and that revised roof terrace shall be provided at the new roof level, reduced in size and fully set back from all edges. It is unclear as to how this will impact the bed space numbers of the development. The applicant has indicated that it may lead to the loss of c.14 bed spaces.

9.3.3. I am of the opinion that the concerns of the Planning Authority relate two fold to both the proposed Height/scale and Density and the impact they would have upon the existing character of the surrounding area. Therefore, the proposed development is required to be assessed against the requirements of Appendix 3 of the Dublin City Development Plan 2022-2028 with a specific reference to Table 1- Density Ranges, Table 2 - Indicative Plot Ratio and Site Coverage, and Table 3 - Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale.

9.3.4. **Density**

9.3.5. I would draw the Commissions attention to the location of the subject site which is situated within the canal banks and city centre area but outside of any identified Strategic Development and Regeneration Area (SDRA) as identified within the Dublin City Development Plan, 2022-2028 (referred to as the 'City Plan' within my assessment).

9.3.6. Table 1 of Appendix 3 of the City Plan sets out the density range of 100-250 units per ha that would be supported as a general. Table 2 of Appendix 3 sets out the indicative plot ratio and site coverage for developments and recommends that for sites within the central area a plot ratio of 2.5-3.0 and site coverage of 60-90% be acceptable.

9.3.7. The proposed development is seeking permission for a development of 217 no. student bedspaces. I note that foot note 3 (page 18) of the Sustainable and Compact Settlement Guidelines for Planning Authorities, 2024 states that when calculating net

densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling. As such, this development is seeking permission for the equivalent of 54.25 units on a site with a net development area of 0.19ha which would therefore generate a density of 285 units per hectare.

- 9.3.8. Therefore, in my opinion the density of the proposed would be a significant increase over the prevailing character of the area and of that identified in Table 1 of Appendix 3 of the Dublin City Development Plan 2022-2028.
- 9.3.9. The Planning Authority in their assessment acknowledged concern with the density given the site context in this instance, however the intention of the inclusion of condition no. 5 was to deal with the height and overbearing impact of the proposal rather than density. The requirements under condition no. 5 would reduce the overall density to c.249 units per hectare.
- 9.3.10. The Sustainable Residential and Compact Settlement Section 28 Guidelines, for Planning Authorities, 2024 recognise under Table 3.1, that residential densities in the range of 100-300 dwellings per hectares shall generally be applied in the centres of Dublin and Cork. Therefore, in light of the Section 28 Guidelines the density proposed for the subject site could be considered to be acceptable.
- 9.3.11. I am of the opinion having regard to the surrounding receiving context of the subject site that the density of the proposed development cannot be considered in isolation but rather needs to be assessed together with the overall height and scale of the proposed development. This is also acknowledged within the City Plan which states that '*schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply*' (pg. 216 Appendix 3).

9.3.12. Height and Design

- 9.3.13. From a review of the 1st Party Appeal submitted, it is noted that it does not refer to or consider Table 3 of Appendix 3 of the City Plan, and an over reliance was placed on national policy and its aim to promote compact growth.
- 9.3.14. The 1st party appellant has provided for a detailed planning history of the surrounding area within appendix 1 of their appeal, I note that the majority of these permitted

schemes are located within SDRA 15 – Liberties and Newmarket Square. I consider from undertaking a site visit on the 18th November 2025, that the prevailing pattern of development within the immediate context of the subject site comprises of mainly 3 to 4 storey buildings bounding the site to the north, east and south with 2 storey dwellings directly opposing the site on rising ground to the west on Greenville Parade.

9.3.15. As such the introduction of a building which is proposed as being 5 storeys above ground floor level would represent a significant deviation from the prevailing context and needs to be considered against the performance criteria as set out in Table 3 of Appendix 3 of the City Plan:

Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCDP 2022-2028:

| | Objective | Assessment |
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| 1 | To Promote Development with a Sense of Place and Character | <p>The subject site is located at Blackpitts, Dublin 8 and currently comprises of a number of two storey vacant commercial (light logistics) buildings which do not contribute to the surrounding area. The site is bounded to the north by Donovan Lane which can be characterised as a residential street comprising 3 to 4 storey apartment buildings. To the south and east the subject site is bounded by Greenville Place which is a 4-storey apartment building.</p> <p>The subject site is also situated c.75m to the west of Clanbrassil street which acts as one of the main transport arteries to the city and which provides the transition from modern apartment buildings to the finer grain 2-storey housing are of Blackpitts and South Circular Road environs.</p> <p>The subject site is zoned under Objective Z1 - Sustainable Residential Neighbourhoods which seeks “protect, provide and improve residential amenities”.</p> |

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| | <p>While I note that the subject site is not located within a conservation area and is not afforded any level of protection, the site is within the Zone of Archaeological Constraint for a Recorded Monument (RMP) DU018-020 (Historic City), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.</p> <p>The proposed development is seeking to provide for Purpose Built Student Accommodation which has 217 bed spaces and is 5 storeys above basement level in height.</p> <p>The applicant has made some effort to amend the building from what was presented to the Planning Authority at Stage 2 of the LRD process by omitting the 6th floor and providing additional setbacks at 5th and 4th floor. However, the Planning Authority in their assessment considered that the amendments did not go far enough and included a condition omitting the 5th floor and setting the 4th floor in by 2m on all elevations.</p> <p>From undertaking a site visit I note that the prevailing height in the immediate context of the subject site is 4 storeys to south and west which reduces to 2 storey dwellings on Greenville Place which is directly opposing the western elevation of the site.</p> <p>The applicant has submitted an architectural design statement and supporting photomontages of the proposed development. While I note that building's of a similar height have been granted further north, these developments were subject to being situated within a designated SDRA as per the City Development Plan.</p> <p>Elevation drawings submitted indicate that the proposed building would sit in excess of c.8m higher than the ridge</p> |
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| | | <p>level of the adjoining apartment building situated on the southern and eastern boundary.</p> <p>I note that the contiguous elevation submitted could be interpreted as being misleading as reference is made to higher buildings situated in the background which are not labelled and were not evident in views during my site visit.</p> <p>Viewpoint 8 and Viewpoint 17 of the Visual Impact Assessment provides for a clear interpretation of the significant height deviation from the established character and existing surrounding context.</p> <p>While I note that national policy and guidance seek to promote compact and consolidated development on brownfield city centre sites similar to the appeal site, the NPF also notes that this should be achieved through the provision of healthy placemaking.</p> <p>Overall, I would have concern over the visual impact the building proposed would have upon the streetscape in terms of the proposed height and elevational treatment. I do not consider that the amended design, submitted as part of the main application, has adequately addressed those concerns raised within the opinion of the Planning Authority, and has failed to consider the sense of place in which it is located where the prevailing height is predominantly 4 storeys. I would therefore consider that the proposal has failed to achieve criteria no. 1.</p> |
| 2 | To Provide Appropriate Legibility | <p>While the introduction of the proposed development would positively contribute to the legibility of the area, as already established the enhanced density and height proposed would fail to contribute positively to the character of the area.</p> <p>I consider that the deviation from the established pattern of development, in term of height, would more reflect the pattern of development within a designated SDRA. I do</p> |

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| | | <p>further consider that given the height now established within the SDRA that there may be scope for some increased height at this junction, which has sensitivity to the prevailing pattern of development.</p> <p>The function of the street, would be improved by the location of the main building being situated at the junction of Donovan Lane and Blackpitts. It is considered that this will establish an active frontage onto both streets where there may have been limited footfall previously. Donovan Lane is a narrow street which provides a linkage from Blackpitts to Clanbrassil Street. There is currently no active street frontage on Donovan Lane with the main movement being vehicular given the number of accesses serving some of the existing apartment blocks. There is also currently on-street parking located along the south side of the lane.</p> <p>In addition, the inclusion of commercial floor space, in the form a café unit, at ground floor with access from Blackpitts and Donovan Lane would introduce a new street function at this location while also strengthening the function of the site.</p> <p>There is no permeability proposed to adjacent land which is not a concern given the nature of the site (established apartment building – Greenville Place).</p> <p>I consider appropriate legibility would result from the proposed development in the event that the height is reduced.</p> |
| 3 | To provide Appropriate Continuity and Enclosure of Streets and Spaces | <p>While the introduction of student accommodation and all associated amenities including the Café, which will be open to the public, will increase passive surveillance and pedestrian footfall onto Donovan Lane and Blackpitts, the deviation in height, even with the setbacks provided, would be overbearing upon the surrounding street networks and give rise to a feeling of enclosed space especially</p> |

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| | <p>considering the limited width of Donovan Lane, which has a maximum width of c.9m.</p> <p>There would be limited vehicular activity associated with the development with minimal car parking being located along Donovan Street for set down purposes only.</p> <p>Communal spaces are adequately overlooked and would receive adequate sunlight, in the event that the building was reduced in height.</p> <p>Concern was raised by a 3rd party appellant to this appeal with regard to the established building line along Blackpitts. It is contended that the proposed development will project significantly beyond the building line established between the existing warehouse on the appeal site and the Liberty Court development to the north. It is further argued that the proposal would be incompatible with the streetscape as all developments along Blackpitts have incorporated substantial greening and landscape setbacks. The proposal is therefore considered incompatible due to the lack of green frontage and incompatible with existing streetscape.</p> <p>I note from undertaking a site visit and from a review of plans submitted that the adjoining building to the south, Greenville Place, has been constructed forward of the existing building on the subject site. Furthermore, the Liberty Court building is separated from the subject site via Donovan Lane and is forward of the existing building on the appeal site. Having regard to the juxtaposition of Liberty Court relative to the appeal site I would not consider it appropriate to continue the building line.</p> <p>The proposed building has respected the building line of the adjoining apartment building (Greenville Place) and I</p> |
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| | | <p>therefore consider the building line proposed to be acceptable.</p> <p>With regard to greening and landscape setbacks, I note that there is an area of planting at the opposing corner of the junction of Donovan Lane and Blackpitts and that the apartment units on this corner have also included some planting on the inside of the boundary treatment to the footpath. The planting provided to the existing apartment units, on the corner of Donvan Lane and Blackpitts provides for privacy screening from pedestrian footfall along Blackpitts. There are also a number of street trees further along Blackpitts with some planting surrounding them to the front of Liberty Court.</p> <p>While the inclusion of this planting provides for a pleasant street-scape, I would not consider it to be a substantial part of the existing streetscape and note further that the landscape masterplan submitted by the applicant includes for street trees and public realm works to Blackpitts which would accord with the established streetscape. In addition, it is proposed to provide for planting at the entrance to the proposed development which is situated on the corner of Blackpitts and Donovan Lane and I consider this to be a vast improvement on the current situation.</p> <p>I consider that Blackpitts and Donovan Lane are suitably addressed.</p> |
| 4 | To provide well connected, high quality and active public and communal spaces. | <p>Given the nature of the proposed use, being student accommodation, there is no requirement to provide public open space.</p> <p>Significant microclimate impacts in terms of wind would not be anticipated on a building of this scale and as such</p> |

