



An
Coimisiún
Pleanála

Inspector's Report

ACP – 324373-26

Development

LRD: Demolition of the former public house for the construction of student accommodation scheme consisting of 249 student bedspaces in 2 blocks ranging in height from 1-6 storeys and all associated site works. Website set up by the applicant: www.cabralrd2025.ie.

Location

Former 'Matt's of Cabra' Public House, 2A Fassagh Avenue, Dublin 7, D07 TH77

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEBLRD6094/26-S3

Applicant(s)

R & D Developments Ltd

Type of Application

LRD Application

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Irish Rail

Observer(s)

James Temple

Cllr Seamus McGratten and Mary Lou McDonald TD

Date of Site Inspection

3rd of September 2026

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1. The site, with a stated net area of c. 0.5318 hectares, is located on the northern side of Fassaugh Avenue in Dublin 7, c.1.1km from the Canal Ring which is defined in the DCC Development Plan 2016-2022 as the 'inner city'.
- 1.2. The site comprises the now vacant 'Matts of Cabra' public house, which is set back from Fassaugh Road with an informal parking area to the front. The site includes lands to the rear of the public house. The site to the rear of the public house is long and narrow and is overgrown, with evidence of dumping of large volumes of spoil. There are limited views into the site from the public domain.
- 1.3. The site is bounded to the east by the rear of two-storey houses which front onto St. Attracta's Road; to the southeast by Lanigans Funeral Home which also fronts onto Fassaugh Avenue with a parking area to the front; to the west by Iarnród Éireann railway line which at a lower level than the site and beyond which are the rear of two-storey houses on Bannow Road. The ground levels to the rear of the site are at a higher level relative to the properties to the east and the railway line to the west, due to the presence of spoil.
- 1.4. Opposite the site, on the southern side of Fassaugh Avenue, is a GAA club and grounds, a Gaelscoil and a Health Centre. There are local neighbourhood centre shops c.200m west. Mount Bernard Park is c. 400m to the east and the Royal Canal corridor is c. 300m to the north. There is an additional primary school c.405m to the southeast, and a primary and secondary school c. 600m to the northwest. The green line Luas stop at Cabra is c. 750m to the east and Broombridge Rail Hub/Luas stop is c.1.1km to the northwest (with commuter rail connections to Dunboyne/Leixlip/Maynooth/Sligo-Longford). There is a bus stop served by the 120 bus opposite the site and the stop for the bus route no. 122 is c.200m west at the neighbourhood centre shops. The area is largely characterised by two storey dwellings.
- 1.5. A SHD development (Hamilton Gardens) is constructed to the southwest, on the opposite site of Fassaugh Avenue behind the existing GAA club, and it comprises 420 units (108 units per hectare), office, community centre, and creche.

2.0 Proposed Development

- 2.1. The proposal seeks to deliver a large-scale residential development principally comprising student accommodation within 2 no. blocks ranging in height from 4-6 storeys at a c.0.51ha site at 2A Fassagh Avenue. The proposed development includes the demolition of the existing vacant 1-2 storey building fronting on to Fassagh Avenue (previously public house, known as Matts of Cabra and more recently in use as a boxing club and associated structures).
- 2.2. The development will principally consist of 249 Student Bedrooms within 32 no. clusters of 6, 7, 8 and 9-bedroom units (including 13 no. accessible units and 10 no. studio units) each with associated shared kitchen/living/dining areas.
- 2.3. Outdoor Communal Space: (approx. 2,287.3 sqm) including 1 no. outdoor terraces at fourth floor level of Block A (193.1 sqm)
- 2.4. Indoor Communal Space: including 2 no. student lounge areas, laundry room, postal room and a reception / office / kitchen / tearoom
- 2.5. Approx. 350 sqm of public open space in the form of a public plaza fronting Fassagh Avenue. The gross floor area of the development is stated as 7,592.3sqm.

Site Area	0.54ha
Site Coverage	29.9%
Height	4-6 Storeys
Proposed Gross Floor Area	7,592.3sqm
Plot Ratio	3.3
Unit Mix	249 Student Bed Spaces
Residential Amenity Spaces	External – 2287.3sqm including 1 no. outdoor terraces at fourth floor level of Block A (193.1 sqm) Indoor communal space – Laundry room, postal room, Reception, Office, Kitchen / Tea Room, Student Lounge (approx. 345.8 sqm)

Density	249uph(62 dwelling equivalents – 122 per hectare
Car parking	13 no accessible space
Bicycle Parking	324 no spaces
Public Open Space	350sqm

3.0 Planning Authority Pre- Application Opinion

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 10th of June 2025.

A stage 2 LRD Meeting under Section 32C of the Planning and Development Act, 2000 (as amended), was held on the 23rd of September 2025. Following this meeting, the Planning Authority issued an LRD Opinion on 21st of October 2025 pursuant to Section 32D (1) of the 2000 Act.

It was the opinion of the Planning Authority that the documentation submitted constitutes a reasonable basis on which to make an application subject to the issues raised below being addressed in any documents submitted in a future planning application.

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:

- Details of materials and finishes to be provided including brick finishes.
- Further details of drainage to be provided.
- Revised transportation assessment to be provided
- The following documents are required to be submitted:
 - Landscape Masterplan
 - Hard works/soft works
 - Landscape Sections
 - Landscape Design Statement

- Open Space Plan
- Boundary Plan
- AA Screening Report
- Ecological Impact Assessment
- Bio-diversity enhancement plan
- Archaeological Impact Assessment

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

The Planning Authority issued a Decision to grant permission subject to 27 conditions. The conditions of note and directly relevant to the appeal include the following:

- C5 - The proposed student accommodation shall be used only as 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. The tourist / visitor accommodation shall only be occupied for short-term letting periods of no more than two months and shall not be used as independent and separate self-contained permanent residential units.
- Reason: To clarify the scope of the Permission, in the interests of amenity and the proper planning and development of the area.
- C6 - The student accommodation shall be operated and managed by an on-site 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, aparthotel or similar use without a prior grant of permission

- Reason: In the interests of the amenities of occupiers of the units and surrounding properties.
- C11. Prior to commencement of development the applicant/ developer shall submit the precise specification, alignment and construction details of the boundary treatment/ wall to the railway which shall be agreed with Iarnród Éireann prior to submission.
- Reason: In the interests of safety in the operation of the railway and the proposed DART + South West project.
- C12. Prior to commencement of development the applicant shall confirm that any works within the DART+ South West substratum acquisition and that any works in proximity to the substratum acquisition shall maintain the required safe clearances to the soil anchors and shall be subject to prior agreement with the DART+ South West team – Iarnród Éireann and the NTA. Reason: In the interests of safety in the operation of the railway and the permitted DART + South West project
- C13. The applicant/developer shall comply with requirements of the Transportation Planning Division of Dublin City Council;
- Prior to the commencement of development, the applicant shall contact the Transportation and Public Realm Department of Dublin City Council prior to lodgement to ascertain their requirements for the proposed upgraded vehicular entrance. Materials in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road and the public realm shall be carried out at the developer's expense and completed prior to the occupation of the development.
- Prior to commencement of development, the applicant shall submit to the Planning Authority for written agreement a revised Servicing and Delivery Plan which indicates the location of the servicing/set down parking bay within the curtilage of the site. The parking bay shall be separate from the proposed accessible car parking space.

- The proposed accessible parking bay shall be fully equipped with EV charging capabilities.
- A minimum of 13 no. cargo bike spaces shall be provided as part of the development. The spaces shall be constructed and ready to use prior to the occupation of the development.
- The Railway Safety Act 2005 places an obligation on all persons carrying out any works on or near the railway to ensure that there is no increase in risk to the railway as a consequence of these works. Because of the proximity of the site to the railway and given the details of the submission from Iarnród Éireann in relation to the DART + South West Project, the Developer must take into account this obligation in Design, Construction and Operation of the scheme. Prior to the commencement of development, the Developer shall contact and agree with Iarnród Éireann detailed sequencing of development works in accordance with the DART + South West project. Evidence of this engagement shall be submitted to the Planning Authority for written agreement prior to commencement of development.
- Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan for the demolition phase of the development shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the entire development and at each phase, including a detailed traffic management plan, hours of working, noise management measures, off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The appointed contractor shall liaise with Dublin City Council Road Works Control Division during construction period.
- Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan for the demolition phase of the development shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the entire development and at each phase, including a detailed traffic management plan, hours of working, noise management measures, off-site disposal of construction waste and access arrangements for labour, plant and

materials, including location of plant and machine compound. The appointed contractor shall liaise with Dublin City Council Road Works Control Division during construction period.

- All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- The developer shall be obliged to comply with the requirements set out in the Code of Practice. Reason: In the interests of safety in the operation of the railway and the permitted DART + South West project and of road safety, orderly development and the provisions under Volume 2, Appendix 5 of the Dublin City Development Plan 2022 – 2028.

4.1. Planning Authority Reports

- 4.1.1. 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 have reviewed this document and provide a summary of the relevant polies within section 6.1 of my report below.
- 4.1.2. The report also provides for an Appropriate Assessment Screening and an Environmental Impact Assessment Screening Determination.
- 4.1.3. 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. The planning officer accepted the development as proposed after a further information request for clarification with respect to western boundary wall and its interactions with lands to Irish Rail

- 4.1.4. 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. Other Technical Reports

- Archaeology, Conservation & Heritage – archaeological monitoring is recommended
- Environmental Health Officers, Housing & Community Service - All private rented dwellings within the proposed development, when let or available for let, must comply with the current national Regulations prescribing minimum standards in rental accommodation. At the time of lodgement of this planning application, these Regulations are the Housing (Standards for Rented Houses) Regulations 2019 (S.I. No 137 of 2019)
- Engineering Department – Drainage Division - A connection from this development to the public surface water network will only be granted when the developer has obtained the written permission of the DPPDC section. All expense associated with carrying out the connection work is the responsibility of the developer. Any unauthorised connections shall be removed at the developer's expense. Permission of DCC Roads Maintenance Services must also be obtained for any work in the public roadway.
- All surface water discharge from this development must be attenuated to 2l/s. The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. The proposed green-blue roofs, rain gardens and permeable paving shall be implemented in full. Full details of the surface water management proposals shall be submitted for agreement with DCC prior to the commencement of construction.
- Parks Department – no objection conditions recommended with respect to Landscaping, Open Space Management and Biodiversity
- Transportation Section – no objection subject to conditions

4.3. Prescribed Bodies

- National Transport Authority - the proposed development significantly overlaps with the DART+ South West project boundary, namely with the substratum acquisition. The NTA is concerned that piling within the CPO substratum may present an unacceptable risk to the approved DART+ SW project.
- The NTA wish to restate the recommendations from the previous submission namely:
- In the first instance the planning authority should satisfy itself that any development at this location will not negatively impact on the deliverability of the critical DART+ South West infrastructure project and that this should be confirmed with the DART+ South West team –Iarnród Éireann and the NTA – prior to any grant of planning permission.
- Transport Infrastructure Ireland - The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme under the Planning and Development Act 2000, as amended. If the above application is successful and is not exempt, please include a condition to apply the Section 49 Luas Line Levy.
- Irish Rail recommends a number of conditions as follows:
 1. The Railway Safety Act 2005 places an obligation on any 3rd party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the Applicant must take due consideration of this obligation during the planning and construction of the development.
 2. Due to proximity of the GSWR railway line, a 2.4m high suitable designed, solid block boundary treatment, should be erected by the applicant on the applicants' side of the property boundary. The maintenance of this boundary treatment rests with the Applicant and the Successor-in-Title. The exact location and details of this boundary treatment must be identified on site in co-operation with this office.
 3. The security of the railway boundary must be maintained at all times during construction where new boundary treatment is to be installed. Preferably the

permanent boundary treatment should be completed early in the construction programme.

4. At no point should the applicant or their representatives enter railway property to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means.
5. No additional liquid, either surface water or effluent shall be discharged to, or allow to seep onto, the railway property or into railway drains / ditches.
6. The Applicant must not undermine the integrity of the cutting CTO002D along the western boundary of the proposed development. Iarnród Éireann has an obligation to maintain these cuttings.
7. The Applicant must submit a detailed construction plan together with a risk assessment and method statement to Iarnród Éireann in advance for review and agreement. This is required to assess the risks that construction may pose to the railway corridor and existing structures, and to determine whether protection measures are needed during the works.
8. Detailed designs of foundations and other substructure elements must be submitted by the Applicant to Iarnród Éireann for review and approval prior works commencing on site. This is to ensure that Iarnród Éireann's technical requirements associated with the slope stability of the cutting can be met.
9. Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnród Éireann / CIÉ. regarding this issue.
10. Any proposed services that are required to cross along, over or under the railway property must be the subject of a licence agreement with Iarnród Éireann / CIÉ.
11. No overhang of any part of the development over the railway property is to be allowed.
12. No building shall be constructed within 4 metres of the Boundary Treatment on the applicants' side. This is to allow for the applicant to maintain his / her building, without the need to enter Board Property

4.4. Third Party Observations

The issues raised in the third party observations overlap with the issues raised within the third party appeal as set out below. The issues raised can be addressed briefly as follows:

- The site should be considered for permanent social and affordable housing, having regard to the level of housing need in Cabra and Dublin City, including demand for family-sized social housing.
- Concern is raised regarding the scale, height and density of the proposed development, with buildings ranging from one to six storeys, and its relationship with the predominantly low-rise residential character of the surrounding area.
- It is submitted that student accommodation should be located as close as possible to educational institutions and that the potential availability of land at the TU Dublin Grangegorman campus provides a more appropriate location for student accommodation.
- Concern is raised regarding the potential concentration of student accommodation and the introduction of a large transient population into an established residential community.