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| | | <p>surrounding streets would not be expected to experience negative impacts in this regard.</p> <p>Communal open space is provided at ground floor level as a courtyard. Access to this courtyard is also provided from Donovan Lane. A second area of communal open space is also proposed at roof level along the north-western corner of the building.</p> <p>I consider that the proposed development would result in acceptable communal spaces.</p> |
| 5 | To Provide High Quality, Attractive and Useable Private Spaces | <p>Given the proposed use for student accommodation, the provision of private amenity space is not required. From assessment with the plans submitted I note that the amenity spaces internal of the building all comply with the requirements of Table 15.8 of the City Plan and also SPPR 8 of the Apartment guidelines, 2025.</p> <p>It is noted that all bedrooms are provided with access to natural daylight.</p> |
| 6 | To Promote Mix of Use and Diversity of Activities | <p>The proposed development provides for a mix of activities. The uses proposed are consider acceptable in term of the land use zoning and support its city centre location.</p> <p>The Café unit, the public aspect of the development, addresses Blackpits which would increase footfall and activity along this part of Blackpits which primarily has a residential use.</p> <p>The proposed development is consistent with the locational requirements of PBSA as set out in the DCDP 2022-2028.</p> <p>I consider the proposed development would provide a good mix of internal uses and amenity for potential future student residents and offer some public engagement and potential community benefit through the inclusion of a cafe.</p> |

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| 7 | To ensure high quality and environmentally sustainable buildings. | <p>The proposed development is acceptable in terms of daylight and sunlight access. I refer to section 9.4 of my report below.</p> <p>The proposal seeks to demolish the entire existing buildings on site. The application has been accompanied by:</p> <ul style="list-style-type: none"> • A 'Climate Action, Sustainability, & Energy Statement & Sustainability & M&E Energy Report' which states, <i>inter alia</i>, that the proposed development aims to maximise passive building qualities to reduce energy demand and to deliver a future proofed high efficiency district heating system. The proposed development will achieve a Nearly Zero Energy Building (NZEB) compliance. • A Demolition Justification Report which sets out a clear rational for the demolition. • An 'Engineering Assessment' which includes, in relation to surface water, green/blue roofing, bioretention planters, tree pits, and a dry detention basin with underlying storage. <p>The building materials are considered to be of high quality and there is energy efficiencies proposed in the new build which is welcomed. I am satisfied that, should permission be granted, the proposed development would result in high quality and environmentally sustainable buildings including in relation to surface water management.</p> |
| 8 | To Secure Sustainable Density, Intensity at Locations of High Accessibility | <p>I have assessed the proposed 285 uph density in detail in the context of the site location under subheadings 9.4.6-9.4.11. It was noted that while this density represents a material contravention of Appendix 3 of the Dublin City Development Plan 2022-2028, it could be justified in terms of Table 3.1 of the Sustainable Residential and Compact Settlement Section 28 Guidelines, for Planning Authorities</p> |

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| | <p>which recognises that that residential densities in the range of 100-300 dwellings per hectares shall generally be applied in the centres of Dublin</p> <p>The development is appropriately located in a central, highly accessible area with excellent access to frequent public transport.</p> <p>However, I consider that the development of this site needs to represent a balance between the location of the site proximate to high-quality transportation corridor and to the prevailing character of the adjoining buildings and area. While I note that the subject site is zoned under objective Z1, Greenville Avenue which is situated directly to the west of the site is zoned under Objective Z2 Residential Neighbourhoods Conservation Areas, which I consider that the design of the proposal failed to consider. Having regard of the proximity of the site to Greenville Avenue I consider that the proposed height of 5 storeys would be significantly overbearing and this was reiterated within the visual impact assessment submitted.</p> <p>The height proposed of 5 storeys above basement level is substantially greater than the heights of existing development along Blackpitts, Donovan Lane, Greenville Plane, Greenville Parade, and Clanbrassil Street. However, I also have regard to the appeal site being a brownfield site within the built-up urban area and that there is an onus on planning authorities to sustainably develop these types of areas to achieve a higher density. I consider the assessment of the Planning Officer in this instance to request a reduction in the overall height of the building via condition be an appropriate approach to the development of the site while still delivering a development which would achieve the requirements set out within both National Policy and The</p> |
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| | | <p>Sustainable Residential and Compact Settlement Section 28 Guidelines .</p> <p>I consider that proposed development at a reduced height would be appropriate at this location.</p> |
| 9 | To Protect Historic Environments from Insensitive Development | <p>There are no protected structures on site and the site is not located within a conservation area. However, the site is adjacent to an area zoned under Objective Z2 - 'Residential Neighbourhoods Conservation Areas'.</p> <p>The application documentation includes an Architectural Heritage Impact Assessment and an Archaeological Impact Assessment Report.</p> <p>The AHIA recognises that the height of the proposed development is of course greater than that of individual single or two storey houses in the area. However, it notes that it will not be the tallest building in the immediate area and that the scale of the proposed development, a single building on quite a small site, is greater than terraces of houses, street after street lined with the continuous façades of little buildings. The AHIA further contends that the reference within Opinion issued by the Planning Authority to the proposal giving rise to 'undue visual impact', is not that case and that the potential for the proposed development to be visible is very limited. The conclusion states that there is potential of impacts on the setting of buildings on Hammond Street, St. John Street and St. Michaels Terrace, but less than is suggested by the photomontage views from these streets.</p> <p>The Conservation Officer of the Planning Authority raised a concern over both the height of the building and the assessment of the AHIA. The report notes that the set of photomontages submitted are over-represented by close-up views of the site, and that seen from very close to the</p> |

development site the proposed development would be a major change. The report further notes that the consideration of the AHIA that 'the surrounding streets of little houses do not compliment the heritage of the city but rather they contradict it' is not correct.

I accept the concerns raised by the Conservation Officer. I am of the opinion that the AHIA submitted failed to give due consideration to the surrounding context of the site with a particular emphasis to the Z2 zoned area to the south-west and the impact the increased height would have on this area. I note that Sections 11.5.3 - 'Built Heritage Assets of the City' of the Dublin City Development Plan 2022-2028 recognises the surrounding area, that being zoned under Objective Z2, as having conservation merit and importance and therefore warranting protection.

I would also note that there is a discrepancy between the conclusion drawn in the AHIA where it is stated that 'there is very little potential for visibility of the proposed development from within any Z2 Residential Conservation Areas' and the submitted Visual Impact Assessment with a specific reference to images 8, 9 and 17, all of which are taken from the Z2 zoned area situated to the south-west of the subject site. These images clearly indicate the relationship with and negative impact the proposed development would have on these areas in terms of scale and overbearing impacts.

With regard to the Archaeological Impact Assessment Report submitted, the report outlines the archaeological potential of the proposed development site and provides an outline history of the area and a survey of historical mapping. The assessment noted that the foundations of the 20th century building are unlikely to have substantially impacted or truncated archaeological layers and it posits that the

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| | | <p>remains of cottages marked on the historic mapping survive below ground. It further highlighted that the potential for the historic course of the Poddle and evidence of associated riverside activity to survive. The report recommends that any archaeological testing should be particularly targeted at Blackpitts frontage.</p> <p>The report from the Archaeologist in the Planning Authority accepts the report submitted. Again, I would concur with the report of the City Council's Archaeologist and recommend that in the event that the Commission are minded to grant permission a condition be included to ensure that the site is subject to predevelopment archaeological testing and continued monitoring by an Archaeological specialist.</p> |
| 10 | To Ensure Appropriate Management and Maintenance | <p>Matters of security, management of communal areas, waste management, servicing and delivery can all be satisfactorily addressed by condition in the event that the Board grant permission.</p> |

9.3.16. **Condition 5(a)**

9.3.17. Having regard to table 1, above, I consider that the proposed development has failed to satisfy the performance criteria required under table 3 of appendix 3 of the DCDP 2022-2028 and would therefore represent a Material Contravention of Appendix 3 of the Dublin City Development Plan 2022-2023.

9.3.18. The Planning Authority in their assessment noted that given the nature of the development, the proposed height and the density and taking into consideration the performance criteria for assessing proposals for applications with enhanced height, density and scale as set out in Table 3: Appendix 3 of the City Development Plan 2022-2028, this proposed density and height remain a serious concern. It was concluded that the proposal did not make a positive contribution to the urban neighbourhood or streetscape along Blackpitts and Donavan Lane and it was therefore

considered reasonable to reduce the overall height and consequently reduce the density by way of a compliance condition.

9.3.19. I would accept the assessment of the Planning Authority and consider that the impact of the building height could be ameliorated against through the omission of the 5th Floor.

9.3.20. Through the omission of the 5th Floor the proposed building would be reduced in height by c. 3.5m to give an overall ridge level of c.18.02m. From assessment of plans submitted I note that this would allow for the building as proposed to assimilate with the adjoining Greenville Place apartments and significantly reduce the overbearing impacts raised and improve access to daylight for units identified as falling below the BRE standard, as discussed further below in section 9.4. I further consider that the reduction in height would reduce potential impact upon the two-storey dwellings situated to the west within the Z2 Zoned area. I therefore consider in the event that the Commission, in the event that they intend to uphold and grant permission, include Condition 5(a) of the Planning Authorities grant of permission.

9.3.21. I note that in turn this would then generate a density of 249 units per hectare which would accord with both the requirements of Table 1 of Appendix 3 of the Dublin City Development Plan 2022-2028 and Table 3.1 of the Sustainable Residential and Compact Settlement Section 28 Guidelines, for Planning Authorities,2024.

9.3.22. **Condition 5(b)**

9.3.23. Condition 5(b) requires that the applicant amend the 4th floor by providing for a reduction in size by setting it back by a minimum of 2 metres on all sides, including the corner and full northern elevation. The 1st Party Appellant contends that this reduction could lead to a further loss of c.17 bedspaces and that the requirement is unjustified and fails to reflect the carefully considered design refinements already undertaken. It is further contended that this omission would distort the architectural balance of the elevations and undermine the scheme's design intent.

9.3.24. I note from assessment of plans submitted that the 4th Floor has been set in along the western elevation by c.1.995m, where it addresses Blackpitts and also along the southern elevation where is addresses Greenville Place. I consider that these two elevations of the building are what would be of most concern given their proximity to

Greenville Parade which comprise of two storey dwelling and the rear elevation of Greenville Place.

9.3.25. With the omission of the 5th Floor plate, the proposed building would have a ridge level of approximately c.18m along the northern elevation where it addresses Donovan Lane. This height would tie in with the surrounding height context and provide for a strong urban edge along Donovan Lane which is considerably lacking in such.

9.3.26. Therefore, having regard to the existing set back of the building provided, I do not consider that any further set back at 4th floor would be required and recommend that the Commission do not retain condition 5(b) in the event that they are minded to uphold the decision and grant planning permission.

9.3.27. **Condition 5(c)**

9.3.28. Condition no. 5(c) requires that the balcony located at 4th floor at the northeastern corner be omitted. The Appellant contends that this area was never proposed to be provided as an accessible balcony but rather solely for maintenance access, hence the inclusion of the door.

9.3.29. I consider that the wording of condition 5(c) should therefore be amended to ensure that this balcony area is only accessible for maintenance purposes and not utilised by the residents of the building for amenity purposes.

9.3.30. **Condition 5(d)**

9.3.31. Condition no. 5(d) requires that the communal living/kitchen areas at the northeastern corner at both ground and fourth floor be widened to improve usability. Currently the communal area at ground floor, subject to this condition, has a stated area of c.39.7sq.m and a width of c.2.85m which reduces to c.2.307m. This area will serve 6 no. single ensuite bedrooms. At 4th floor level the communal area has a stated area of c.35.2sq.m and a width of c.2.2m and will serve 7 no. single ensuite bedrooms.

9.3.32. The Appellant states within their appeal that this requirement is unnecessary and unjustified as the scheme already exceeds the relevant quantitative and qualitative standards for purpose-built student accommodation. It is further contended that the widths applied are fully compliant with relevant guidance.

9.3.33. Table 15-8 of the City Development Plan prescribes that 4sq.m of kitchen/living/dining space is required per bed space per cluster. In addition, SPPR 8 of the Apartment guidelines prescribes a 3.3 sq.m per person for kitchen/dining/living areas. I note that both areas subject to this condition exceed the required standards. However, I would have concern over the useability of both these spaces given their linear configuration with restricted widths.

9.3.34. While the first party contends that the widths of these areas are fully compliant with guidance, they have not identified what exact guidance they are referring to as I note that neither the City Development Plan nor the Apartment Guidelines prescribe such. Furthermore, from a review of the Design Guide for State Sponsored Student Accommodation, 2025, I note that the Shared Kitchen, Living and Dining Area plans set out for 8 persons indicate a width of 3.1m. While this is not a prescribed regulatory width, it provides for an idea of an appropriately sized area to accommodate the number of students it serves.

9.3.35. While I note that the widening of these two areas will have an impact on the unit numbers permitted and the overall density. I consider it may mean the loss of 2 no. units which would in turn lead to a development of 187 bed spaces, equating to a density of 246 units per ha, which is not considered to be a material change to the overall development. I would therefore agree with the concern raised by the Planning Authority and consider that condition 5(d) should be retained.

9.3.36. **Condition 5(e)**

9.3.37. This condition requires the applicant to revise the roof terrace, reduce its size and ensure that it is fully set back from all edges. The appellant contends that the submitted drawings demonstrate that the terrace is already set back from the parapet edges and has been carefully designed to ensure visual and residential amenity is protected.

9.3.38. I consider that the Planning Authority included this condition given that the roof terrace was originally located at roof level of the 5th floor which was omitted via condition no. 5(a). I note that the proposed roof terrace is situated at the north-western corner of the building where it addresses Donovan Lane and Blackpitts and has been set in c. 3.99m from the Donovan Lane elevation and c.2m from the Blackpitts elevation.

9.3.39. Given that the use of this amenity space is restricted to day time hours, as per the Purpose-Built Student Accommodation Operational Management Plan submitted as part of the application documentation, I do not consider that the scale needs to be reduced or any further set back is required. Therefore, I recommend that the wording of this condition be amended to ensure the use algins with the Operational Management Plan submitted.

9.3.40. **Conclusion**

The original design submitted to the Planning Authority does not satisfy the performance criteria under Appendix 3 and would therefore materially contravene the provisions of Appendix 3 of the City Development Plan in terms of the density and overall height. A reduction in height under condition no. 5 of the PA decision would, however, result in an improved performance and would result in height, scale and density of development which would be consistent with the provision of the plan such that a reliance on s.37(2) of the Planning and Development Act, 2000 as amended would not arise.

9.4. Daylight/Sunlight

9.4.1. The subject application was accompanied by a Daylight and Sunlight Analysis which provides for a Daylight, Sunlight, and Overshadowing assessment of the proposed development and the potential impact to daylight and sunlight on neighbouring properties. A number of appellants and observers to this appeal have raised concern over the assessment.

9.4.2. Appendix 16 of the City Development Plan sets out the provisions which should be considered as part of a daylight/sunlight assessment and provides information on what standards are appropriate and what information should be contained within such. Furthermore, SPPR 3 of the Building Height Guidelines requires that applications for developments of increased building heights should have regard to the quantitative performance approaches to daylight provision outlined in guides like the BRE's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and where a proposal may to be able to fully meet all the requirements of the daylight provisions this must be clearly

identified and a rationale for any alternative, compensatory design solutions must be set out.

- 9.4.3. The assessment submitted states that BRE Guidelines/BS EN 17037 was used as part of the assessment and concluded, with regard to the proposed development, that student rooms were assessed as bedrooms with a target of 100 Lux and the kitchen/common rooms were assessed as kitchens with a target of 200 Lux over 50% of their area. Analysis demonstrates that 89% of units are in compliance with these standards.
- 9.4.4. In terms of sun exposure, the assessment notes that given the proposed scheme comprises a 'U' shaped block, around a central courtyard with the exterior southern elevation abutting one wing of Grenville Place (existing apartments), as such the south facing windows on the lower floors were impossible to assess. The layout of the scheme also means that the elevation with the greatest potential for sunlight cannot in fact benefit. Instead, the rooms on this wing of the building have their windows facing predominantly north and when combined with the rooms on the other north facing elevation, along Donovan Lane, it represents almost half the rooms (47%). This reduces the number of rooms which have the potential to achieve 1.5 hours of sunlight on 21st March. The report notes that when these rooms are excluded (the predominantly north facing windows), 92% of the rooms which have the potential to receive 1.5 hrs of sunlight and the development and therefore meets the BRE threshold. Amenity spaces are demonstrated to achieve satisfactory levels of sunlight.
- 9.4.5. While I note that the development may not achieve the sunlight standard, they are generally in compliance with the daylighting standard. I consider having regard to the location of the subject site within the urban context of the city centre and the temporary nature of the residency in terms of being student accommodation and not full time residency, this to be acceptable.
- 9.4.6. With regard to the impact on the surrounding area, Greenville Place apartments to the rear / south of the proposal are shown to have the most negative impact in terms of loss of daylight to an existing building. Sixty windows facing the proposal required a detailed assessment and 33 no. (55%) of those are shown to meet the BRE criteria with 45% failing to meet such. The impact was described in the assessment as being 'Major' . Where values fall below the BRE standard, these fall between 0.69 and 0.8

of existing VSC values, with only 2 unit outside this range. Having regard to the inner urban location of the site the impacts of the development are not considered to result in significant negative impacts on adjoining residential amenity.

- 9.4.7. Greenville Parade and Hammons Street houses, located opposite the site will also be affected given their siting. Thirteen windows facing the proposal were assessed and four meet the BRE criteria. However, the report notes that the remainder narrowly fell below the targets, having an average VSC of 24-25%, the BRE target being 27%, and VSC proposed v's existing of 0.73 – 0.74, versus a BRE target of 0.8. The impact is assessed as 'Moderate' within the report submitted which accords with the BRE Standards. Properties at Greenville South will not a significant impact on existing VSC, with all values being >0.8 of existing.
- 9.4.8. In terms of loss of sunlight to neighbouring buildings the report submitted notes that a total of 76 windows were assessed for sunlight with 75% meeting the Annual Probable Sunlight Hours target and 92% meeting the Winter Probable Sunlight Hours target. The assessed impacts conclude that they are 'Minor or Negligible', with Greenville Place assessed as 'Moderate'.
- 9.4.9. Overall, the daylight sunlight assessment submitted has indicated that there will be some level of impact to the surrounding building on foot of the proposed development with the greatest impact being upon Greenville Place. I am of the opinion that having regard to the location of the subject site within the urban context of Dublin City Centre, Section 3.2 of the Building Height Guidelines for Planning Authorities which notes that the Commission in their assessment should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives, such as in this instance of securing a comprehensive urban regeneration of a underutilised brownfield site within the city centre, and the omission of the 5th floor as recommended under the previous section of my assessment, that the impact indicated by the daylight sunlight assessment to the surrounding properties would be acceptable.
- 9.4.10. The Daylight and Sunlight Analysis further notes that a supplementary assessment was undertaken in line with Appendix F5 of the BRE Guidelines given that the baseline conditions are considerably favourable to the existing properties within the vicinity, Greenville Place apartments. Therefore, such to reflect a more typical urban

environment a mirrored building of the Greenville Place apartments was placed on the appeal site, set with an equal distance from the boundary. In this scenario 92% of the assessed windows of Greenville Place would meet the BRE criteria, resulting in an impact assessment of Minor.