5.0 Planning History

5.1.1. An Coimisiún Pleanála Case Ref. TAN 29N 312859

Permission was REFUSED for the demolition of the former “Matt's of Cabra” public house and associated structures, and construction of 117 no. apartments and associated site works.

The application consisted of Demolition area of c.791 sqm, the construction of a part one number to part seven number storey (over basement) development with 117 total built to rent apartments (67 one-bed, 50 two-bed), a café or retail unit, residential amenity spaces at ground level (work/study/ function room, lounge). The proposed development totalled a gross floor area above ground of c.9668 square metres, basement of 1384 sqm (car and bike parking/services), and a gross floor space of 9,519 sqm.

Permission was refused on the 9th of June 2022 for the following reason

Having regard to the Urban Development Building Height Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, it is considered that the proposed development by reason of its design, scale, bulk and mass would be out of character with the context of the site, would represent a visually prominent and monolithic form of development relative to its immediate environment, would be visually obtrusive, and would seriously detract from the visual amenities and character of the area when viewed from the east and from the west, and in combination with the design in terms of façade treatment and architectural expression, would not constitute an adequate design response to the context and opportunity of this urban infill site, and would not, therefore, be in accordance with the criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.

5.1.2. An Coimisiún Pleanála Case Ref. SHD0001/18

Permission was GRANTED for the demolition of the former "Matts of Cabra" public house and associated structures, and the construction of a mixed-use strategic housing development (SHD) comprising student accommodation consisting of 208 no. bedspaces, vehicular access onto Fassagh Avenue, and all other site development works.

The proposed development comprised specifically of the demolition of existing public house and associated outbuildings (798.9 sq.m.); the removal of stockpile of material from the rear of the site; 3. no. 4/5 storey blocks containing 208 no. student bedspaces in 44 no. 4/5/6/7/8 bed units and 10 no. studio units; associated facilities including a central access lobby, a central hub, recreation spaces, administration areas (and proposed to be used as tourist accommodation outside of term time); 2 no. retail units (657.65 sq.m.) fronting onto Fassagh Avenue; Vehicular access to Fassagh Avenue and set-down area; Site development works including landscaping, amenity areas, roof garden, car and cycle parking, refuse storage, ESB substation, and connection to the public watermain and sewer.

5.1.3. PA reg ref 3420/16

Planning permission was GRANTED for the development of 19 no. residential units and one retail unit in addition to demolition of the "Matts of Cabra" public House building; Construction of a 4 storey retail and residential block; 8 no. apartments from first-third floor levels (2 no. 1 bedroom, 4 no.2 bedroom & 2 no. 3 bedroom) with balconies / terraces on the east, south and west elevations; 11 no. 3 storey 3 bedroom houses (consisting of 5 no. terraced and 6 no. semi-detached units) to the rear; 30 no. surface level car parking spaces and 12 no. covered bicycle parking spaces (associated with the development); Public open space, communal and amenity open space: Provision of a new vehicular entrance from Fassaugh Avenue; 2 no. loading bays on Fassaugh Avenue; Associated landscaping and boundary treatment (including new retaining walls); Bin stores; and all associated site development and engineering works necessary to facilitate the development.

Site to Southwest:

- 5.1.4. SHD Ref ABP-300492-17: Permission GRANTED for 420 units (419 apts and 1 house), resident facilities, and a neighbourhood centre comprising a supermarket and 3 other retail units, office, community centre, and crèche, in 9 no. blocks of 1-8 storeys. all on CIE lands to the south west of the development site, on the opposite side of the railway bridge at Fassaugh Avenue. Permission was granted on 21st March 2018.
- 5.1.5. SHD Ref ABP-305979-19: Permission granted for 485 units (484 apartments and 1 house), resident facilities, 2 retail/café/restaurant units, and a supermarket, in 9 no. blocks of 1-8 storeys. Permission was granted on 18th March 2020.

6.0 Policy Context

6.1. 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.

6.1.1. 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 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, sets 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

- 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.

- 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:

- 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.

- 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.
- 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.
 - 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.
 - 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.
- 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.
- 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;
 - (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.

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

- 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 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

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.

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 (to the rear of commercial buildings) 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

The front of the site where there are existing commercial building is zoned under Objective Z3 – Neighbourhood Centres. Residential is Open for consideration within this use.

Relevant Sections of the Development Plan:

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

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

Chapter 5 Housing

- QHSN1: National and Regional Policy
- QHSN2: National Guidelines
- QHSN3: Housing Strategy and HNDA
- QHSN10: Urban Density
- QHSNO11: 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

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

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
- 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.

- 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

- At a distance of c. 200m to the north is the Royal Canal, designated as a Proposed Natural Heritage Area.
- Approx. 4km to the east is the North Dublin Bay pNHA (000206)
- Approx 4km South Dublin Bay and River Tolka Estuary SPA (site code 004024), the latter being the nearest European site.
- Approx 4km South Dublin Bay SAC (Site Code SAC000210)

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 Determination. 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 Appeal

- The appeal has been submitted by Iarnród Éireann – Irish Rail and relates solely to Conditions No. 11 and No. 12 of Dublin City Council's decision to grant permission for the proposed student accommodation development at 2A Fassagh Avenue, Dublin 7.
- Condition No. 11 requires, prior to commencement of development, the submission of the precise specification, alignment and construction details of the boundary treatment/wall adjoining the railway, to be agreed with Iarnród Éireann. The stated reason for the condition is in the interests of safety in the operation of the railway and the proposed DART+ South West project.
- Condition No. 12 requires, prior to commencement of development, confirmation that any works within, or in proximity to, the DART+ South West substratum acquisition will maintain the required safe clearances to soil anchors and will be subject to prior agreement with the DART+ South West team, Iarnród Éireann and the NTA. The stated reason for the condition is in the interests of safety in the operation of the railway and the permitted DART+ South West project.
- The appellant states that a Railway Order for the DART+ South West project was approved on 13 November 2024 and that the Railway Order includes part of the lands subject to the current planning application. The appellant states that the approved scheme provides for the acquisition of part of the

substratum of the lands and includes soil anchors associated with the railway works.

- It is stated that the proposed development has the potential to affect the implementation of the DART+ South West project, particularly in respect of the substratum lands, soil anchors and the required clearances. It is submitted that the plans and particulars accompanying the planning application should demonstrate that the development can be carried out without interfering with or compromising the safety or operation of the permitted railway project.
- In relation to Condition No. 12, it is submitted that detailed plans and specifications for the substratum lands and associated soil anchors have already been prepared as part of the Railway Order process and that steps have been taken to identify and acquire the relevant substratum lands. The appellant considers that the required clearances from the soil anchors should therefore be demonstrated by the approved plans and particulars for the development, rather than being left as a matter for subsequent detailed design. It is submitted that leaving these matters for subsequent agreement could create uncertainty in respect of the interaction between the permitted development and the DART+ South West Railway Order.
- In relation to Condition No. 11, it is considered that the wording of the condition is ambiguous, as it refers to the submission and agreement of the specification and alignment of the boundary treatment/wall and contains separate references to agreement with Iarnród Éireann. The appellant considers that the condition should clearly require the precise specification, alignment and construction details of the boundary treatment to be submitted and agreed prior to commencement of development.
- The appellant further raises concern regarding the requirement in both conditions for matters to be agreed with Iarnród Éireann and/or the DART+ South West team. It is submitted that the conditions should specify that such agreement is to be provided in writing, thereby providing certainty as to whether the requirements of the conditions have been satisfied before development proceeds.

- Iarnród Éireann welcomes the imposition of Conditions No. 11 and No. 12 and considers that the conditions reflect the need to ensure that the proposed development does not prejudice the DART+ South West project. However, it considers that the wording of the conditions requires greater certainty regarding both the obligations on the developer and the form of agreement required with Iarnród Éireann.
- The appellant therefore requests that the Commission modify Conditions No. 11 and No. 12 to provide greater certainty in respect of the approved development, the required clearances from the soil anchors, the boundary treatment adjoining the railway and the requirement for written agreement with Iarnród Éireann/DART+ South West prior to commencement of the relevant works.

8.2. Applicant Response

- The applicant notes that the appeal is confined to Conditions No. 11 and No. 12 and does not challenge the principle, land use, scale, height, massing, design, residential amenity or environmental effects of the permitted development.
- Condition No. 11: The applicant considers that the appeal concerning this condition is procedural and relates to the wording of the condition rather than any substantive concern regarding the development or the proposed railway boundary treatment.
- The applicant refers to the Further Information process, during which Dublin City Council required details of the proposed boundary treatment along the railway. It states that a drawing was submitted identifying the location of a proposed solid boundary wall along the common boundary with the railway corridor.
- The applicant considers that while the location and principle of the boundary treatment could be established at planning stage, the detailed engineering specification, construction methodology and exact alignment were matters of detailed design which could be progressed following permission through engagement with the relevant statutory bodies.

- The applicant states that it is willing to engage with Iarnród Éireann in finalising the boundary treatment and considers that Condition No. 11 provides an appropriate mechanism to secure this prior to commencement of development. It would have no objection to clarification of the wording to address the sequencing of submission and agreement.
- Condition No. 12: The applicant considers that the appeal is based on a misunderstanding of the purpose and effect of the condition. It states that the condition does not permit or provide for amendments to the permitted development and that the development remains subject to the approved plans and particulars under Condition No. 1.
- The applicant states that Condition No. 12 is intended to address the detailed engineering coordination required before construction, including ensuring appropriate clearances from soil anchors associated with the DART+ South West project.
- The applicant refers to the Further Information process and states that it submitted a Preliminary Soil Slope Design report prepared by AGL Consulting Geotechnical Engineers, together with an engineering response from Lohan & Donnelly Consulting Engineers, addressing the relationship between the proposed development and the future railway infrastructure.
- The applicant states that, despite engagement with Iarnród Éireann, detailed information regarding the future soil anchor design, including the definitive layout, geometry and required separation distances, was not available. It therefore commissioned independent geotechnical specialists to assess the matter based on the information available.
- The applicant states that the independent assessment concluded that the proposed development would not adversely affect the stability of the railway cutting or prejudice the future DART+ South West project, and that the proposed piled raft foundation had been designed to avoid conflict with the anticipated zone of influence of future soil anchors.
- The applicant further states that Iarnród Éireann has not submitted engineering evidence refuting the conclusions of its specialist assessments or identified specific deficiencies in the methodology or conclusions.

- The applicant considers that Dublin City Council, having considered the engineering information submitted, appropriately addressed the remaining interface matters through Condition No. 12, requiring agreement of the final engineering details with the DART+ South West team, Iarnród Éireann and the NTA before commencement.
- The applicant refers to a meeting held with Iarnród Éireann and the design team on 8 July 2026. It states that Iarnród Éireann maintained that no piling should enter the Railway Order substratum acquisition lands, but that detailed information regarding the future soil anchor layout, zone of influence, stand-off distances and engineering design remained unavailable. The applicant considers that preventing development pending completion of the detailed DART+ South West design could result in the subject lands being sterilised for an indeterminate period. It maintains that the development can proceed safely based on the independent engineering assessment, subject to the requirements of Condition No. 12.
- The applicant considers Condition No. 12 to be reasonable and proportionate and requests that the appeal against the condition be dismissed.
- In the alternative, should the Commission consider amendments necessary, the applicant requests that Condition No. 12 provide for agreement of the final engineering details on the basis of objective engineering evidence and protection of the future railway infrastructure, and that the condition should not permit agreement to be withheld solely because the detailed design of the DART+ South West project has not yet been completed.
- Overall, the applicant requests that the decision of Dublin City Council be upheld and that Conditions No. 11 and No. 12 remain in place, subject only to any clarification of their wording considered necessary by the Commission.

8.3. Planning Authority Response

- None

8.4. Observations

There are two observations on file. A councillor for the Cabra area and the second is from a local resident.