9.4.11. Appendix F5 of the BRE standard states '*A similar approach may be adopted in cases where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light. To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these windows could be set to those for a 'mirror-image' building of the same height and size, an equal distance away on the other side of the boundary.*'

9.4.12. An observer to this appeal has raised concern over the methodology applied by the applicant within this daylight sunlight assessment with regard to the overreliance on Appendix F5 of the BRE standards. It is contended that Appendix F5 sets out two criteria which must be satisfied to apply the 'mirrored' baseline approach. It is contended that Greenville Place does not satisfy these criteria given that the building is not situated 'unusually' close to the boundary of the site and this was stated by the applicant within their 1st part appeal. Therefore, the observer argues that the 1st party Appellants own evidence of existing setbacks contradicts 'unusually close' criterion.

9.4.13. From assessment of the proposed site layout plan submitted, I note that the north-western elevation of Greenville place is indicated as being set c.10-13m from the eastern boundary of the site. Given the location of the subject site within the urban context of Dublin City Centre, I do not accept that Greenville place is situated 'unusually' close to the boundary of the site, given that SPPR 1 of Compact Guidelines 2024 requires a 16m separation distance be provided between opsonising windows serving habitable rooms at the rear or side of apartment units, above ground floor level. Greenville Place has maintained the majority of this separation distance requirement, and therefore it clearly demonstrates that it is not unusually close to the boundary of the appeal site.

9.4.14. The Planning Officer in their assessment raised a concern with regard to the impact the proposed development would have on the surrounding area, in terms of daylight/sunlight with a particular reference to the Greenville Place apartments. However, the Planning Officer considers this to be acceptable having regard to the

location of the subject site within an urban context and that the omission of the 5th floor would also overcome this concern.

9.4.15. I note the assessment of the Planning Authority. It is the case that any intervention on the subject site, where a development is seeking to provide for a compact sustainable form in order to reach national density targets, will have some level of impact in terms of the levels of daylight and sunlight achieved by the existing surrounding properties. The rear elevation of Greenville Place apartments has a north-western orientation, are set c.13m from the shared elevation of the appeal site with their current outlook being onto a derelict logistics building.

9.4.16. I therefore am of the opinion, given the urban context of the subject site some of the units in Greenville Place, which address the shared boundary of the site will be affected. However, having regard to the layout of the proposed development which provides for a u-shaped with an internal courtyard, will also provide for an improvement on the current situation for the residents of Greenville Place. In addition, having regard to the findings of the Daylight/Sunlight Assessment and the design and layout of the proposal I consider that the impacts of the proposed development would not be detrimental to the current daylight or sunlight currently received by the surrounding area.

9.4.17. A 3rd party appellant has also raised concern over the impact the proposal will have upon the current level of daylight and sunlight received by no 19 Liberty Court, which is situated on the corner of Donovan Lane and Clanbrassil Street, c.23m to the north-east of the boundary of the site.

9.4.18. The applicant in response to this concern has submitted a further daylight and sunlight assessment which has specifically considered no. 19 Liberty Court. The assessment has applied the 25° Angle test where a perpendicular line from the window of 19 Liberty Court was drawn and indicates that it does not intersect the proposed development. As such, the subject dwelling does not require a detailed assessment as per the BRE guide conclusion as any loss of daylight would be small.

9.4.19. Having regard to the results of the 25° Angle test and the separation distance from the concerned dwelling to the subject site, I do not consider that the proposed development would give rise to a negative impact upon the current level of daylight and sunlight received by no. 19 Liberty Court.

9.5. Impact on Residential Amenity

- 9.5.1. All 3rd party appellants and observers to this appeal have raised significant concerns over the negative impact the proposed development would have upon the current level of residential amenity in terms of overbearance, overlooking and noise levels. It is contended that even with the omission of the 5th Floor the impact of the proposed development will not adequately mitigate against the level of amenity loss that the proposed development will give rise to. It is argued that the proximity of the communal open space at roof level will intensify privacy loss.
- 9.5.2. The applicant in response has stated that the development as proposed has been carefully designed to safeguard all current levels of residential amenity. It is considered by the applicant that the massing, height and window orientation all respond sensitively to surrounding properties with the step down to residential properties mitigating issues of over-looking.
- 9.5.3. The report of the Planning Officer acknowledges that the development as proposed will have an impact on the level of residential amenities at this location however given the urban context and the siting of the proposed building, some level of overshadowing is inevitable.
- 9.5.4. With regard to overbearance, I consider that the omission of the 5th floor by way of condition would in fact mitigate issues of overbearance which I have addressed fully within section 93 of my report above. This was also stated by the Planning Officer within section 11.5 of their report.
- 9.5.5. In terms of overlooking, the main concern with overlooking relates to the proximity of the roof terrace to the adjoining residential properties. The roof terrace area has been situated at the northern corner of the building and has been set in c.4m from the north-eastern elevation which addresses Donovan Lane. In addition, the two existing apartment buildings addressing Donovan Lane directly opposing the subject site area are not served with any balconies or window opes serving habitable rooms. The nearest balcony is situated on the side elevation of Liberty Court which is set in excess of 40m from the nearest point of the proposed roof terrace.
- 9.5.6. I note that the proposed roof terrace would now, on foot of the recommendation to include condition no. 5, be situated on the roof of the 4th floor level of the building but

will remain in the same position as proposed. Overall, It is not considered therefore that overlooking would be a significant issue.

- 9.5.7. I note that the operational management plan submitted by the applicant notes that use of this roof terrace will be limited to daytime hours and is intended for passive use such as studying as opposed to social gatherings. In addition, the design has included for a parapet level which will provide for additional screening. The landscape plan submitted has also indicated the provision of planted screening which will also act as an acoustic buffer in terms of noise.
- 9.5.8. Overall, having regard to the separation distances of 4m from the northern elevation of the proposed building and a further c.15m from the nearest balcony on Liberty Court and the inclusion of screening in terms of a parapet level and planting, I do not consider that issues of overlooking will be an issue.
- 9.5.9. In terms of noise, the subject site is situated within the city centre of Dublin where increased levels of noise are to be expected. As stated earlier, the application has been submitted with a Student Accommodation Management Plan which sets out clear operational controls that will be put in place for both occupants during the academic period and also the summer months. I consider that the implementation of this management plan will help mitigate against any undue issues of noise from the proposed development.
- 9.5.10. In the instance that the Commission uphold the decision of the Planning Authority and grant permission I recommend a condition be included to ensure that the development is managed in line with the Student Accommodation Management Plan submitted as part of the application documentation.

9.6. **Overconcentration of Student/Transient Accommodation**

- 9.6.1. The Planning Officer within their assessment accepts that in the wider area there is a number of existing Purpose-Built Student Accommodation (PBSA) and a number of sites which have extant planning permission for same. The assessment of the Planning Officer set out the Planning Authorities rational as how the degree of concentration of student accommodation is considered and in this instance, they were satisfied that this was not the case.

9.6.2. The concentration assessment sets out the 1km catchment area which is subject to this assessment on Figure 1 which also highlights all public transport connections within this catchment area. The assessment notes that there is no specific guidance provided within the City Plan as to how overconcentration is assessed and so the assessment has utilised Edinburgh City Council's Student Housing Guidance as best practice.

9.6.3. Objective QHSN44 of the city plan seeks to avoid proliferation and concentration of student accommodation developments while Objective QHSN45 requires the Planning Authority when considering applications for student accommodation developments to consider the nature of the locality in terms of mix of land use and housing types, and the existing and proposed number of students in the locality. This objective also requires applicants for this type of development to submit a concentration assessment to assist the Planning Authority in their assessment. While I note that the Development Plan may not provide any specific quantum for determining over-concentration, it does make reference to Edinburgh City Council's guidance, and this has been relied upon by the Planning Authority in previous assessment of similar types of applications.

9.6.4. From assessment of the document submitted it is noted that details have been provided of the existing, proposed and under construction student accommodation developments within the area, including a map showing all such facilities within 1km of a proposal. It was concluded that when considering the existing and proposed PBSA developments within the 1 km catchment, alongside the granted large scale residential developments within the same catchment, and the proposed PBSA development (subject to this assessment), that the total student population would represent c. 16.5% of the total population when fully occupied.

9.6.5. Having regard to the detailed concentration assessment submitted which has been prepared in line with the requirements of Objective QHS44 and QHSN45 of the Dublin City Plan 2022-2028 and the findings of the assessment and to the conclusions of the PA in this regard, I do not consider that the proposed development would represent an overconcentration of student accommodation or transient accommodation within the surrounding area.

9.7. Community Provision

- 9.7.1. A 3rd Party appellant considered that there is a lack of tangible community benefits being provided as part of the proposed development. It is contended that the proposed café is not supported by the land use zoning or local context. It is stated that the café cannot be reasonably construed as meeting the zoning objective, it is a private commercial adjunct to student accommodation and is therefore contrary to Policy QHSN47 and Section 15.4.1 (healthy placemaking) of the Dublin City Development Plan 2022-2028.
- 9.7.2. Policy QHSN47 of the City Plan seeks to encourage and facilitate the timely and planned provision of a range of high-quality neighbourhood and community facilities which are multifunctional in terms of their use. However, I note that this policy is not limited to the provision of Student Accommodation Developments. Section 15.13.1 of the City Plan notes with respect to PBSA that the external layout of such, including any necessary security arrangements, should be designed to avoid isolating developments from the surrounding community and that documentation must also outline how the scheme will support integration with the local community, through its design and layout.
- 9.7.3. The applicant in response states that the café forms an integral part of the development and is compliant with the Z1 zoning objective pertaining to the subject site. It is contended that the use delivers an active, publicly accessible ground floor use which enhances the street interface with Blackpitts by contributing to vibrancy, safety and permeability.
- 9.7.4. I note that café/tearoom is listed as being open for consideration under the Z1 zoning objective as per section 14.7.1 of the City Development Plan. Policy QHSN47 of the city plan seeks to encourage the provision of a range of high-quality neighbourhood and community facilities which are multifunctional in terms of their use, adaptable in terms of their design and located to ensure that they are accessible and inclusive to all.
- 9.7.5. Section 15.13.1 Student Accommodation of the City Development Plan does not prescribe that it is a requirement to provide for a community use within a PBSA development but rather it should make a positive contribution to the built environment and avoid isolating the development from the surrounding community. Therefore, I

consider that the inclusion of a café to this extent, having regard to the land use zoning, to be acceptable in this instance.

- 9.7.6. With regard to the concerns over healthy placemaking, I note that the proposed café is situated at ground floor level with access being provided from both internally from the proposed building and from Donovan Lane and where active street frontage is significantly lacking. The provision of active street frontage and vibrancy at this location that the café use will deliver is in fact in keeping with healthy placemaking of the surrounding area.
- 9.7.7. Overall, I do not accept the concerns raised by the 3rd Party Appellant and consider that the café would contribute positively to the surrounding community and be in keeping with both Policy QHSN47 and Section 15.4.1 (healthy placemaking) of the Dublin City Development Plan 2022-2028.

9.8. **Sustainability and Climate Action**

- 9.8.1. An appellant to this appeal considers that the proposed development has failed to incorporate any sustainable design and climate action measures and therefore the scheme fails to meet Policy CA8-CA10 and Section 15.7.3 (Climate Action and Energy) of the City Plan 2022-2028 and failed to provide for an adequate SUDs Strategy.
- 9.8.2. The proposed SUDs strategy has been set out within section 5.1 of the Engineering Service Report which accompanied the application. The strategy incorporates 70% Green and Blue roofs, permeable paving, SuDS tree pits and rainwater harvesting. I note that the report from the Water Services section accepts the SUDs strategy proposed.
- 9.8.3. Having regard to Appendix 11 of the City Plan, Policy SI 14 of the City Plan and the report on file from the Water Services section of the Planning Authority I consider the proposed SUDs strategy to be acceptable.
- 9.8.4. The subject application was accompanied by a '*Climate Action an Energy Statement and Sustainability and Mech and Elec Energy Report.*' The document identifies the criteria from the local and national planning policy which will be incorporated into the scheme to minimise the developments impact on the local & global climate. The report focuses on the several factors within the proposed scheme that could potentially affect

the incorporation of renewable technologies and addresses the advantages and disadvantages of proposed technologies whilst comparing them against each other to identify the most suitable solution for this project.

- 9.8.5. The document identifies a number of Energy Efficient Heating and ventilation Systems and Renewables and set out their advantages and disadvantages. It concludes that a centralised C02 hot water heat pump system and space heating is best suited to the development proposed due to the large demand for sanitary hot water. In addition, the report notes that the lighting throughout the commercial units will be via high efficiency LED lighting with power consumption of no greater than 8W/m2. It is anticipated that the building will achieve a BER rating of A3.
- 9.8.6. Policy CA8, and CA9 of the City Plan seeks to ensure that proposals for new developments put Climate Mitigation Actions into place to reduce carbon dioxide emissions and also demonstrate sustainable, climate adaptation and circular design principles which will in turn promote and support development which is resilient to climate change. While Policy CA10 requires that all new developments involving 30 residential units are accompanied by a Climate Action Energy Statement.
- 9.8.7. I consider that the report submitted by the applicant, *Climate Action an Energy Statement and Sustainability and Mech and Elec Energy Report*, clearly sets out how the proposed development is going to achieve a net zero energy building and accord with all requirements set out in Policy CA8, CA9 and CA10 of the Dublin City Development Plan 2022-2028 and therefore I do not accept the concerns raised by the 3rd party appellant in this instance.
- 9.8.8. I further note that the applicant has also submitted a demolition justification report for the proposed development. The report sets out two scenarios where under scenario A the existing building on site is retained and reused while scenario B involves the full demolition as is proposed as part of this scheme.
- 9.8.9. Scenario A was considered to be unfeasible due to the limitations of the existing structure on site which was deemed to be structurally unsound and found to be a portal frame. Therefore, it would not be feasible to extend this building upwards to achieve the quantum of bed spaces being proposed. This was demonstrated through an Architectural, Structural Engineering and Mechanical & Electrical justification. Furthermore, a sustainable justification has also been provided. All of the justifications

set out clearly indicate the limitations the development would encounter in the event that the existing building on site were to be retained and re-adapted to provide for student accommodation.

9.8.10. The study therefore concludes that Scenario B -Demolish and Rebuild, provides for the best results in terms of Whole Life Carbon over a period of 50 years both on a square metre per bed space basis. The report also provides for embodied carbon mitigation measures which include for the allowance of sufficient time allocated within the construction process to ensure the proper reuse and recycling of materials is possible; appoint as suitably competent demolition contractor to prepare a pre-demolition audit; and at least 70 % of the non- hazardous construction and demolition waste will be prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute for other materials.

9.8.11. Policy CA6 - Retrofitting and Reuse of Existing Buildings of the Dublin City Development Plan 2022-2028 seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. In addition, Section 15.7.1 of the City Development Plan requires that *“Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational for the demolition having regard to the ‘embodied carbon’ of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.”*

9.8.12. Overall, I am of the opinion that the proposal has clearly demonstrated how the proposed development has incorporated a significant level of sustainable and climate action measures and a full suite of SUDs measures, and therefore is in compliance with Policy CA8, CA9, CA10, Policy SI 14, Section 15.7.3 and Appendix 11 of the Dublin City Development Plan 2022-2028. In addition, the inclusion of the demolition justification has also provided compliance with Policy CA6 of the City Plan and provided or a robust justification for the demolition of the existing structure on site.

9.9. Other Matters

9.9.1. Traffic

A third-party appellant to this appeal has raised concern over the impact the proposed development will have upon Donovan Lane in terms of traffic and pedestrian congestion. It is contended that the inclusion of on-street car-parking will give rise to additional traffic noise and fumes and is wholly unsuitable for this constrained location and incompatible with residential living.

I note that the current situation on Donovan Lane already provides for a number of on-street parking which is situated on the southern frontage of the site to Donovan Lane. The development is proposing to provide for public realm improvements along Donovan Lane. The existing line-marked on-street parking bay is proposed to be replaced with an indented parallel parking bay accommodating 4 no. set-down spaces, 1 no. accessible space, and 1 no. loading bay. A footpath with a general minimum width of c. 2m is provided along the lane adjacent to the site. The application was accompanied by a letter of consent from Dublin City Council for the works required along the laneway.

Section 15.13.1.4 Car Parking / Bicycle Parking of the City Development Plan notes that designated car parking will not be supported in student accommodation schemes in the city. However, car parking for persons with disabilities should be provided. The report of the Transportation Section of the Planning Authority has noted concern over the layout of the bevelled kerb / at-grade footpath the loading and accessible spaces which does not accord with the design standards of the City Council, but the report notes that this can be overcome by way of condition. However, given the inclusion of the accessible space along Donovan Lane and that the scheme does not include designated parking spaces, only set down space, I consider that it would accord with Section 15.13.14 of the City Plan.

Section 15.13.14 of the City Plan requires the provision of a minimum of one cycle parking space per resident should be provided within the development as well as additional visitor parking at surface level at a rate of 1 per 10 no. residents for student accommodation developments. The proposed development provides for 272 no. cycle parking spaces to serve the development, which is in excess of the requirements as per Appendix 5. The submitted plans identify that this provision comprises 250 no. secure long-term spaces at basement level and 22 no. visitor spaces at ground floor level.

Longterm resident cycle parking is provided at basement level and consists of 160no. double-stack type spaces, 64 no. Sheffield stand type spaces and 12no. larger spaces capable of accommodating non-standard cycle parking equipment. The proposed quantity of non-standard cycle parking amounts to 5% of the total provision, which accords with the guidance of the NTA Cycle Design Manual, 2023. The report of the Transportation Section of the Planning Authority notes that there is some discrepancies noted over the quantities of cycle parking indicated on plans submitted and that detailed in documents as provided. They consider this can be dealt with via condition and I concur on this matter.

Overall, I am of the opinion that the proposed development will not increase any parking along Donovan Lane but is rather replacing what is already there but with the added safety of it being a managed drop-off parking area. There are already apartment developments which utilise Donovan Lane to provide vehicular access. In addition, the proposed development has provided for in excess of the required cycle parking quantum's which will promote a more sustainable mode of transport for future residents. I consider that the existing baseline situation will not be exacerbated on foot of the proposed development in terms of traffic levels or noise and I therefore do not accept this assertion of the 3rd Party Appellant.

9.9.2. Devaluation of Property

A third-party appellant to this appeal has raised concern that the proposed development will give rise to a negative impact upon the economic value of properties within the vicinity.

I note from a review of the 3rd party appeal submitted that no evidence to support this claim has been provided. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development, in an amended form, would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.9.3. Impact on services and Infrastructure

A third-party appellant has raised concern over the impact the proposed development will have upon local infrastructure in terms of water supply, wastewater and open space.

I note that the planning application was submitted with a pre-connection agreement from Uisce Eireann on the 20th November 2024 which indicates that connection to both water supply and wastewater treatment is feasible without any upgrades required. A Statement of Design Acceptance for the scheme was also received from Uisce Eireann on the 2nd of April 2025. I would also draw the attention of the Commission to the submission received by the Planning Authority from Uisce Eireann, dated the 28th August 2025, which confirms all of the above and recommends that permission be granted subject to condition. I refer to the commentary on surface water management above.

The proposed scheme also provides for 2 no. areas of communal open space along with internal amenities and services, which will be utilised by the future potential residents which are considered to be satisfactory.

Therefore, having regard to the above I do not consider that the scheme as proposed will give rise to a negative impact upon the current services and infrastructure in the area.