8.4.1. The first observation on file is from Cllr Seamus McGrattan. The issues raised can be summarised as follows:

- The observer supports the need for student accommodation but considers that the proposed 249-bed student accommodation scheme would not contribute to a balanced and sustainable community in Cabra.
- It is submitted that the site should instead be considered for permanent social and affordable housing, having regard to the level of housing need in Cabra and Dublin City, including demand for family-sized social housing.
- Concern is raised regarding the scale, height and density of the proposed development, with buildings ranging from one to six storeys, and its relationship with the predominantly low-rise residential character of the surrounding area.
- The observer considers that the proposal is inconsistent with objectives of the Dublin City Development Plan 2022–2028 relating to sustainable neighbourhoods, balanced communities, housing provision and the appropriate development of vacant and underutilised sites.
- It is submitted that student accommodation should be located as close as possible to educational institutions and that the potential availability of land at the TU Dublin Grangegorman campus provides a more appropriate location for student accommodation.
- Concern is raised regarding the potential concentration of student accommodation and the introduction of a large transient population into an established residential community.
- The observer refers to the number and scope of the 27 conditions attached to the planning permission and considers that the extent of these conditions indicates that the development, as proposed, raises significant concerns regarding its suitability for the site.
- In relation to residential amenity, concerns are raised regarding sunlight/daylight, The observer refers to the submitted Daylight and Sunlight

Assessment and its finding that 42 of 71 assessed residential windows would experience an adverse effect.

- The observer considers that the proposed development represents a missed opportunity to provide permanent housing and expresses concern that permission would set an undesirable precedent for large-scale student accommodation within established residential communities.
- The observer requests that the decision to grant permission be reversed.

8.4.2. The second observation on file is from a resident of St Attracta Road to the immediate east of the site. The issues raised can be summarised as follows:

- The height of the proposed development is excessive for the local area.
- The development will result in significant overshadowing reducing light into the home.
- The proposal will result in illegally parked cars being positioned in the surrounding areas.

8.5. **Further Responses**

- None

9.0 **Assessment**

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:

- Context
- Principle of Development.
- Planning Conditions
- Density
- Height,
- Daylight Sunlight.
- Other Matters.

9.1. Context

- 9.1.1. The appeal before the Commission is a first-party appeal by Irish Rail against conditions 11 and 12 attached to Dublin City Council's decision to grant permission for the proposed purpose -built student accommodation development. Having regard to Section 139 of the Planning and Development Act 2000, as amended, the Commission may restrict its determination to the conditions subject to appeal and is not required to undertake a de novo assessment of the proposed development. However, I note that two third -party observations have been received which raise a number of matters relating to the development generally, including its height, scale and density. I have considered these matters in the assessment below.
- 9.1.2. The proposed development comprises a purpose-built student accommodation scheme on an established urban site of 249 bed spaces over two blocks. The blocks traverse the site from south to north in a linear fashion. The blocks are arranged over 32 no. clusters of 6, 7, 8 and 9-bedroom units (including 13 no. accessible units and 10 no. studio units) each with associated shared kitchen/living/dining areas. Block A, faces on to Fassaugh Avenue to the south and is 4 stories stepping up further north to 5 storeys. Block B is located to the rear of Block A and starts at 5 stories up to 6 and back down to 4 stories to the rear north of the site.
- 9.1.3. I note that the Planning Authority considered the proposed development in the context of the previous proposal on the site, which was refused by the Commission under ABP Case Ref. TAN 29/312859, including on grounds relating to the scale, bulk and massing of the development, its visual impact and the quality of residential amenity. In particular, concerns had previously arisen in relation to the monolithic nature of the building, the internal layout and corridors, overlooking and the availability of daylight and sunlight. The current proposal has been amended having regard to these matters. In particular, one storey has been removed from the northern portion of Block B, while the northern block has been set back from the eastern boundary. The proposal also retains the required 4-metre exclusion zone along the western boundary associated with the railway infrastructure. The building form has been further articulated through stepped building heights, modulation of the elevations and the use of vertical elements, including the arrangement of windows and stair cores, to reduce the perceived scale and mass of the development

9.1.4. In its assessment of the application, Dublin City Council considered the overall design, height, scale and density of the development and was satisfied that the proposal was acceptable in these respects and would accord with the relevant policies and objectives of the Dublin City Development Plan 2022–2028 and applicable national Section 28 Guidelines. Having regard to the nature of the appeal, I will first consider the matters directly arising from Conditions 11 and 12. I will then address the other matters raised by the third-party observers, including the design, height, scale, density and residential amenity implications of the proposal. The assessment is therefore structured under the following headings.

9.2. Principle of Development

- 9.2.1. The subject site has a split land use zoning objective, as illustrated in the figure above. The zoning objectives pertaining to the subject site include 'Z1: Sustainable Residential Neighbourhoods', with an objective "to protect, provide and improve residential amenities". This zoning objective covers the majority of the site, with a small section of the southern portion of the site where the existing buildings are located in zoned 'Z3: Neighbourhood Centres', with an objective "to provide for and improve neighbourhood facilities."
- 9.2.2. I have examined Tables 9 and 10 of the Dublin City Development Plan 2022–2028 in relation to Zoning Objective Uses and note that student accommodation is identified as 'open for consideration' under Z1, student accommodation is therefore an identified use which may be considered having regard to the relevant planning considerations.
- 9.2.3. Under Z3, student accommodation is not identified as being specifically open for consideration within the zoning provisions. The Z3 objective states Z3 objective states that "*and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.*" Student accommodation is not identified specifically however residential is open for consideration. Section 14.3.1 states that "Other uses will be dealt with in accordance with the overall policies and objectives in this plan. "
- 9.2.4. I consider that an element of residential however is open for consideration within the Z3 zoning which can include Student Accommodation. The Dublin City Development

Plan states with respect to Neighbourhood Centres that the emphasis is on active neighbourhood uses and community-serving facilities. I consider the proposal supports through the provision of public plaza space, landscaped amenity areas and student support services integrated into the ground floor frontage, with an active public realm proposed to the front of the site on Faussagh Avenue of 350m². Having regard to the zoning objectives pertaining to the site, the planning history of the site, which has already established a precedent for student accommodation use, and the nature, scale and location of the proposed development, I consider the principle of providing student accommodation at the subject site across Z1 and Z3 to be acceptable. The suitability of the site to deliver student accommodation in accordance with overall policies and objectives of Dublin City Development Plan shall be assessed below.

9.2.5. Core Strategy and Compact Growth

The appeal site is situated within the city centre of the administrative area of Dublin City Council. The Core Strategy of the 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. I note that the subject site is not situated within an identified Strategic Development Area. Table 2.10 of the Core Strategy identifies an estimated 189 hectares of zoned lands with a capacity to provide for approximately 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, thereby supporting the optimal use of the finite resource of land.

9.2.6. I consider that the proposed development accords with these principles. The subject site is an urban site within the established built-up area of Dublin City, and the proposal provides for the redevelopment and more intensive use of the site for a purpose which is identified as open for consideration under the applicable zoning objectives. The development therefore supports the efficient use of serviced urban land and the principles of compact growth and consolidation identified in the Core

Strategy. Furthermore, I note that support for student accommodation is also provided at national and regional level through Section 6.6 of the National Planning Framework – First Revision, Section 7.7 of Delivering Homes, Building Communities 2025–2030: An Action Plan on Housing Supply and Targeting Homelessness, and Section 9.3 of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019–2031 (RSES). Having regard to the above, I consider that the proposed development is consistent with the overall strategic approach of the Dublin City Development Plan 2022–2028 in relation to compact growth, the efficient use of urban land and the provision of student accommodation in appropriate locations.

9.2.7. Location of Student Accommodation / Observer's Concerns

I note that the observation on file raises concerns in relation to the location of the proposed student accommodation. It is stated that the site should instead be considered for permanent social and affordable housing, having regard to the level of housing need in Cabra and Dublin City, including demand for family-sized social housing. The observer also raises concerns regarding the suitability of the location for student accommodation and considers that the development would not contribute to a balanced and sustainable community. The Dublin City Development Plan 2022–2028 does not set out specific locational requirements for student accommodation. Objective QHSN44 seeks to avoid the proliferation and concentration of student accommodation developments. Objective QHSN45 requires the Planning Authority, when considering applications for student accommodation developments, to consider the nature of the locality in terms of the mix of land uses and housing types and the existing and proposed number of students in the locality. In this regard, the Planning Authority accepted the location of the site for 100% student accommodation, having regard in particular to its proximity to third-level educational institutions. The Planning Authority considered that the site is located within easy reach of TU Dublin Grangegorman, Trinity College Dublin (via Luas/DART), and other central third-level institutions, making it highly suitable for purpose-built student accommodation.

9.2.8. I note that the applicant has submitted a student accommodation concentration assessment, which is a tool used by Dublin City Council to assist the Planning Authority in its assessment of the concentration of student bedspaces. The submitted assessment indicates that there are no existing, permitted and not yet

constructed, or live applications for Purpose-Built Student Accommodation (PBSA) schemes within the area assessed. I do not consider that the proposal would result in an undue concentration or proliferation of student accommodation in the immediate area. Rather, the proposed development would provide managed student accommodation at an appropriately located urban site in proximity to a number of third-level educational institutions. I consider that the provision of purpose-built student accommodation has the potential to contribute to the wider housing market. The proposed PBSA will accommodate students who may otherwise rely on more informal living arrangements and rented accommodation within the surrounding catchment of Cabra and Dublin City. I consider that there will be a redistribution from more informal student living arrangements to managed student accommodation. Over time, and together with the provision of other purpose-built student accommodation, this has the potential to free up existing private rented accommodation for wider residential use and thereby contribute to meeting the significant demand for housing in the city.

- 9.2.9. Accordingly, while I acknowledge the observer's stated preference for the site to be developed for permanent social and affordable housing, I do not consider that this, demonstrates that the proposed student accommodation is contrary to the zoning objectives or the policies and objectives of the Dublin City Development Plan. Student accommodation is an identified use which is open for consideration under the applicable zoning objectives, and the Development Plan does not require the subject site to be prioritised for permanent social or affordable housing. I therefore do not agree with the observer's contention that the proposed PBSA would not assist in addressing the wider housing shortage. In my view, the provision of appropriately located and managed student accommodation can contribute indirectly to housing supply by accommodating students who would otherwise compete for existing residential accommodation.

9.2.10. Social, Community and Educational Infrastructure

The subject site is located in an area with an established and significant range of social, community and cultural infrastructure within walking distance, which also supports students. The applicant has submitted a Planning Statement and a Social, Community and Educational Audit which illustrates that, the subject site, by virtue of its city location, benefits from a range of social infrastructure, including civic, cultural,

community, healthcare, recreational facilities and educational services in the surrounding area. I consider that the proposed development will support these existing facilities and services and will not put undue pressure on existing infrastructure, having regard to the established urban location and the range of facilities available within the surrounding area. I note that the subject site is within walking distance of a number of neighbourhood centres with convenience retail providing day-to-day essentials. The subject site is also proximate to a significant quantity of green open space, including public parks, squares, sports clubs and stadiums.

9.2.11. The applicant has identified 36 no. third-level colleges, universities and institutions within a 5 km radius of the subject site. The subject site is well connected to third-level educational facilities, with several institutions being within convenient walking/cycling distance and others being well connected by public transport. I note that TU Dublin Grangegorman Campus is located approximately 1.2 km, or a 17-minute walking distance, from the subject site. The location therefore provides access to a broad range of educational, employment, retail, recreational, cultural and community facilities and is well served by sustainable transport modes. I consider these characteristics to be consistent with the objectives of the Objective QHSN44 & Objective QHSN45 of the Dublin City Development Plan in relation to compact growth, sustainable transport and the appropriate location of higher-density urban development.

9.2.12. Conclusion on Principle of Development

Having regard to the Z1: Sustainable Residential Neighbourhoods and Z3: Neighbourhood Centres zoning objectives applying to the site, the provisions of Tables 9 and 10 of the Dublin City Development Plan 2022–2028 which identify student accommodation as open for consideration, the Core Strategy's emphasis on compact growth and the sustainable development of brownfield and infill lands, and the national and regional policy support for the provision of student accommodation, I consider the principle of the proposed development to be acceptable

9.3. Condition No 11

- 9.3.1. The primary grounds of appeal are centred on two planning conditions, namely Condition No. 11 and Condition No. 12. Iarnród Éireann welcomes the imposition of Conditions No. 11 and No. 12 and considers that the conditions reflect the need to ensure that the proposed development does not prejudice the DART+ South West project. However, it considers that the wording of the conditions requires greater certainty regarding both the obligations on the developer and the form of agreement required with Iarnród Éireann. The appellant therefore requests that the Commission modify Conditions No. 11 and No. 12 to provide greater certainty in respect of the approved development, the required clearances from the soil anchors, the boundary treatment adjoining the railway and the requirement for written agreement with Iarnród Éireann/DART+ South West prior to commencement of the relevant works.
- 9.3.2. Condition No. 11 requires, prior to commencement of development, the submission of the precise specification, alignment and construction details of the boundary treatment/wall adjoining the railway, to be agreed with Iarnród Éireann. The stated reason for the condition is in the interests of safety in the operation of the railway and the proposed DART+ South West project.
- 9.3.3. The appellant considers that the wording of the condition is ambiguous, as it refers to the submission and agreement of the specification and alignment of the boundary treatment/wall and contains separate references to agreement with Iarnród Éireann. The appellant considers that the condition should not clearly require the precise specification, alignment and construction details of the boundary treatment and these should have been considered at planning stage. It is set out the wording of the condition creates ambiguity and does not specify that the that the works do not adversely impact on the operation of the adjoining railway or prejudice the future DART+ South West project.
- 9.3.4. The applicant refers to the Further Information process, during which Dublin City Council required details of the proposed boundary treatment along the railway. It states that a drawing was submitted identifying the location of a proposed solid boundary wall along the common boundary with the railway corridor. The applicant considers that while the location and principle of the boundary treatment could be established at planning stage, the detailed engineering specification, construction

methodology and exact alignment were matters of detailed design which could be progressed following permission through engagement with the relevant statutory bodies. The applicant states that it is willing to engage with Iarnród Éireann in finalising the boundary treatment and considers that Condition No. 11 provides an appropriate mechanism to secure this prior to commencement of development. It would have no objection to clarification of the wording to address the sequencing of submission and agreement.