9.10. **Planning Conditions**

9.10.1. The Planning Authority granted permission subject to 23 no. conditions on the 12th September 2025. I have set out below details of each condition and provided an examination of if they should be included by the Commission in the event that the decision of the Planning Authority is upheld and permission is granted.

| Condition no | Details |
|---------------------|--|
| 1. | Standard condition. I consider this condition to be acceptable to be retained. |
| 2. | Requires the payment of a financial development contribution in accordance with Section 48. I consider this condition to be acceptable to be retained. |
| 3. | Requires the payment of a financial development contribution in accordance with UAS Cross City Scheme (Section 49). I consider this condition to be acceptable to be retained. |

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| 4. | Requires the payment of a financial bond. I consider this condition to be acceptable to be retained. I consider this condition to be acceptable to be retained. |
| 5. | <p>This requires a number of amendments to the scheme which was subject to the 1st party appeal and discussed in detail under section 9.2.16-9.2.36 of my report above. In summary I consider the following should be retained:</p> <ul style="list-style-type: none"> (a) Omit the 5th Floor (b) 4th Floor balcony be utilised for maintenance only. (c) Communal area at north-eastern corner at ground and 4th floor be widened. (d) Revised roof terrace and operated in line with management plan. |
| 6. | This condition restricts the use of development for student accommodation, or accommodation related to a Higher Education Institute, during the academic year, and as student accommodation, or accommodation related to a Higher Education Institute, or tourist/visitor accommodation only during academic holiday periods. I consider this condition to be acceptable to be retained. |
| 7. | This condition requires the development to be operated and managed by an on site management team on a 24-hour, full-time basis and a detailed student management plan be agreed with the PA. I consider that a similar condition should be attached. |
| 8. | Café-restaurant unit shall be fitted out to a white box finish prior to the occupation of any student bed spaces and shall be open to the public. I consider this that a similar condition should be attached. |
| 9. | Condition requiring Archaeological monitoring. I consider the Commission modal condition should be applied. |

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| 10. | Requirements of the Transportation Planning Division of Dublin City Council. I consider this that a similar condition should be attached. |
| 11. | Requirements of the Drainage Division of Dublin City Council. I consider this condition to be acceptable to be retained. |
| 12. | Uisce Éireann standard condition to be retained. |
| 13. | Landscape Architect be retained throughout the life of the site development works. I consider this that a similar condition should be attached. |
| 14. | Mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report (EIAR), and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. I note that there was no EIAR submitted with the application. However, a Bat Fauna Impact Assessment which contained mitigation was submitted. Therefore, I consider the wording of this condition be amended. |
| 15. | Naming and numbering standard condition be retained. |
| 16. | Requires a final Management Scheme shall be submitted to the Planning Authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority. I consider a similar condition be retained. |
| 17. | Standard condition – no development beyond roof level. |
| 18. | Standard condition – Security shutters if required. |
| 19. | Requires electronic communications/digital connectivity infrastructure to conform to Dublin City Councils 'DCC Guide to the |

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| | Installation of Telecoms Infrastructure in Residential and Mixed-Use Developments'. I consider this condition to be reasonable and that a similar condition should be attached. to be retained. |
| 20. | Requirements for refuse storage areas. An operational waste management plan was submitted as part of the application which sets out details relating to the management of refuse storage and delivery. Therefore, I do not consider that this condition is required as condition no. 16 already captures this. |
| 21. | Demolition Management Plan be submitted – Standard condition. |
| 22. | Construction Management Plan (CMP) be submitted – Standard condition. |
| 23. | Developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section. I consider that this is a repetitive condition and has been captured in previous conditions (condition no. 10 and 11). |

10.0 AA Screening

10.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is situated c.4.23km to the west of the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024). The application was accompanied by an Appropriate Assessment Screening Report which concluded that the proposed development individually or in combination with other plans or projects is not likely to have a significant effect on any European site. This was also accepted by the Planning Authority within their assessment.

10.2. The proposed development comprises of the demolition of existing commercial structures on site and the construction of a student accommodation complex which will provide for 217 student bedspaces and all ancillary amenities and works. I note

that the applicant has submitted an AA Screening determination which I have fully assessed in appendix 3 of my report and was considered to be acceptable by the Planning Authority.

10.3. No nature conservation concerns were raised in the planning appeal. 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 European Site.

10.4. The reason for this conclusion is as follows:

- The small scale and domestic nature of the works on a brownfield site in a serviced urban area,
- The distance from the nearest European site and lack of connections, and
- Taking into account screening report submitted by the Applicant and the determination by Dublin City Council.

10.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Water Framework Directive.

11.1. The subject site is located approximately c.53m to the east of the Poddle River. However, I note that the River Poddle is culverted until it reached the Grand Canal. The Grand Canal is situated c.521m to the south of the subject site.

11.2. The proposed development comprises the demolition of the existing buildings on site and the construction of a 6-storey building which will provide for 217 no. student bed spaces with all associated site works. No water deterioration concerns were raised in the planning appeal.

11.3. I have assessed the proposed development 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.

11.4. The reason for this conclusion is as follows:

- The nature of the development in a serviced urban environment and the proposals for the management of surface water
- There are no waterbodies within the site.
- The location of the site approximately c.53m to the east of the Poddle River and the lack of a hydrological connection.

11.5. 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 jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

12.0 Recommendation

12.1. Having regard to the foregoing, I recommend that permission is granted for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the following:

- a) the location of the site on lands zoned for Z1 – ‘Sustainable Residential Neighbourhoods’ within the Dublin City Development Plan 2022-2028
- b) the policies and objectives of the Dublin City Development Plan 2022-2028, and the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES);

- c) Delivering Homes, Building Communities Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- e) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2025),
- f) Urban Development and Building Heights Guidelines for Planning Authorities December (2018).
- g) The nature, scale and design of the proposed development,
- h) the existing pattern of development in the area,
- i) the availability of a wide range of physical, social and community, infrastructure and services in the area,
- j) The proximity of the site to transportation modes,
- k) the submissions received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measure through the provision cycle and pedestrian infrastructure, can adequately be accommodated within the municipal wastewater network, and would not be detrimental to conservation objectives of the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024) Natura 2000 sites or to the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Dublin City Development Plan 2022-2028.

14.0 Recommended Draft Order

Appeal: by Blackpitts Residential Unlimited (1st Party) against condition no. 5 and Petter Crotty (3rd Party) and Anita Kenna (3rd Party) against the decision made on the 12th day of September 2025 by Dublin City Council to grant permission to Blackpitts Residential Unlimited.

Proposed Development:

The development will consist of a large-scale residential development of a Purpose-Built Student Accommodation at 21-23 Blackpitts, Dublin 8, D08P3K4. The particulars of the development are as follows:

- 217 no. student bedspaces (209 no. single rooms and 4 no. twin rooms) within 32 clusters.
- Internal communal amenity space at basement and ground level, including parcel room, reception/common area, concierge desk, library/study room, multiuse rooms, laundry room, cinema room, and gym.
- external amenity spaces including outdoor courtyard area at ground floor level and external rooftop terrace.
- a café-restaurant with a floor area of c. 144.5 sq.m situated at ground floor level.
- cycle parking at basement and surface levels, a pedestrian and service entrance along Donovan Lane and a pedestrian and bike/service entrances along Blackpitts.
- Landscaping, boundary treatments, waste management areas, and services provision (including ESB substation), as well as all associated works required to facilitate the development, including connection to the Uisce Éireann network.

Decision

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

Matters Considered:

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision the Commission has had regard to the following:

- a) The location of the site on lands zoned for Sustainable Residential Neighbourhoods within the Dublin City Development Plan 2022-2028 and the location of the subject site within the City Centre of Dublin.
- b) The provisions of the Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)
- c) the provisions of the Project Ireland 2040 National Planning Framework,
- d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- e) the provisions of the Climate Action Plan (2025), and the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- g) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018),
- h) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2025),
- i) the provisions of the Dublin City Development Plan 2022 including the 'Z1 – Sustainable Residential Neighbourhoods' zoning for the site, and Appendix 3 Policy for Density and Building Height in the City.
- j) the documentation submitted with the planning application the first and third party grounds of appeal,
- k) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties,

- l) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- m) the planning history in the vicinity of the site, and,
- n) the report of the Planning Inspector.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and found that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024).

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

Environmental Impact Assessment Screening

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

- a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10 (f) (ii), and Paragraph 14 of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended),
- b) the location of the site on land zoned 'Z1 – Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2022- 2028,

- c) the existing use of the site and the pattern of development in the vicinity,
- d) the availability of public water and foul services to serve the proposed development,
- e) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended) and the content of the applicant's EIA Screening Report and other supporting documentation.

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

The Commission consider that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measure through the provision cycle and pedestrian infrastructure, can adequately be accommodated within the municipal wastewater network, and would not be detrimental to conservation objectives of the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024) Natura 2000 sites or to the quality of receiving waters. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Dublin City Development Plan 2022-2028.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the application made on the 19th of May 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such

details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the Planning Authority, showing the following amendments:
 - a. The fifth floor (as referenced on Drawing no. DR-A-P402-S1-A; Proposed Floor Plans 2 of 2) shall be omitted entirely, including the removal of 28 student bedspaces and associated ancillary accommodation.
 - b. The fourth-floor balcony in the northeastern corner off the communal kitchen/common area shall only be used for maintenance and not an amenity space.
 - c. The communal living/kitchen areas at ground floor (north-eastern side) shall be widened to incorporate bedroom no. 0.02 as indicated on the proposed floor plans drawing no. 1 of 2 and fourth floor (north-eastern side) shall be widened to incorporate bedroom no. 4.05 as indicated on the proposed floor plans drawing no. 2 of 2, to improve usability of these areas.
 - d. The roof terrace shall be managed in accordance with the Operational Management Plan submitted to the Planning Authority on the 23rd July 2025.

Reason: To protect visual and residential amenity, ensure the building integrates appropriately into the streetscape, and prevent undue impact on neighbouring properties

3. The student accommodation hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and shall not be used for any other purpose without a prior grant of planning permission for change of use

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

4. The proposed development shall be implemented as follows:
 - (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application. (b) Student House Units shall not be amalgamated or combined.

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

5. The ground floor café-restaurant unit shall be fully fitted out and available for occupation prior to the occupation of any student bed spaces and shall be open to the public in addition to being an amenity for future residents of the building. The hours of operation shall be 8am -10pm, unless otherwise agreed in writing with the Planning Authority.

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

6. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA and/or UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory

measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA and/or UAIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

7. The applicant/developer shall comply with the following requirements of the Planning Authority
 - a) Prior to commencement of development, details of works to the public road on Donovan Lane and Blackpitts and areas to be taking in charge, including installation of footpaths, upgrading of footpaths, changes to road markings, installation of road signage, provision of controlled on-street parking and allocation of on-street parking & loading bay, shall be agreed in writing with the Planning Authority and shall be completed prior to the occupation of the development. All works shall be at the applicant's / developer's own expense.
 - b) Prior to commencement of development, the completed feedback form for the Stage 1 Road Safety Audit undertaken and evidence of acceptance of the proposed measures by the auditor shall be submitted to the Planning Authority.
 - c) The developer shall carry out a Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor for the development. The developer shall submit to the Planning Authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the report, prior to opening of the completed development to traffic.
 - d) A total of 272no. cycle parking spaces shall be provided within the development. 250no. spaces shall be provided within secure basement level

storage (inclusive of 64no. Sheffield stand type spaces and 12no. larger spaces capable of accommodating non-standard cycle parking equipment). 22no. Sheffield stand type spaces shall be provided within the ground floor level communal courtyard. All cycle parking shall be in place and ready for use prior to first occupation of the development. Final details of the design and layout of such provision shall be agreed in writing with the planning authority prior to first occupation of the development.