9.3.5. I note the submission of further information response and proposed boundary wall treatment. The boundary wall is to be located wholly within the applicants own red line boundary. I note Iarnrod Eireann did not specify the exact locational requirements for the boundary wall or specify a distance from soil anchors. Therefore, having considered Condition No. 11 as imposed by Dublin City Council, together with the grounds of appeal and the applicant's response, I consider the condition to be reasonable, and realistic. I consider that the condition, in the context of the development permitted, is procedural in nature and relates to detailed matters concerning the implementation of the development, rather than raising a substantive planning concern regarding the principle or acceptability of the proposed boundary treatment.

9.3.6. I consider the principle and general location of the boundary treatment have therefore been established through the planning process. The precise details sought by Condition No. 11 relate to the detailed engineering specification, alignment and construction methodology of the boundary treatment, with the purpose of ensuring that the works do not adversely impact on the operation of the adjoining railway or prejudice the future DART+ South West project. Iarnrod Eireann within their submission have not provided information during the appeal stage, that contradicts this assessment but seek that the condition provide more clarity. I consider that the matters of boundary wall treatment are capable of being addressed as points of detail prior to commencement of development and can be achieved without impact on the Dart + South West Project. I consider the condition does not add confusion, ambiguity or seeks conflicting information. The primary purpose of the condition is to ensure that the works do not adversely impact on the operation of the adjoining railway or prejudice the future DART+ South West project or Railway Order. In this regard, I consider the condition to be consistent with the provisions of Section 34(5)

of the Planning and Development Act 2000, which provides for conditions concerning points of detail relating to a grant of permission.

9.3.7. I acknowledge the appellant's concerns regarding the wording of the condition and its request for greater certainty regarding the form of agreement required. The appellant has not provided any detail or recommended conditions. However, I do not consider it appropriate that the planning authority or the Commission should abdicate responsibility for the determination of planning conditions to a prescribed body or other third party. While I consider consultation with Iarnród Éireann to be necessary and appropriate, the agreement of the detailed matters should remain within the planning system and should be managed by the Planning Authority, following consultation with Iarnród Éireann and having regard to its specialist railway safety requirements.

9.3.8. In this regard, where the Commission is minded to grant permission, I consider that a slight modification to the wording of Condition No. 11 would provide greater clarity while retaining the intent and purpose of the condition. I recommend that the condition be amended as follows:

"The western boundary shall be designed and constructed so as not to interfere with or compromise the safety or operation of the permitted Dart + South West Project. Prior to commencement of development, detailed specifications and construction details for the boundary treatment adjoining the railway as agreed with Iarnród Éireann shall be submitted to the Planning Authority for written agreement. Confirmation of agreement with Iarnród Éireann shall also be provided.

I consider that the above wording provides a clear sequence of submission, consultation and agreement, while ensuring that responsibility for the condition remains within the planning system. I therefore recommend that condition 11 be retained and modified.

9.4. Condition No. 12

9.4.1. Condition No 12 as imposed by the planning authority states

"Prior to commencement of development the applicant shall confirm that any works within the DART+ South West substratum acquisition and that any works in proximity to the substratum acquisition shall maintain the required safe clearances to the soil

anchors and shall be subject to prior agreement with the DART+ South West team – Iarnród Éireann and the NTA.”

- 9.4.2. The appellant sets out that detailed plans and specifications for the substratum lands and associated soil anchors have already been prepared as part of the Railway Order process and that steps have been taken to identify and acquire the relevant substratum lands. The appellant considers that the required clearances from the soil anchors should therefore be demonstrated by the approved plans and particulars for the development, rather than being left as a matter for subsequent detailed design. It is submitted that leaving these matters for subsequent agreement could create uncertainty in respect of the interaction between the permitted development and the DART+ South West Railway Order. I note the appellant has not provided details of what the clearance from soil anchors or substratum lands should be.
- 9.4.3. The applicant considers that the appeal is based on a misunderstanding of the purpose and effect of the condition. It states that the condition does not permit or provide for amendments to the permitted Dart + South West Project or Railway Order .The applicant states that Condition No. 12 is intended to address the detailed engineering coordination of the proposed development required before construction, including ensuring appropriate clearances from soil anchors associated with the DART+ South West project.
- 9.4.4. The applicant refers to the Further Information process and states that it submitted a Preliminary Soil Nail Slope Design report prepared by AGL Consulting Geotechnical Engineers, together with an engineering response from Lohan & Donnelly Consulting Engineers, addressing the relationship between the proposed development and the future railway infrastructure. The applicant states that detailed information regarding the future soil anchor design, including the definitive layout, geometry and required separation distances, was sought from Iarnrod Eireann but was not available. It therefore commissioned independent geotechnical specialists to assess the matter based on the information available. I consider this approach to be reasonable.
- 9.4.5. The report as submitted at further information stage sets out the following:
- The proposed building is designed to utilise a piled raft foundation, with the piles kept in line with one another to minimise the area occupied within the proposed alignment of the Iarnród Éireann soil anchors. In order to develop the site, a significant

overburden of made ground is required to be removed to bring the site back to a consistent level at natural ground level. The removal of this material will reduce the loading on the proposed soil anchors. This is demonstrated in Figures 1 and 2 of the AGL report. The report demonstrates that the factor of safety of the soil anchors increases following development when compared with the pre-development situation.

- 9.4.6. If a shallow foundation design were adopted, the bulb of pressure from the foundations would extend from the underside of the foundations through the zone of influence of the soil anchors. This could increase the loading and stresses on the soil anchors and could require additional soil anchors or a more robust design to accommodate the additional loading. Having regard to this, a piled raft foundation has been selected for the proposed development. The proposed piles would transfer the building loads to a depth below the zone of influence of the proposed soil anchors. While the proposed piles themselves extend through the zone of influence of the soil anchors, the building loading is transferred below this zone. Therefore there would be no impact on substratum lands

The proposed foundation arrangement and design therefore avoids reliance on any future Iarnród Éireann slope stabilisation works, including soil anchors, and reduces the risk of undermining or subsidence affecting the proposed development. The AGL report demonstrates that the proposed piled solution increases the factor of safety for the soil anchors. On this basis, the proposed development would improve the existing situation in terms of the stability of the slope and the proposed soil anchors. In relation to confirming that the proposed piling or deep foundations will not adversely affect the zone of influence of the soil anchors within the DART+ South West substratum acquisition, I consider the applicant has demonstrated that the proposed piling will not affect the zone of influence of the soil anchors.

- 9.4.7. The AGL report also demonstrates that sufficient space remains for the proposed Iarnród Éireann soil anchors to be installed alongside the proposed piles. The applicant states that the proposed piling solution occupies approximately 10% of the available elevation space, leaving approximately 90% of the elevation available for the installation of soil anchors. Figure 3 of the AGL report illustrates part of the elevation of the slope, showing the proposed array of soil anchors and the proposed piles for the development. The applicant further states that the general tolerance for

the soil anchor locations would be approximately +/-100mm, reducing to +/-50mm for soil anchors located adjacent to the proposed piles, while the proposed development piles would have a tolerance of approximately +/-75mm. Regardless of which development proceeds first, the soil anchors and proposed piles will be installed to ITM coordinates and within their specified tolerances. As-built drawings would also be available for whichever element is installed first. Based on the information provided in this regard, I consider that there is minimal risk of a conflict between the two systems.

- 9.4.8. As an additional risk mitigation measure, the applicant states that, should the proposed development be constructed before the soil anchors, a sacrificial “dummy” pile would be installed on the railway side of each bearing pile located within the plan extent of the proposed soil anchors. This would provide additional protection to the structural piles supporting the proposed building during the subsequent installation of the soil anchor works. This measure is also described in Section 13.1.1 of the AGL report.
- 9.4.9. I note that the appeal from Iarnród Éireann does not dispute the technical information contained within the AGL report or identify a specific conflict between the proposed piling arrangement and the future soil anchor works. I also note that the Planning Authority was satisfied with the level of technical detail provided in relation to this matter. Having regard to the further information provided, I consider that the applicant has demonstrated an awareness of the concerns of Iarnród Éireann in relation to the future railway infrastructure and has provided a foundation design and construction approach which seeks to address these concerns. I also note the applicant's willingness to cooperate with the requirements of Iarnród Éireann during the detailed construction phase.
- 9.4.10. In this regard, I consider that Condition No. 12 is not seeking to redesign the proposed foundation system or to permit a change to the development approved under Condition No. 1. Rather, the purpose of the condition is to ensure, prior to construction, that the detailed works are coordinated with the DART+ South West project and that the required separation between the proposed development and the future railway infrastructure is maintained. I consider that this is a reasonable and realistic requirement, having regard to the nature of the proposed development and the adjoining railway infrastructure. The condition provides a mechanism to ensure

that the proposed piling and other construction works do not infringe into the substratum acquisition or interfere with the soil anchors associated with the DART+ South West project.

9.4.11. I acknowledge the appellant's concern that the detailed location and design of the soil anchors form part of the Railway Order process and that there should be certainty that the proposed development will not prejudice the future railway project. However, I consider that the condition provides an appropriate mechanism to ensure that this matter is addressed before the relevant works commence. The condition does not in itself allow for a redesign of the permitted development or for material changes to the approved plans.

9.4.12. I also consider it appropriate that the planning authority retains responsibility for agreeing the required details. Agreement with Iarnród Éireann, the NTA and the DART+ South West team is appropriate given their direct involvement in the future railway infrastructure, but the planning authority should retain responsibility for the administration and agreement of the condition within the planning system. In this regard, I consider that the reference in Condition No. 12 to prior agreement with the DART+ South West team, Iarnród Éireann and the NTA should be clarified so that the condition remains a matter administered through the planning authority, following agreement with the relevant parties. I therefore consider that the condition should be amended to provide greater clarity regarding the respective roles of the applicant, the planning authority and the relevant railway bodies. I would recommend the following wording:

“Prior to commencement of development, the applicant shall confirm that any works within the DART+ South West substratum acquisition, and any works in proximity to the substratum acquisition, shall maintain the required safe clearances to the soil anchors associated with the DART+ South West project. Details confirming compliance with the required clearances shall be submitted to the Planning Authority for written agreement, following agreement with Iarnród Éireann, the NTA and the DART+ South West team. Confirmation of agreement with Iarnrod Eireann & NTA shall also be provided.”

9.5. Density

- 9.5.1. The two observers on file have raised concerns regarding the density of the proposed development, which they consider to be excessive and would result in overdevelopment of the site, with consequent adverse impacts on the established residential area.
- 9.5.2. The proposed development comprises 249 student bedspaces on a net development area of approximately 0.54 hectares. I note that the Compact Settlement Guidelines provide that, for the purpose of calculating residential density, 4 bedspaces in shared accommodation/student housing are equivalent to 1 dwelling. On this basis, the proposed 249 bedspaces equate to approximately 62 dwelling equivalents. On a net site area of 0.54 hectares, this equates to approximately 122 dwelling equivalents per hectare. I consider that the proposed density may be acceptable and appropriate having regard to the location of the site within the established urban area of Dublin City, its accessibility to public transport and services, and the policies and objectives of the Dublin City Development Plan 2022–2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (the ‘Compact Settlement Guidelines’).
- 9.5.3. Appendix 3 of the Dublin City Development Plan considers that density cannot be considered in isolation for city centre and infill sites 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’ Table 1 in Section 9.6 of this report offers an assessment of height & density against the performance criteria as set out in Appendix 3 of the Dublin City Development Plan. In this section, I will examine the density against the development plan provisions and relevant Section 28 Guidelines, while the final consideration of density will be undertaken in conjunction with building height (Section 9.6) as required by Appendix 3 of the Dublin City Development Plan.
- 9.5.4. The Planning Authority in their assessment accepted the proposed density in the context of building height and scale of development. Appendix 3 of the Dublin city

Development Plan states that the highest densities should be located at the most accessible and sustainable locations. The subject site is located in an area with an established and significant range of social, community and cultural infrastructure within walking distance, which also supports students. The subject site's city location benefits from a range of social infrastructure, including civic, cultural, community, healthcare, recreational facilities and educational services in the surrounding area. The proposed development will support these existing facilities and will not put undue pressure on existing infrastructure.

- 9.5.5. The subject site is located within the city centre area but outside of any identified Strategic Development and Regeneration Area (SDRA). Appendix 3 of the City Plan sets out a general density range of 100–250 units per hectare for the relevant city area and states that the highest densities should be located at the most accessible and sustainable locations. The City Plan also promotes compact growth and the more efficient use of land within the existing built-up area.
- 9.5.6. Having regard to the relevant policies and objectives of the Dublin City Plan. Policy SC10 - Urban Density seeks to ensure that development achieves sustainable residential densities appropriate to the site and its context. Policy SC11 – Compact Growth supports the consolidation and intensification of appropriately located infill and brownfield sites and seeks to make more efficient use of land within the existing built-up area. These policies support increased densities in suitable and accessible locations while also requiring regard to be had to the character and amenities of surrounding areas. In relation to student accommodation, Policy QHSN45 supports high-quality, professionally managed purpose-built student accommodation in appropriate locations close to third-level institutions and/or high-quality public transport corridors and cycle routes. Section 15.13.1 of the City Plan also supports student accommodation in accessible locations and requires consideration of the relationship of such development with the surrounding area.
- 9.5.7. I consider that the proposed density of 122 dwelling equivalents per hectare (249 units per ha) would be consistent with wider policy objectives to increase housing density through consolidation of an infill site, given the high levels of accessibility of the site. I consider that the location of the proposed student accommodation is consistent with these objectives. The closest bus stop is located directly opposite the subject site and another bus stop sits approx. 100 m / 1-minute walk from the subject

site. Both stops are served by the 120 Dublin Bus route. The subject site is proximate to the Green Luas line. The closest stop being Cabra Luas stop located approx. 750 m / 10-minute walk from the subject site. The Green line (Broombridge – Brides Glen), with connections to the Red Luas line at Abbey Street. This forms part of the wider Luas network throughout the Greater Dublin Area and links the site directly to Dublin City Centre and the Red Luas line (Saggart – The Point). The subject site sits approx. 1.2 km / 16-minute walk from the Broombridge Train Station. The Broombridge Station is serviced by InterCity and Commuter Trains with destinations such as Dublin Connolly, Dun Laoghaire, Grand Canal Dock, Sligo, M3 Parkway, Longford and Maynooth. The subject site will also be located in proximity to the proposed Dublin Metrolink, which is planned to connect Dublin's City Centre to Dublin Airport and Swords in the north of Dublin. The planned service will have one station within relative proximity to the site in Glasnevin located approx. 1.5 km / 21-minute walk from the subject site. TU Dublin Grangegorman is 1.2km from the site. The majority of the roads approaching the subject site incorporate good quality pedestrian facilities. In the immediate vicinity of the subject site, pedestrians can benefit from an existing footpath of approximately 2 m width and sufficient street lighting. A signalised pedestrian crossing exists on Fassaugh Avenue approx. 78 m / 1-minute walk from the subject site.

- 9.5.8. The Compact Settlement Guidelines 2024 identify City – Urban Neighbourhoods as areas within and adjoining the city centre which have a diverse range of uses and services and good access to employment, education, institutional uses and public transport. Table 3.1 of the Guidelines provides a density range of 50–250 dwellings per hectare for City – Urban Neighbourhoods in Dublin and Cork. Having regard to the location and characteristics of the subject site, I consider that it falls within this City – Urban Neighbourhood category.
- 9.5.9. In determining an appropriate density within the identified range, the Compact Settlement Guidelines require regard to be had to the accessibility and proximity of the site to services and public transport. The site is located within an established urban area with a significant range of social, community and cultural infrastructure within walking distance. This includes civic and cultural facilities, community facilities, healthcare, recreational facilities, educational services and commercial facilities. The site is also within walking distance of a number of neighbourhood centres and

convenience retail facilities providing for day-to-day needs. There is also a wide range of green and recreational spaces in the surrounding area, including public parks, squares, sports clubs and stadiums. The location is therefore consistent with the Compact Settlement Guidelines' approach of directing higher densities towards accessible and sustainable locations.

9.5.10. I acknowledge the concerns of the observers that the proposed density would be considerably greater than the prevailing density of the established houses along St. Attracta Road. However, I do not consider the density of the adjoining low-rise residential development to be determinative of the appropriate density for this site. The Dublin City Development Plan and the Compact Settlement Guidelines specifically provide for increased densities within suitable and accessible urban locations and recognise the importance of making efficient use of existing serviced land. The proposed development would also provide for the consolidation of an underutilised urban site within the existing built-up area rather than requiring development on the edge of the city or the expansion of the urban area. I consider that this is consistent with the wider objective of achieving compact growth and making more efficient use of existing urban land and infrastructure. There is also precedent for increased density in the local area with the recently constructed Hamilton Gardens SHD within 350m of the site. Having regard to the location of the site within the established urban area, its proximity to the city centre, the range of services and facilities within walking distance, the existing bus services immediately adjacent to the site, the approximately 750 metre walking distance to Cabra Luas stop, the proximity of Broombridge railway station and the overall level of pedestrian accessibility, I consider that the site is capable of accommodating a higher density than that prevailing in the immediately surrounding residential area.

9.5.11. I consider that the proposed 249 student bedspaces, equivalent to approximately 62 dwelling units for the purposes of the Compact Settlement Guidelines and a density of approximately 122 dwelling equivalents per hectare, is within the bounds of acceptance having regard to the location and accessibility of the site. The proposed density is consistent with the approach to compact growth and sustainable urban development set out in the Dublin City Development Plan and the Compact Settlement Guidelines. On balance, I am satisfied that the proposed density is appropriate for this site and would not constitute overdevelopment solely by reason

of the number of proposed student bedspaces. The relationship between the proposed density, building height, scale and overall built form is considered further under Section 9.6 below where I will provide a final determination of density. I am satisfied at this stage that the proposed density is consistent with relevant policies and objectives of the Dublin City Development Plan and Compact Settlement Guidelines.

9.6. Height & Scale

- 9.6.1. The two observers on file have raised concerns in relation to the potential height of buildings reaching 6 storeys and its potential for impact on adjoining residential amenities. It is set out that the height is incongruous in relation to adjacent two storey dwellings of St. Attracta Road.
- 9.6.2. Section 4.5.4 of the City Development Plan sets out that policy & guidance regarding building height is set out in Appendix 3. The City Council advocates that when considering building height, regard must be had to the prevailing context within which the site is located and broader consideration must also be given to potential impacts such as overshadowing and overlooking, particularly in the lower scaled suburban areas of the city
- 9.6.3. The Urban Development and Building Heights Guidelines (2018) promotes development plan policy which supports increased building height and density in locations with good transport accessibility. The Building Height Guidelines state that there is a presumption in favour of increased building height in city cores and in locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings that are taller than the prevailing heights. It is considered that the site is located in an area with good accessibility to services, facilities and high-quality public transport. Section 4.5.4 sets out that policy & guidance regarding building height is set out in Appendix 3. The City Council advocates that when considering building height, regard must be had to the prevailing context within which the site is located and broader consideration must also be given to potential impacts such as overshadowing and overlooking, particularly in the lower scaled suburban areas of the city.

9.6.4. I consider from undertaking a site visit on the 3rd of September 2026, that the prevailing pattern of development within the immediate context of the subject site comprises of mainly 2 to 3 storey buildings bounding the east and north of the site. The railway line bounds the west of the site and south of the site across the road are 2 storey dwellings with existing school and community facilities of 3 to 4 storeys in height. I note the presence of construed Hamilton Gardens SHD scheme to the south east (350m) of the site which extends to the eight storeys. As such the introduction of a building which is proposed as being 6 storeys above ground floor level would represent a deviation in the context of two storey dwellings immediately adjacent 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
1	To Promote Development with a Sense of Place and Character	The site, with a stated net area of c. 0.5318 hectares, is located on the northern side of Fassaugh Avenue in Dublin 7, c.1.1km from the Canal Ring which is defined in the DCC Development Plan 2016-2022 as the 'inner city'. The site comprises the now vacant 'Matts of Cabra' public house, which is set back from Fassaugh Road with an informal parking area to the front. The site includes lands to the rear of the public house. The site to the rear of the public house is long and narrow and is overgrown, with evidence of dumping of large volumes of spoil. There are limited views into the site from the public domain. The subject site is zoned under Objective Z1 - Sustainable Residential Neighbourhoods which seeks "protect, provide and improve residential amenities'. The site is also zoned Under Objective Z3 with an objective "to provide for and improve neighbourhood facilities." The proposed development is seeking to provide for Purpose Built Student Accommodation which has 249 bed spaces and is between 4 & 6 storeys above basement level in height. The applicant seeks to use vertical emphasis through the arrangement of windows and stair cores to break down the perceived mass of the buildings. The approach provides greater articulation and legibility than the previous proposal and assists in reducing the perception of a single monolithic

		form. The use of vertical elements, differentiated stair cores, changes in brick detailing and the modulation of the building elevations provide an appropriate degree of visual interest and assist in breaking down the scale of the development. The planning authority were satisfied with the revised details as submitted within the current application. The applicant has submitted an architectural design statement and CGI images of the proposed development. Elevation drawings submitted indicate that the proposed building would sit in excess of c.11m higher than the ridge level of the adjoining funeral building on the south eastern boundary. The site layout indicates separation distances between the Apartments and rear houses of St Attracta Road in excess of 22m as required under Section 15.9.17. I note that there are no balconies associated with the proposal and the windows on the eastern elevation of the proposal are positioned and angled to prevent undue overlooking. I also note the presence of louvres on windows to reduce direct overlooking in adjacent properties. This sensitivity is continued towards the northmost point of the site with cambered windows to prevent any overlooking. However, I do consider a degree of overlooking would occur in the region that would be comparable to rear windows backing onto each other in a 2 storey residential scheme. The apartment blocks are set back from houses on Attracta Ave at a distance in excess of 22m which complies with development plan standards. I consider that the design and layout responds positively to the surrounding context by siting the tallest elements in the centre, by tapering the height of the blocks towards the western boundaries, by setting the apartment blocks back from the site boundaries and by retaining/replacing the substantial and robust vegetative screening along the perimeters of the site. The proposal would also enhance the public realm by the opening up of the underutilised site along Fassaugh Avenue, access to high-quality landscaped open spaces which retain the character of the site. I am satisfied that this would result in successful integration into the character of the area and enhancement of the public realm.
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2	To Provide Appropriate Legibility	The proposal provides a strong urban edge to Fassaugh Avenue and seeks to establish a more coherent frontage to the street. The building form is articulated through changes in height, vertical elements, window proportions, stair cores and façade detailing. The applicant has also incorporated a setback to the upper floor at the Fassaugh Avenue frontage, which assists in reducing the perceived scale of the building when viewed from the street. The proposed frontage incorporates landscaping, seating and contemporary art/display areas, together with an identifiable principal entrance and active ground floor elements. The applicant has also considered the potential for future development of the adjoining funeral home site and has sought to provide a frontage which can respond to future changes in the surrounding area. I consider appropriate legibility would result from the proposed development and the height of the proposed structure would improve legibility in this regard.
3	To provide Appropriate Continuity and Enclosure of Streets and Spaces	Positioned at the primary entrance to the development, the arrival zone establishes a welcoming first impression. It is designed as a green and inclusive forecourt, with high-quality seating integrated within areas of soft landscaping and extensive planting. The space provides a calm, sociable threshold between the public realm of Fassaugh Avenue and the private residential environment within the site. Communal spaces are adequately overlooked and would receive adequate sunlight, in the event that the building was reduced in height. The proposed development provides approx. 405.5 sqm of high-quality public open space, delivered in the form of a generously proportioned public plaza fronting Fassaugh Avenue. This plaza has been designed as a welcoming civic environment that not only improves the existing streetscape but also strengthens the site's contribution to the wider neighbourhood by offering a new, publicly accessible gathering space. The public plaza functions as a key interface between the development and the surrounding community, designed to encourage social interaction, provide opportunities for rest and leisure, and enhance pedestrian permeability into the site. Design features include a variety of seating options are integrated into the plaza design, creating opportunities for informal meeting, rest, and interaction. The landscape strategy incorporates pollinator-friendly planting schemes, a mix of ornamental flowering

		trees and specimen trees, ensuring biodiversity gains while providing seasonal colour, texture, and visual interest throughout the year. The plaza is gently graded to create a natural transition from Fassagh Avenue into the heart of the site. A steeper central route accommodates vehicular access, while two pedestrian-friendly gradients to the east and west ensure a universally accessible and inclusive approach. The plaza will feature a commissioned artwork piece, positioned as a focal point within the southern section of the site. This installation will contribute to local placemaking, create a sense of identity, and reinforce the scheme's cultural and community value. The plaza forms a transition space between the public domain and the private residential environment. A secured gate located within the building undercroft provides controlled access from the plaza to the residents' communal open space beyond, ensuring safety while maintaining permeability. The creation of this new public open space transforms what is currently a vacant and inactive frontage into a civic focal point. By combining landscaping, biodiversity, high-quality materials, and integrated artwork, the plaza will enhance the visual quality and legibility of Fassagh Avenue, provide an inclusive and accessible space for both residents and the wider community and contribute to the public realm network of Cabra by offering a new location for social interaction, rest, and cultural engagement. The proposed public open space creates a distinctive, multifunctional and inclusive civic environment that will benefit both the student population and the wider local community, representing a positive contribution to the public realm of Fassagh Avenue. The proposed building has respected the building line of the adjoining building to the east and allows for future development on these buildings.
4	To provide well connected, high quality and active public and communal spaces.	Given the nature of the proposed use, being student accommodation, there is no requirement to provide public open space. Significant microclimate impacts in terms of wind would not be anticipated on a building of this scale and as such surrounding streets would not be expected to experience negative impacts in this regard. Communal open space is provided at ground floor level as a courtyard. A second area of communal open space is also proposed at roof level. The proposed development provides approx. 405.5 sqm of high-quality public open space, delivered in the form of a generously proportioned public plaza fronting