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

Reason: To ensure a satisfactory standard of development and in the interest of traffic safety and to ensure the development is compliant with the City Development Plan 2022 -2028.

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

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

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

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

Reason: In the interest of public health.

10. Prior to the commencement of development the developer shall retain the professional services of a qualified Landscape Architect throughout the life of the site development works. The approved scheme will be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within 3 years of planting shall be replaced in the first planting season thereafter. The Landscape Architect will submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for bond release.

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

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

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

12. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all development and street signs, shall be provided in accordance with the agreed scheme. No

advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

Reason: To ensure that all new developments provide open access connectivity arrangements directly to the individual premises to enable service provider

competition and consumer choice in accordance with Policy SI46 of the Dublin City Development Plan 2022 – 2028.

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

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

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

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

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be

subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

20. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. The developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for

determination.

Reason: To ensure satisfactory reinstatement of the site.

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.

Kathy Tuck
Planning Inspector

11th December 2025

Appendix 1

EIA Pre-Screening

| | |
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| Case Reference | ACP-323800-25 |
| Proposed Development Summary | LRD – Permission for 217 no. student bed spaces internal and external amenity space, including the provision of restaurant/café, on street carparking, cycle parking, landscaping, bin stores, service provision and all other associated site development works. |
| Development Address | 21-23 Blackpitts, Dublin 8 |
| In all cases check box /or leave blank | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| | <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 |
| 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? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, | |

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| <p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> | <p>S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</p> |

| 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)? | |
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| Yes <input checked="" type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____ Date: _____

Appendix 2

Schedule 7A EIA Screening Determination

| A. CASE DETAILS | | |
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| An Bord Pleanála Case Reference | ACP-323800-25 | |
| Development Summary | Large-scale Residential Development (LRD): 217 no. student bed spaces internal and external amenity space, including the provision of restaurant/café, on street carparking, cycle parking, landscaping, bin stores, service provision and all other associated site development works at 21-23 Blackpitts, Dublin 8. | |
| | Yes / No / N/A | Comment (if relevant) |
| 1. Was a Screening Determination carried out by the PA? | Yes | The Planning Authority undertook a screening determination which is set out within section 14 of the Planners Report. The assessment concluded that having regard to the criteria in Schedule 7 and the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended, the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required |
| 2. Has Schedule 7A information been submitted? | Yes | An EIA Screening report which considered the proposed development I in light of Schedule 5 and Schedule 7A of the Planning and Development Regulations 2001, as amended was prepared by the Applicants Planning Agent and submitted to the Planning Authority on the 23 rd July 2025. |

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| <p>3. Has an AA screening report or NIS been submitted?</p> | <p>Yes</p> | <p>The applicant submitted an AA Screening report to the Planning Authority. The screening report submitted concluded that having regard to the proximity of the nearest SAC and given the location, nature and extent of the proposed development it is not considered there would be potential to negatively affect the ecological integrity or conservation objectives of European Sites. The Planning authority undertook a Screening for AA and concluded that the proposed development would not give rise to any significant effects to designated sites.</p> |
| <p>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?</p> | <p>No</p> | <p>N/A</p> |
| <p>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</p> | <p>No</p> | <p>SEA and AA were undertaken as part of the Dublin City Development Plan 2023-2029.</p> <p>The application has been accompanied by a Demolition Justification Report, Site Specific Flood Risk Assessment, Landscape Design Statement, Appropriate Assessment Screening Report, Construction Environmental Management Plan (CEMP), Bat fauna Impact Assessment, Architectural Heritage Impact Assessment, Resource & Waste Management Plan, and a climate Action & Energy Statement & Sustainability & M&E Energy Report.</p> |

| B. EXAMINATION | Yes/ No/ Uncertain | <p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p> | Is this likely to result in significant effects on the environment? |
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This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith

1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)

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| 1.1 Is the project significantly different in character or scale to the existing surrounding or environment? | No | The appeal site is located within Dublin City Centre where the prevailing context is a mix of residential dwellings and mixed-use development which range in scale from two storey dwellings to 3/4/5 storey apartment buildings. The subject site shares its entire western and eastern boundary with established residential apartment complex. The site is currently brown-field in nature and comprises of a number of derelict commercial (light logistics) buildings. | No |
| 1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)? | Yes | The construction and operation phase will see a physical change from commercial to residential use. There are | No |

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| | | <p>currently a number of vacant commercial (light logistics) buildings on site which will require demolition.</p> <p>Proposed excavation works will cause a change in site topography/ ground levels, which will be managed through implementation of the outline Construction Environmental Management Plan (CEMP) final agreed version to be required by condition.</p> <p>The use of the land will change from commercial to residential use, a more efficient use of serviced land.</p> <p>There are no watercourses located on or adjacent to the site. The nearest watercourse is the River Poddle which is located c.53m to the west and is culverted at this location. The Grand Canal is also situated c.521m to the south of the site.</p> | |
| 1.3 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? | Yes | <p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the outline/ final CMP. There is no significant use of natural resources anticipated.</p> <p>The project uses land, which is a finite resource, however it is used more efficiently and sustainably than at present (vacant commercial floorspace). Otherwise, the operational phase of the project will not use natural resources in short supply.</p> | No |

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| | | <p>The project connects to the public water, wastewater, and surface water drainage services systems which have sufficient capacity to cater for demands arising from the project.</p> <p>Accordingly, I do not consider the use of natural resources in the project likely to result in a significant effect on the environment of the area.</p> | |
| 1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment? | YES | <p>Construction phase activities will require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances will be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works will be managed through implementation of the outline/ final CMP, which can be required by condition.</p> <p>The operational phase of the project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and small-scale commercial activity (cafe) will be managed through the implementation of an Operational Waste Management & Recycling Management Plan which can be required by condition.</p> | No |

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| | | Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity. | |
| 1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances? | YES | <p>Conventional waste will be produced from construction activity and will be managed through the implementation of the outline/ final CMP.</p> <p>The operational phase of the project (i.e., the occupation of the residential units) will not produce or release any pollutants or hazardous material. Conventional operational waste will be managed through the implementation of an Operational Waste Management & Recycling Management Plan.</p> <p>Accordingly, I do not consider the production of waste or generation of pollutants in the project likely to result in a significant effect on the environment of the area.</p> | No |
| 1.6 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? | Yes | <p>The project involves site preparation (demolition of existing structures), excavations (foundations for site services, building), reprofiling and construction (roads, footpaths, building), and landscaping works (open spaces). These construction phase activities are associated with contamination risks to land and/ or water sources.</p> <p>I direct the Board to the response to Q:2.1 below in respect of the risk of contamination of protected water bodies/ ecological designations.</p> | No |

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| | | <p>I direct the Board to the response to Q:2.5 below in respect of the risk of contamination of water resources including surface waters, groundwaters, coastal waters, and of flood risk.</p> <p>Accordingly, as risks of contamination to ground or water bodies are not predicted and/ or can be mitigated against, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p> | |
| 1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | Yes | <p>Noise, vibration, and light impacts are likely during the site development works. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the outline/ final CMP.</p> <p>The operational phase of the project will also likely result in noise and light impacts associated with the increased intensity of the residential and commercial use (e.g., use of communal open spaces and café operation).</p> <p>However, these are anticipated to be typical of such student accommodation schemes, as proposed. Lighting impacts will be mitigated by the provision of a public lighting plan designed to comply with industry guidance and provided to the satisfaction of the planning authority.</p> <p>I direct the Board to the response to Q:2.8 below in respect of the project's effect on sensitive land uses.</p> | No |

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| | | Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution). | |
| 1.8 Will there be any risks to human health, for example due to water contamination or air pollution? | Yes | <p>The potential for water contamination and air pollution (noise and dust emissions) during the construction phase is likely.</p> <p>Construction works will be managed through implementation of the outline/ final CMP. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by standard construction mitigation measures.</p> <p>The operational phase of the project will not likely cause risks to human health through water contamination or air pollution due to the nature and design of the scheme, connection to public water systems, incorporation of SuDS features in the surface water management system, and scale of residential and commercial activities, and use arising.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p> | No |
| 1.9 Will there be any risk of major accidents that could affect human health or the environment? | No | There is no risk of major accidents given nature of the project and location of the site. Not at risk of flooding which was demonstrated within the Site Specific Flood Risk Assessment submitted. | No |

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| <p>1.10 Will the project affect the social environment (population, employment)</p> | <p>Yes</p> | <p>The project increases localised temporary employment activity at the site during development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the outline/ final CMP.</p> <p>The operational phase of the project (i.e. the occupation of the residential units) will result in a potential increase of up to c. 217 persons. A slight impact in scale of effect. The café facility will cater associated staff members.</p> <p>The receiving area is an established urban neighbourhood location, which is in proximity to services, public transport, amenities, and has the capacity to accommodate the likely impacts associated with the anticipated population increase.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p> | <p>No</p> |
| <p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p> | <p>Yes</p> | <p>The site is zoned under objective Z1-Sustainable Residential Neighbourhoods which seeks to protect, provide and improve residential amenities.</p> <p>The site is located within an existing urban area and shares its eastern and southern boundary with an existing apartment development. The proposed development can be readily serviced and can be</p> | <p>No</p> |

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| | | <p>accessed by existing and future sustainable modes of transport within the immediate vicinity of the site.</p> <p>I direct the Board to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>I do not anticipate cumulative significant negative effects on the area arising from the project.</p> | |
| 2. Location of proposed development | | | |
| <p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - 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 | No | <p>The project is not located in, on, or adjoining any European Site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>A submitted AA Screening Report concluded that having regard to separation from the nearest SAC and given the location, nature and extent of the proposed development it is not considered there would be potential to negatively affect the ecological integrity or conservation objectives of European Sites.</p> <p>Accordingly, I consider it reasonable to conclude that on the basis of the information submitted that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect</p> | No |