		Fassaugh Avenue. The public plaza functions as a key interface between the development and the surrounding community, designed to encourage social interaction, provide opportunities for rest and leisure, and enhance pedestrian permeability into the site. The applicant also proposes a sports and activity zone to the north. This area forms the active heart of the scheme, encouraging recreation, fitness, and informal social gatherings. Key features include: - o A dedicated hang-out area for casual use - o A half basketball court to promote physical activity - o A large on-ground chess set to combine play with learning and interaction. The surfaces in this zone will be finished in coloured porous asphalt, ensuring visual vibrancy while supporting sustainable surface water drainage through permeability. This design reinforces the scheme's emphasis on health, activity, and community engagement. There is an activity and relax garden zone to the west of the development. This area comprises a series of 'pocket gardens,' each with a distinct function. Some gardens offer sports activities such as table tennis, calisthenics, and an outdoor gym, while others provide social spaces for picnicking and BBQs, as well as seating areas surrounded by planting. These zones are interconnected by a distinctive "red ribbon" pathway, a continuous circulation route finished in coloured porous asphalt. This design element provides a unifying feature across the landscape, guiding residents through the site while enhancing accessibility and cohesion. At the fourth-floor level of Block A, a dedicated outdoor terrace (193.1 sqm) provides an attractive elevated environment offering expansive views, fresh air, and opportunities for relaxation, informal study, and social interaction. I consider that the proposed development would result in acceptable communal spaces.
5	To Provide High Quality, Attractive and Useable Private Spaces	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. It is noted that all bedrooms are provided with access to natural daylight.

6	To Promote Mix of Use and Diversity of Activities	The proposal provides a strong urban edge to Fassaugh Avenue and seeks to establish a more coherent frontage to the street. The building form is articulated through changes in height, vertical elements, window proportions, stair cores and façade detailing. The applicant has also incorporated a setback to the upper floor at the Fassaugh Avenue frontage, which assists in reducing the perceived scale of the building when viewed from the street. The proposed frontage incorporates landscaping, seating and contemporary art/display areas, together with an identifiable principal entrance and active ground floor elements. The applicant has also considered the potential for future development of the adjoining funeral home site and has sought to provide a frontage which can respond to future changes in the surrounding area. The proposed development is consistent with the locational requirements of PBSA as set out in the DCDP 2022-2028. 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 with the introduction of a public realm enhancement to the frontage of the scheme.
7	To ensure high quality and environmentally sustainable buildings.	The proposed development is acceptable in terms of daylight and sunlight access. I refer to section 9.4 of my report below. The proposal seeks to demolish the entire existing buildings on site. The application has been accompanied by: • A 'Climate Action, Sustainability, & Energy Statement & Sustainability & M&E Energy Report' which states, inter alia, 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 rationale 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. The building materials are considered to be of high quality and there are 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.
8	To Secure Sustainable Density, Intensity at Locations of High Accessibility	It is considered the proposed density accords with the wider provisions 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 which recognises that that residential densities in the range of 100-300 dwellings per hectares shall generally be applied in the centres of Dublin. The development is appropriately located in a central, highly accessible area with excellent access to frequent public transport. The proposed development will result in a net residential density of 122 uph based on the provision of 249 no. bedspaces on an overall net site area of 0.51 ha. We note that the Sustainable Residential Development and Compact Settlements Guidelines, 2024 set out that when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling. The density was calculated on this basis as $249 / 4 = 62.25 / 0.51 = 122$ uph.
9	To Protect Historic Environments from Insensitive Development	There are no protected structures on site and the site is not located within a conservation area. The application documentation includes an Architectural Heritage Impact Assessment and an Archaeological Impact Assessment Report. A visual impact assessment report has also been provided. 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 site is not located within or adjacent to an ACA. The applicant has provided an Architectural Impact Assessment which outlines that the design proposals will not significantly impact adjacent protected structures. No views from protected structures will be terminated as a result of the proposed development.
10	To Ensure Appropriate Management and Maintenance	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.

9.6.5. In conclusion, I consider that the proposed development is acceptable in terms of its overall height and density. It is consistent with Appendix 3 of Dublin City Development Plans performance criteria for Building Height & Density as set out in Table 1 above. The proposed 4 – 6 storey can be accommodated on site without detriment to the amenities of surrounding areas. The density as set out is appropriate for this central location adjacent to high frequency transport options, existing community facilities and accords with wider objectives of the Dublin City Development Plan and Compact Settlement Guidelines 2024. I would concur with the planning authority's view that the site is one which could accommodate taller buildings and higher densities and that the design and layout responds well to the surrounding context, primarily as a result of the beneficial use of the site topography and proposed building height modulation towards the boundaries, combined with the generous set back distances and retention and enhancement of the eastern elevation with enhanced measures to reduce overlooking.

9.7. Sunlight Daylight

9.7.1. 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. The two observers to this appeal have raised concern over issues of overshadowing and loss of daylight. 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.

9.7.2. Proposed Student Accommodation

This study has assessed the Spatial Daylight Autonomy (SDA) received in the habitable rooms of the proposed development under the BR 209 criterion. The SDA of the proposed development has been calculated under the I.S. EN 17037 criterion as part of a supplementary assessment. In terms of housing, BR 209 provides target SDA values to be received across at least 50% of the working plane for at least half the daylight hours. The target values differ based on the function of the room assessed:

- 200 Lux for kitchens
- 150 Lux for living rooms
- 100 Lux for bedrooms

9.7.3. Where rooms serve more than one function, the higher SDA target value should be taken. BR 209 recommends a target of 100 Lux for bedrooms. However, a higher target of 150 Lux has been applied to bedrooms in the assessment provided. This deviation from the guidelines acknowledges that, in student accommodation, bedrooms are likely to be occupied for longer periods than in typical residential settings. Student 'bedrooms' typically also serve as study and living areas. Applying this higher standard helps ensure adequate lighting for these varied uses. If the lower target of 100 Lux were applied, overall compliance could only improve. A target of 200 Lux has been applied to studio units as these will also serve as kitchens. Under I.S. EN 17037 at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 95% of the working plane receiving above 100 Lux for all rooms. The target SDA values do not vary depending on the room function under this criteria. The analysis indicates that the SDA for all rooms complies with the 209 Criterion

9.7.4. In terms of sun exposure, the assessment notes that given the proposed scheme comprises two linear blocks, around a central courtyard with all elevations open to east and west the exterior southern elevation there is no issue with sun exposure for the scheme. Owing to site layout 95% of the rooms have the potential to achieve 1.5 hours of sunlight on 21st March and therefore meets the BRE threshold. Amenity spaces are demonstrated to achieve satisfactory levels of sunlight. Based on the information provided I consider the proposal achieves the required sunlight 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.

9.7.5. Adjacent Properties

I have considered the potential impact of the proposed development on the daylight and sunlight available to adjoining properties, with particular regard to the residential properties along St. Attracta Road to the east of the subject site. The applicant has submitted a Daylight and Sunlight Assessment undertaken in accordance with the BRE Guidelines, which assesses the change in conditions between the baseline and proposed development scenarios.

The effect of the proposed development on daylight to the surrounding residential properties has been assessed through the Vertical Sky Component (VSC). A total of 71 no. windows serving properties at 285–329 St. Attracta Road were assessed. The assessment identifies 29 no. windows (40.8%) as experiencing a negligible effect, 33 no. windows (46.5%) as experiencing a minor adverse effect and 9 no. windows (12.7%) as experiencing a moderate adverse effect. No windows were identified as experiencing a major adverse effect. Accordingly, approximately 59.2% of the assessed windows would experience either a minor or moderate adverse effect, while 40.8% would experience a negligible effect.

The results of moderately affected windows are set out in Table 2 here:

Property	Window	Baseline VSC	Proposed VSC	Reduction
289	289a	33.86%	20.82%	38.5%
293	293a	27.59%	15.26%	44.7%
293	293b	33.53%	15.44%	54%
295	295a	30.56%	15.68%	48.7%
295	295b	26.12%	15.44%	40.9%
297	297a	36.45%	20.71%	43.2%
297	297b	37.48%	20.62%	43.7%
297	297c	37.48%	21.21%	43.4%
299	299a	35.31%	20.44%	42.1%

- 9.7.6. The reductions therefore range from approximately 38.5% to 54.0%. The report's classification as moderate adverse is therefore understandable in terms of the magnitude of the reduction. Importantly, however, these are VSC reductions to individual windows, rather than a 38–54% loss of overall daylight to the houses or rooms. The VSC is a measure of the proportion of sky illumination available at the window. With respect to the BRE guidelines the relevant test for an existing window is whether the proposed VSC is both below 27% and less than 0.8 times the existing value. The submitted assessment expressly applies this test. The nine windows therefore do not meet the BRE numerical recommendations and have consequently been categorised as moderate adverse
- 9.7.7. However, BRE guidance is a guide rather than a rigid planning standard, and the assessment needs to be considered in the context of the site and surrounding development. The BRE guidance itself indicates that the numerical recommendations should be interpreted flexibly, having regard to the nature of the site and the design of the development.
- 9.7.8. I consider that there are a number of contextual factors identified in the assessment. The subject site is predominantly undeveloped in its existing condition and consequently the properties along St. Attracta Road currently have relatively unobstructed access to daylight. Furthermore, the proposed development is constrained by the railway to the west, resulting in the proposed building being located towards the eastern part of the site and closer to the existing residential properties. Based on these factors, I consider the subject site would inevitably result in a greater degree of obstruction than exists in the baseline condition. I also note that the moderate adverse effects are confined to ground-floor windows serving rear extensions, where the windows have been brought closer to the shared boundary. By comparison, the windows at No. 291 St. Attracta Road, which remain in the original position, experience a minor adverse effect despite a similar degree of obstruction
- 9.7.9. I acknowledge that there would be a material reduction in VSC to these individual windows and that the BRE numerical recommendations are not met. However, the BRE Guidelines are intended to provide guidance rather than a rigid standard, and the results must be considered having regard to the specific circumstances of the site and surrounding properties. I further note that no major adverse effects are

identified and that the majority of the assessed windows experience either negligible or minor adverse effects. On balance, I consider that the identified impacts, while material in respect of the nine windows identified, would not result in an unacceptable impact on the established residential properties along St. Attracta Road

- 9.7.10. I further note that all of the assessed properties further south, at Nos. 321–329 St. Attracta Road, meet the criteria of the BRE Guidelines in respect of the impact on daylight through VSC. Accordingly, the submitted assessment does not identify an adverse VSC effect to these properties. In summary, the majority (87.3%) of the assessed windows experience either negligible or minor adverse effects, with the moderate adverse effects confined to a limited number of ground floor windows associated with rear extensions. There are no major adverse effects identified.
- 9.7.11. I have also considered the effect of the proposed development on sunlight to the rear gardens of the residential properties along the eastern boundary. The assessment also includes a qualitative shadow study, with hourly shadow diagrams prepared for the spring equinox (21 March), summer solstice (21 June) and winter solstice (21 December). The study compares the existing and proposed conditions from sunrise to sunset.
- 9.7.12. In addition, the quantitative Sun on Ground (SOG) assessment examined the rear gardens of properties from 273 to 329 St. Attracta Road, comprising 29 no. gardens. Of these, 28 no. gardens (96.6%) were categorised as experiencing a negligible effect, with no gardens identified as experiencing a minor, moderate or major adverse effect. One garden was identified as non-applicable. The assessment confirms that all 29 assessed gardens retain at least 80% of their baseline area capable of receiving two hours of direct sunlight on 21 March, consistent with the BRE methodology. The location of the proposed development to the west of St. Attracta Road is relevant in this regard, as the rear gardens retain access to sunlight from the south. The assessment states that the principal additional shadowing would occur during the latter part of the day, while the portion of the gardens capable of receiving two hours of sunlight around midday is relatively unaffected.
- 9.7.13. Conclusion

I am satisfied that the proposed development would not result in an unacceptable level of impact on the residential amenity of the adjoining properties along St. Attracta Road in terms of daylight and sunlight. While some loss of daylight is unavoidable given the existing relationship between the greenfield site and the adjoining houses, and the nature of the proposed development, I do not consider the identified effects, individually or cumulatively, to be of such significance as to warrant refusal of permission. I am of the opinion that having regard to the location of the subject site within the urban context of Dublin City Centre on zoned lands, 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, that the impact indicated by the daylight sunlight assessment to the surrounding properties would be acceptable.

9.7.14. On balance, having regard to the results of the assessment and the urban context of the site, I am satisfied that the proposed development would not result in an unacceptable level of loss of daylight or sunlight to the adjoining residential properties on St. Attracta Road. While there would be some adverse effects to daylight, including moderate adverse effects to a limited number of assessed windows/rooms, I do not consider these effects, individually or cumulatively, to be of such significance as to warrant refusal of permission on this basis.

9.8. Design/ Impact on Adjacent Residential Properties

9.8.1. Observers on file have raised concerns in relation to potential for overlooking and overbearing impact of the proposed development on adjacent residential properties of St Attracta Avenue. It is set out that owing to the differences in scale and height the proposal would have be incongruous in the local area and give rise to aspects of overlooking.

9.8.2. Design

9.8.3. The proposed development comprises purpose-built student accommodation providing 249 student bedspaces, including 13 accessible units and 10 studio units,

arranged in clusters with associated shared kitchen, living and dining accommodation. The development is provided in two blocks ranging in height from four to six storeys. The architectural approach has been informed by the previous refusal on the site, in relation to the massing, scale and bulk of the development, the quality of the internal layout, overlooking and the daylight and sunlight environment.

- 9.8.4. I note that the design development has sought to address these previous concerns through greater articulation and modulation of the building elevations, a reduction in height at the northern portion of the site, increased separation of the northern block from the eastern boundary, and the use of vertical elements, including the window and stair-core arrangement, to break down the perceived scale and mass of the buildings. The Architectural Design material states that the northern block has been pulled back from the eastern boundary, while maintaining the required exclusion zone from the railway. The proposal also incorporates a landscaped buffer along the interface with adjoining properties.
- 9.8.5. The development is contemporary in architectural expression and incorporates a consistent material palette, principally textured/light-coloured brickwork together with metal cladding and detailed brick elements. The elevations incorporate vertical emphasis and changes in brick orientation and pattern to provide visual interest and assist in breaking down the building form. The principal Fassaugh Avenue elevation is intended to establish a stronger urban edge and provide a more coherent frontage to the street, incorporating landscaping, seating and an active ground-floor interface. The use of a consistent material treatment to the building and associated boundary structures also assists in providing visual coherence across the site. The Architectural Design material identifies legibility, variety and proportion as key design principles informing the architectural response.
- 9.8.6. The proposal therefore represents a relatively intensive urban form of development; however, this needs to be considered in the context of the urban location of the site, its brownfield/infill characteristics and the objective of achieving more compact forms of development within the existing built-up area. The design report specifically identifies the site as an infill/brownfield opportunity and has had regard to the Sustainable Residential Development and Compact Settlements Guidelines, as well as the relevant apartment and student accommodation standards.

9.8.7. In my view, the proposal largely accords with the relevant design principles of the Dublin City Development Plan 2022–2028. Section 15.5 of the Development Plan requires design statements to address, inter alia, context and setting, urban design rationale, block layout, height, scale and massing, materials and finishes, open space, daylight and sunlight, overlooking and overbearing. The submitted design material addresses these matters and demonstrates that they have informed the evolution of the proposal. The Development Plan also promotes imaginative and contemporary architecture where it respects local distinctiveness and contributes positively to the townscape and urban realm. I also consider that the use of a robust and coherent material palette, together with the proposed landscaping and public realm treatment, will assist in integrating the development into the streetscape.

9.8.8. Internal Residential Amenity

In terms of residential quality, the development incorporates individual student clusters rather than relying on excessively long internal corridors, with shared kitchen/living/dining spaces serving the clusters. The design material indicates that this approach was adopted in response to the previous concerns regarding internal residential amenity. The supporting daylight and sunlight assessment also identifies 100% compliance for the assessed habitable rooms against the applied BRE SDA criteria, while all three assessed proposed external amenity areas meet the relevant sunlight criteria.

9.8.9. Section 15.13.1.1 of the Development Plan recognises that student accommodation is typically provided on a cluster basis comprising bedrooms and shared kitchen/living/dining accommodation. It requires a minimum of 3 and maximum of 8 bedspaces within a standard cluster, with a minimum gross floor area of 55 sq. m. and maximum of 160 sq. m. The Development Plan also requires en-suite bathroom facilities and establishes minimum bedroom standards. The proposed 249 student bedspaces are set out in 32 no. clusters of 4, 6, 7, 8, 9 and 10 bedroom units.

9.8.10. Section 5.2 Purpose-Built Student Accommodation of the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 details the minimum standards for PBSA. Specific Planning Policy Requirement 8 (SPPR 8) of the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 note that;

(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.

1(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.

It is considered that the proposed development complies with SPPR8 of the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 in this regard. The applicant has re-examined the internal layout of the scheme in response to the previous refusal. In particular, corridors have been limited to individual clusters in order to avoid the provision of excessively long corridors without natural light or ventilation. The use of defined clusters provides a more legible internal layout and avoids the creation of long, institutional-style corridors. It also provides a clearer relationship between individual bedrooms and the shared living, kitchen and dining areas associated with each cluster.

I have also had regard to the general apartment design principles contained within Section 15.9 of the Development Plan and the Planning Design Standards for Apartments (2025), insofar as they provide relevant guidance regarding the quality of internal residential accommodation. While the proposed development is purpose-built student accommodation rather than conventional apartment accommodation, I consider that the principles of good internal layout, adequate circulation, natural light, ventilation, privacy, amenity and quality of accommodation have been provided in compliance with Section 15.9 of the Development Plan and the Planning Design Standards for Apartments (2025) I am satisfied that the internal arrangement of the

proposed development provides an appropriate standard of accommodation for its intended student population.

9.8.11. I therefore consider that the overall architectural approach, notwithstanding the relatively substantial scale of the development, represents a coherent and considered response to the site. In particular, the proposal incorporates measures to articulate the building mass, establish an appropriate urban edge, provide a high-quality material treatment and landscape the interfaces with adjoining properties. Subject to the detailed assessment of residential amenity and the relationship with the existing houses on St Attracta Road set out below, I consider that the development largely accords with the design and placemaking principles of the Dublin City Development Plan 2022–2028.

9.8.12. Relationship with St Attracta Road – Overlooking and Overbearance

The eastern boundary of the site adjoins the rear gardens and properties along St Attracta Road. I acknowledge that the proposed development will represent a significant change in the built form experienced by these properties, particularly having regard to the existing predominantly two-storey residential character of St Attracta Road and the proposed four-to-six-storey building form. Accordingly, I have considered whether the design and layout would give rise to unacceptable overlooking, loss of privacy or overbearance.

9.8.13. The Dublin City Development Plan 2022–2028 recognises that the relationship between new development and established residential properties requires particular consideration. Section 15.9.17 identifies separation distance of 22m as a minimum requirement but also recognises that reduced distances may be acceptable in appropriate circumstances having regard to the specific characteristics of the site and the design response. I note the nearest property to the apartment block is number 287 St Attracta Road at 23.7m meeting the standard as set out in the Development Plan. Section 15.9.18 defines overbearance by reference to the effect of development on the outlook from the main habitable rooms of an existing dwelling and its garden, yard or private open space. The same section identifies building configuration, bulk and massing, window placement, oblique windows, architectural features and landscape/boundary treatment as measures capable of addressing overlooking and overbearance.

- 9.8.14. In this regard, I note that the design process has specifically considered the relationship between the proposed development and the properties on St Attracta Road. The northern block has been pulled back from the eastern boundary to increase separation from the existing dwellings, while the development incorporates a landscaped buffer along the boundary. The Architectural Design material identifies this buffer as providing visual screening and assisting with privacy between the proposed development and the adjoining residences. The landscape strategy incorporates trees, shrubs and hedging along the relevant boundaries, thereby providing a softer and more graduated interface than would arise from a building immediately addressing the rear gardens.
- 9.8.15. The treatment of windows is also relevant. The design documentation indicates that the proposal has been developed with cognisance of overlooking, including the use of redirected/angled windows to optimise daylight while directing views away from the adjoining properties. At the northernmost part of the site, cambered windows are proposed, together with louvred windows and brick detailing, to limit direct overlooking. The design also incorporates a blank wall element at the eastern frontage associated with the site of the existing funeral home, which prevents direct views towards that area should it be developed in the future. These measures demonstrate that the issue of overlooking has been addressed through the building design itself rather than relying solely on boundary landscaping.
- 9.8.16. I consider this to be an important distinction. The proposed building will be visible from the rear of the St Attracta Road properties and will alter their existing outlook; however, visibility of a building does not in itself constitute unacceptable overlooking or overbearance. The relevant consideration is the nature and extent of the views created, the proximity and orientation of windows, the intervening separation and landscaping, and the effect of the building's massing on the outlook from the adjoining properties.
- 9.8.17. In respect of overlooking, the principal habitable windows of the proposed development are not simply arranged as a continuous wall of directly opposing windows to the rear elevations of the existing houses. The use of angled, redirected and cambered windows, together with the detailed façade treatment and landscaping, reduces the potential for direct face-to-face views into the adjoining properties and their rear gardens. The proposed landscaped buffer will further filter

views between the two developments as planting establishes. I therefore consider that the design response provides reasonable measures to protect the privacy of the adjoining occupiers.

9.8.18. I have also considered the issue of overbearance. I acknowledge that the proposed development is substantially greater in scale than the existing houses on St Attracta Road and that the change from the existing open/low-rise condition will be perceptible. However, the proposal does not present as a single undifferentiated six-storey wall along the entire eastern boundary. The architectural treatment incorporates modulation, vertical articulation and changes in building form, while the northern block is set back from the eastern boundary. The landscaping and boundary treatment provide an additional intervening layer between the building and the existing gardens. I note that the submitted site sections indicate a height differential of approximately 10.2 metres between the proposed development and the adjoining houses on St Attracta Road. While this represents a significant difference in building height, I consider that its visual and perceived impact is moderated to some extent by the difference in ground levels across the site. In particular, ground levels fall by approximately 3 metres towards the rear of the site, with the properties on St Attracta Road adjoining the site at its higher point. This change in levels therefore reduces the relative height of the proposed building when experienced from the adjoining properties.

9.8.19. The effect of the development should also be considered in conjunction with the daylight and sunlight assessment. The assessment considered the properties at 273–329 St Attracta Road, including their rear gardens. In respect of sunlight to the gardens, 29 gardens were assessed, of which 28 were categorised as experiencing a negligible effect and one was categorised as not applicable because of its exceptionally low baseline sunlight availability. No garden was identified as experiencing a minor, moderate or major adverse effect. The assessment explains that the gardens retain their principal access to sunlight from the south, with the proposed development to the west resulting principally in additional shadow during the later part of the day.

9.8.20. The assessment of daylight to the residential windows is more nuanced. Seventy-one windows serving properties between 285 and 329 St Attracta Road were assessed. Twenty-nine were identified as having a negligible effect, 33 as minor adverse and nine as moderate adverse, with no major adverse effects. Importantly, the assessment identifies that the moderate adverse effects occur at ground-floor windows serving rear extensions, where the extensions have brought the windows closer to the common boundary. It contrasts these with the windows at No. 291 St Attracta Road, where the original rear position is retained and the effect is categorised as minor adverse.

9.8.21. The daylight assessment confirms that there will be some effects on the daylight environment of certain adjoining windows, particularly at ground-floor extensions close to the boundary. However, as set out in the Dublin City Development Plan overbearance is a broader consideration concerning outlook and the perceived dominance of the proposed building. In this regard, the setback of the building, articulation of its mass, treatment of windows and proposed landscape buffer collectively mitigate the potential for the development to appear as an unrelieved or oppressive wall when viewed from the adjoining properties. I also note that the proposal is located west of the St Attracta Road properties. Consequently, the principal rear gardens retain access to the southern sky, and the Sun on Ground assessment indicates that the development does not result in a significant loss of sunlight to those gardens. The assessment records that 28 of the 29 gardens assessed retain at least 80% of their baseline area capable of receiving two hours of sunlight on 21 March.