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| | | <p>the integrity of any European Site. See Section 10.0 and Appendix 3 of this report.</p> <p>Water Framework Directive is discussed under Section 11.</p> | |
| 2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project? | Yes | <p>The site comprises a brownfield site. The site is not under any wildlife or conservation designation.</p> <p>No protected habitats, plant species of conservation importance, or any terrestrial mammals or evidence of mammals of conservation importance were noted on site.</p> <p>Bat Fauna Impact Assessment submitted confirms that no bat roosts will be lost. No trees of bat roosting potential are noted on site. The site is brightly lit by street lighting. The proposed development will change the local environment as new structures are to be erected. No bat activity was noted on site. No bat roosts or potential bat roosts will be lost due to this development. The potential for collision risk and impact on flight paths in relation to bats is considered low due to the low level of bat activity on site and the buildings would be deemed to be clearly visible to bats. The proposed development will have a neutral long-term impact on bat populations.</p> <p>The site is brownfield and located within a built-up inner city urban location. There is no original, natural ecology within application site which is predominantly in hardstanding or buildings. Some ornamental plantings</p> | No |

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| | | <p>exist within the site, currently in an unmaintained and overgrown condition.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of biodiversity.</p> | |
| 2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected? | Yes | <p>There are no landscape designations or protected scenic views at the subject site.</p> <p>A submitted Archaeological Impact Assessment (AIA) notes that the site lies within the zone of archaeological potential for the historic city (DU018-020), although there are no discrete recorded monuments within the red line boundary.</p> <p>The assessment concludes that it is likely that modern development has substantially truncated into underlying strata. The likelihood of surviving archaeological deposits of significance at this location is nonetheless considered slim.</p> <p>The applicant has also submitted an Architectural Heritage Impact Assessment which concludes that there is no potential for the proposed development to have any direct physical impact on any structure of architectural heritage significance and that there is very little potential for visibility of the proposed development from within any Z2 Residential Conservation Areas and that there is little or no potential for impacts on the architectural heritage of these areas.</p> | No |

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| | | <p>Accordingly, having regard to the documentation submitted with the application, and subject to conditions in respect of further archaeological monitoring, I do not consider the project likely to result in a significant effect on the environment in terms of architectural, archaeological and cultural heritage.</p> | |
| 2.4 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? | No | <p>There are no such resources on or close to the site.</p> | No |
| 2.5 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? | Yes | <p>There are no watercourses located on or adjacent to the site. The nearest watercourse is the River Poddle which is located c.53m to the west and is culverted at this location. The Grand Canal is also situated c.521m to the south of the site.</p> <p>I direct the Board to the response to Q:1.2 above in respect of the construction and operation phase impacts of the project on the water resources at the site/ in the vicinity (i.e., surface water/ groundwater impacts).</p> <p>There are no direct or indirect hydrological connections between the site and the European Natura Designated sites.</p> | No |

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| | <p>I direct the Board to the response to Q:2.1 above in respect of the impact of the project on the watercourses, the European sites, and the Irish sea.</p> <p>Mitigation measures are identified in the outline CEMP during the construction phase of the project to safeguard the quality of the surface water runoff, prevent pollution events to groundwater, and mitigate against excessive siltation.</p> <p>Wastewater generated by the proposed development will be collected in a gravity sewer network and will connect to the existing 300Ø combined sewer north west of the proposed development at the corner of Blackpitts and Donovan Lane, into existing manhole.</p> <p>A Pre-connection enquiry was submitted to Uisce Eireann to confirm capacity in the receiving network. A confirmation of feasibility was received from Uisce Eireann confirming the existing Watermain and Foul/combined network has capacity for the proposed development, CDS24009260, and was submitted as part of the application documentation.</p> <p>Surface water runoff from the proposed development will all drain by gravity and will be attenuated prior to discharge into the existing 300Ø combined sewer on Donovan Lane. Peak surface water runoff will be restricted to 2 litres per second for the whole</p> | |
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| | | <p>development. DCC drainage construction standards will be applied to all external spaces which are to be taken in charge by DCC in accordance with the Greater Dublin Regional Code of Practice for Drainage Works. Attenuation for the proposed development will be via the Green and Blue Roof, Tree Pits and Wavrin Aquacells or similar approved system at ground level.</p> <p>The Site Specific Flood Risk Assessment states that there is no record of flooding previously occurring on the proposed development site and that the proposed development site is not located in a floodplain. The SSFRA concludes that the site is classified within Flood Zone C, indicating a low risk of both fluvial and coastal flooding based on available flood mapping data, and is therefore excluded from further flood risk assessment at this stage.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of water resources and flood risk.</p> | |
| 2.6 Is the location susceptible to subsidence, landslides or erosion? | No | There is no evidence identified of these risks. | No |
| 2.7 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? | No | The proposed development will provide for 5 no. car parking spaces which are all to be situated as on-street parking replacing existing on-street parking spaces along Donovan Lane. | No |

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| | | <p>The proposal provides 272 no. secure bicycle parking spaces for residents, staff and visitors at ground floor and basement level.</p> <p>Principal pedestrian access to the PBSA (reception area) and to the café/restaurant is from Donovan Lane. A number of secondary pedestrian access points are provided along both Blackpitts and Donovan Lane, including emergency egress, service access, and cyclist access. This has been set out on figure 2.2 of the Mobility Management Plan submitted.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline/final Construction Environmental Management Plan (required by condition).</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on any key transport routes or on the environment in terms of transportation.</p> |
| <p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p> | <p>No</p> | <p>There are private residential dwellings located in close proximity to the site, comprising dwellings along Greenville Parade and St Johns and Hammond Street located to the west. To Greenville Appartement complex is situated on the eastern and southern boundary of the site.</p> |

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| | | <p>Site development works will be implemented in accordance with the outline/ final CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>Once operational, the design, siting, and scale of the proposed buildings and the separation distances to the closest dwellings are such that negative impacts arising from overlooking, overshadowing, overbearance are not reasonably anticipated.</p> <p>The operational phase of the project will cause an increase in activity at the site which are considered to be typical of such student accommodation as proposed, sited in established urban neighborhood locations such as the receiving area and are well within acceptable parameters for same.</p> <p>The project will be under the control of an established management company and/ or elements taken in charge by the local authority, and no negative impacts on residential amenity are anticipated.</p> | |
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3. Any other factors that should be considered which could lead to environmental impacts

| | | | |
|---|-----------|---|-----------|
| 3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase? | No | Existing and/ or approved planning permissions in the wider area have been noted in the application documentation and associated assessments. | No |
|---|-----------|---|-----------|

| | | | |
|--|-----------|---|-----------|
| 3.2 Transboundary Effects: Is the project likely to lead to transboundary effects? | No | There are no transboundary effects are arising. | No |
| 3.3 Are there any other relevant considerations? | No | No | No |
| C. CONCLUSION | | | |
| No real likelihood of significant effects on the environment. | X | EIAR Not Required | |
| D. MAIN REASONS AND CONSIDERATIONS | | | |
| <i>EIAR not Required</i> | | | |
| Having regard to: - | | | |
| <p>a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.</p> <p>b) The location of the site on zoned lands (Z1 – Sustainable Residential Neighbourhoods), and other relevant policies and objectives in the Kildare County Development Plan 2023-2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).</p> <p>c) The brownfield nature of the site and its location in an established residential and urban area, which is served by public services and infrastructure.</p> <p>d) The pattern of existing and permitted development in the area.</p> <p>e) 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.</p> | | | |

- f) 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).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- h) 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.
- i) 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, Arboricultural Report, Invasive Species Management Plan, Site Specific Flood Risk Assessment, Archaeological Impact Assessment, Lighting Design Report and Mobility Management Plan.

In so doing, the Board concluded that by reason of the nature, scale and location of the project, 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.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3

Appropriate Assessment Screening

| Screening for Appropriate Assessment Test for likely significant effects | |
|---|--|
| Step 1: Description of the project and local site characteristics Case File: ABP-323800-25 | |
| Brief description of project | Large-scale residential development: Permission for 217 no. student bed spaces internal and external amenity space, including the provision of restaurant/café, on street carparking, cycle parking, landscaping, bin stores, service provision and all other associated site development works. |
| Brief description of development site characteristics and potential impact mechanisms | <p>A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA screening report and other planning documents provided by the applicant.</p> <p>The site has a stated of 0.24ha and is located at 21-23 Blackpitts, Dublin 8. The site is situated south of Donovan Lane, east of Blackpitts and west/north of Greenville Place.</p> <p>The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.4.23km to the west of the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024).</p> |
| Screening report | Y |
| Natura Impact Statement | N |
| Relevant submissions | None |

| Step 2. Identification of relevant European sites using the Source-pathway-receptor model | | | | |
|---|---|---|-------------------------------------|--|
| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
| South Dublin Bay SAC (Site Code SAC000210) | <ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140]. Annual vegetation of drift lines [1210]. Salicornia and other annuals colonising mud and sand [1310]. Embryonic shifting dunes [2110]. | c.4.23km | None | N |
| South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024). | <ul style="list-style-type: none"> Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] | c.4.23km | None | N |

| | | | | |
|--|--|--|--|--|
| | <ul style="list-style-type: none"> • Dunlin (<i>Calidris alpina</i>) [A149] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Wetland and Waterbirds [A999] | | | |
|--|--|--|--|--|

Likely impacts of the project (alone or in combination)

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

With regard to surface water, it is proposed to collect rainfall runoff within the blue roof located at roof level and at upper floor terrace areas. A small allowance of available storage space is available to the North of the site within the profile of the red line and this will consist of an oversized chamber below ground. This will also incorporate the flow control device for the ground floor sections of storage on the site before the system connects to the final foul manhole prior to connecting to the Irish Water Combined network.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network. All wastewater from the upper levels of the block shall be routed

by a piped network and then discharged to the final manhole on the site prior to discharging to the local network.

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Step 3 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC (Site Code SAC000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code SPA 004024).

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). I note that other Natura 2000 sites are too remote from the subject site for the appeal site to have a possible connection or pathway. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.