9.8.22. Taking the above factors together, I consider that the proposal will result in a material change to the outlook from the rear of the properties on St Attracta Road and that the increased building height will be apparent from these properties. Nevertheless, I consider that the development has incorporated a series of design measures specifically directed towards mitigating the potential impacts of its scale. These include the setback of the northern block, the modulation and articulation of the building form, the treatment and orientation of windows, the use of cambered/angled windows in sensitive locations, and the provision of a substantial landscape interface incorporating trees, shrubs and hedging.

9.8.23. Accordingly, while I acknowledge that there will be some adverse change in the outlook of certain properties, I do not consider that the relationship between the proposed development and the St Attracta Road properties would result in an unacceptable degree of overlooking or overbearance. In reaching this conclusion, I have had particular regard to the specific design response at the eastern boundary, the orientation of the existing dwellings and gardens, the proposed separation and landscape treatment, and the quantitative findings of the daylight and sunlight assessment. On balance, I consider that the proposal provides a reasonable and appropriately designed transition between the higher-density urban development proposed on the subject site and the established lower-rise residential properties on St Attracta Road.

9.9. Other Matters

9.9.1. Climate Action

9.9.2. The subject application was accompanied by a 'Climate Energy and Sustainability 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. Such examples include

Domestic Hot Water: The plant options for domestic hot water are:

- High Efficiency Condensing Gas Boilers, or
- Air Source Heat Pumps (ASHP), or
- Instantaneous 'Under-sink' Water Heaters.

Space Cooling: The plant options for space cooling are:

- Natural Ventilation where possible, and/or
- Air Source Heat Pumps (ASHP), or
- Variable Refrigerant Flow (VRF) Heat Pumps, or

- Air-cooled Chillers.

9.9.3. Ventilation:

The proposed ventilation strategy will be natural ventilation where possible and/or mechanical ventilation. The mechanical ventilation system will be a high efficiency, variable speed drive system that also incorporates heat recovery and CO2 control.

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 CO2 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 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.

- 9.9.4. 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.

I consider that the report submitted by the applicant, Climate Action an 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.

9.10. Cycle Parking, Servicing and Site Functionality

The applicant proposes a total of 308 cycle parking spaces, comprising 240 tiered covered long-term spaces, 4 cargo bicycle spaces and 64 short-term Sheffield-type spaces. The cycle parking is distributed between the central courtyard and northern boundary, with additional short-stay provision located in front of the main entrance.

Section 15.13.1.4 of the Development Plan requires a minimum of one cycle parking space per resident, together with additional visitor cycle parking at a rate of one space per 10 residents. Having regard to the scale of cycle parking proposed and its

distribution throughout the site, I consider that appropriate provision has been made to support cycling as a sustainable mode of transport for future residents and visitors. I further note that servicing has been designed to take place entirely within the site boundaries. Bin lorries and servicing vehicles will be accommodated within the site, with designated set-down points provided at the front of the site. I am satisfied that the proposed servicing arrangements are appropriately integrated into the overall layout and would not result in an unacceptable impact on the public realm or adjoining properties.

9.11. Car parking

- 9.11.1. The applicant sets out that given the nature of the development as PBSA in a highly accessible urban location, car parking provision is wholly eliminated in line with national policy. The scheme proposes 1 no. accessible car parking space.
- 9.11.2. I consider that the provision of one accessible car parking space is acceptable in this instance. The Dublin City Development Plan 2022–2028 adopts a sustainable transport approach to car parking, with Policy SMT25 seeking sustainable levels of residential car parking and encouraging measures such as car clubs and mobility hubs to reduce reliance on private vehicles. The Plan also specifically recognises the need to facilitate the transport needs of persons of all ages and abilities and promotes accessible parking through the development management process. Importantly, in relation to student accommodation, Section 15.13.1.4 of the Development Plan states that designated car parking will not be supported in student accommodation schemes, but that car parking for persons with disabilities should be provided. I therefore consider that the provision of a single accessible space appropriately responds to the specific policy position for student accommodation.
- 9.11.3. This approach is also consistent with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) issued under Section 28 of the Planning and Development Act. SPPR 3 requires car parking provision to be minimised, substantially reduced or wholly eliminated in city centres and urban neighbourhoods of the five cities, while the Guidelines expressly state that the maximum car parking standards do not include accessible parking spaces. The Guidelines further state that, where car parking is reduced, on-site or proximate spaces should be prioritised for mobility-impaired persons on the basis of

demonstrated need. Having regard to the urban location of the site, the Development Plan's specific policy discouraging general car parking in student accommodation, and the requirement to provide for accessibility, I consider that one appropriately designed accessible parking space is sufficient and represents an appropriate balance between inclusive access and the City's objective of reducing reliance on private car travel.

9.12. Ecology/ Bats

- 9.12.1. As part of the recommended grant of permission the planning authority included a condition which sought the applicant to provide detailed site survey for bat roosts in all structures to be demolished and to seek appropriate licences from the NPWS if found present. I consider this condition to be appropriate in the context of the submitted Ecological Impact Assessment. I note the assessment prepared by DNV Ecology carried out a day time bat survey on the 17th June 2025. The ground-based preliminary bat roost assessment identified that the existing structures are not considered suitable for significant roosting communities. Several smaller potential roost features (PRFs) such as loose roof tiles, cracks in the masonry and detached roofing were noted along the structures on Site which are suitable for individual roosting bats. Therefore, the existing buildings on Site were precautionary deemed to be of 'Low' roosting potential and two emergence surveys were undertaken. During the emergence surveys, although weather conditions were suitable for bat emergence, no bats were recorded emerging from any of the identified PRFs of the existing building.
- 9.12.2. During the bat activity surveys, three species of bat were recorded. These include the common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and Leisler's Bat (*Nyctalus leisleri*). All three species were primarily recorded along the western, eastern and northern sections of the Site, with a few individuals recorded along the central section of the Site, and far fewer recorded along the southern section of the Site. It is anticipated that these were commuting and foraging and of no importance to roosting populations. The bats at the Site of the Proposed Project have been assigned local importance (higher value) for commuting and foraging bats, and local importance (lower value) for roosting bats.

9.12.3. In the absence of mitigation, the temporary loss of foraging and commuting habitat would constitute a negative, temporary impact of slight significance on the local bat population, in the context of the low activity levels (and high disturbance in the area), and the presence of similar linear habitat in the wider area. In this regard a number of mitigation measures were proposed which includes a detailed site survey for bat roosts. I am satisfied that this condition should be retained in order to ensure bat roosts are not impacted by the proposal.

9.13. Conditions and Recommendations Table

The following table summarises the conditions/recommendations of the Dublin City Council grant of permission and how they will be addressed in a decision to grant permission:

DCC Condition / Recommendation	Recommended Relevant Condition
1. Development to be undertaken in accordance with the plans and details submitted.	Condition No.1
2. Financial Contributions	To be retained, addressed under condition 16
3. Special Financial contribution - Luas	To be retained, addressed under condition 17
4. Bond	To be retained, addressed under condition 18
5. Clarifying use -student accommodation	To be retained, addressed under condition 2
6. Student Management Plan	To be retained., addressed under condition 3
7. Mitigation and monitoring measures outlined in plans and particulars to be submitted	I note additional details are required for Irish Rail to be agreed however these have their own conditions. I consider all other compliance conditions shall be specified. This condition can be omitted.
8. The applicant/developer shall comply with requirements of the Parks, Bio-diversity landscape Division of Dublin City Council	To be retained, addressed under condition 4

9. Demolition management plan to be submitted	To be retained, addressed under condition 5
10. CEMP to be submitted	To be retained and amalgamated with condition no 5,
11. Prior to commencement of development the applicant/ developer shall submit the specification, alignment and construction details of the boundary treatment/ wall to the railway which shall be agreed with Iarnród Éireann prior to submission.	To be retained and modified, addressed under condition 6
12. Prior to commencement of development the applicant shall confirm that any within the DART+ South West substratum acquisition and that any works in proximity to the substratum acquisition shall maintain the required safe clearances to the soil anchors and shall be subject to prior agreement with the DART+ South West team – Iarnród Éireann and the NTA.	To be retained and modified, addressed under condition 7
13. Servicing and Delivery Plan	To be retained, addressed under condition 8
14. Surface Water management	To be retained, addressed under condition 9
15. Materials and finishes to be as design detail submitted	Not required dealt with under Condition 1
16. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the & Air Pollution Section	To be retained, addressed under Condition 9
17. Working Hours	To be retained, addressed under Condition 10
18. Site protections, free of debris	To be omitted addressed under Condition 5

.	
19. Archaeological monitoring and testing	To be retained, addressed under Condition 11
20. Public lighting	To be retained, addressed under condition 12
21. External lighting	Shall be removed and combined with condition 12
22. Naming and Numbering Scheme	To be retained, addressed under condition 13
23. Location of service cables	To be retained, addressed under condition 14

10.0 AA Screening

- 10.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 10.1.2. The site is situated c.4.km 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).
- 10.1.3. The application was accompanied by an Appropriate Assessment Screening Assessment 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. The proposed development comprises of the demolition of existing vacant public house on site and the construction of a student accommodation complex which will provide for 249 student bedspaces and all ancillary amenities and works.
- 10.1.4. 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. 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. The reason for this conclusion is as follows:

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

10.1.5. 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

11.1.1. The Grand Canal is situated c.521m to the south of the subject site. The proposed development comprises the demolition of the existing buildings on site and the construction of a 4-6-storey building which will provide for 249 no. student bed spaces with all associated site works. No water deterioration concerns were raised in the planning appeal.

11.1.2. 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. 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.

11.1.3. 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’ and Z3 “Neighbourhood Centre” 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,
- l) the Inspectors Report

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, 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 Iarnrod Eireann (3rd Party) against condition no. 11 and condition no 12 within the decision made on the 21st of May 2026 by Dublin City Council to grant permission to R & D Developments Ltd.

14.1. Proposed Development:

The development will principally consist of 249 Student Bedrooms within 32 no. clusters of 6, 7, 8 and 9-bedroom units (including 13 no. accessible units and 10 no. studio units) each with associated shared kitchen/living/dining areas. The proposal shall be delivered over two blocks A & B. Outdoor Communal Space: (approx. 2,287.3 sqm) including 1 no. outdoor terraces at fourth floor level of Block A (193.1 sqm) Indoor Communal Space: including 2 no. student lounge areas, laundry room, postal room and a reception / office / kitchen / tearoom

Approx. 350 sqm of public open space in the form of a public plaza fronting Fassagh Avenue. The gross floor area of the development is stated as 7,592.3sqm.

14.2. 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 Dublin City Area.
- 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
- 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 Determination

The Commission agreed with and adopted the screening determination 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 and Z3 Neighbourhood Centre
- 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 17th of June 2026, 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. 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) or accommodation related to a Higher Education Institute, during the academic year, or tourist/visitor accommodation only during academic holiday periods. The tourist / visitor accommodation shall only be occupied for short- term letting periods of no more than two months and shall not be used as independent and separate self-contained permanent residential units.

Reason: To clarify the scope of the Permission, in the interests of amenity and the proper planning and development of the area.

3. The proposed development shall be implemented as follows:
- a) The student accommodation shall be operated and managed by an on-site 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, aparthotel or similar use without a prior grant of permission
 - 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.

4. In relation to landscaping the applicant/developer shall comply with requirements of the Planning Authority for the following:
- a) 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.

- b) 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.
- c) Prior to commencement, all boundaries and treatment of same shall be agreed in writing
- d) Within 2 years of first occupation 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. The landscape scheme shall have regard to the Guidelines for Open
- e) Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.
- f) Prior to the commencement of development an ecologist will be appointed by the applicant to undertake a detailed site survey for bat roosts in all structures to be demolished and to seek appropriate licences from the NPWS if found present. Prior to commencement of development an additional site survey for birds shall be carried out and submitted to the Planning Authority. All mitigation, monitoring and enhancement measures within the Ecological Impact Assessment report of the application will be carried out under the supervision of an ecologist appointed by the applicant and in particular site clearance of any site vegetation shall be restricted to September and October and the scheme shall deploy bat friendly external lighting.
- g) The proposed artwork shall be agreed in writing with the planning authority prior to installation.

Reason: In the interests of amenity, ecology and sustainable development and in the interest of residential amenity and to secure the integrity of the proposed development including open spaces.

- 5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection

6. The western boundary shall be designed and constructed so as not to interfere with or compromise the safety or operation of the permitted Dart + South West Project. Prior to commencement of development, detailed specifications and construction details for the boundary treatment adjoining the railway as agreed with Iarnród Éireann shall be submitted for the written agreement of the Planning . Confirmation of agreement with Iarnród Éireann shall also be provided to the planning authority.

Reason: In the interests of safety in the operation of the railway and the proposed DART + South West project.

7. Prior to commencement of development, the applicant shall confirm that any works within the DART+ South West substratum acquisition, and any works in proximity to the substratum acquisition, shall maintain the required safe clearances to the soil anchors associated with the DART+ South West project. Details confirming compliance with the required clearances shall be submitted to the Planning Authority for written agreement, following agreement with Iarnród Éireann, the NTA and the DART+ South West team. Confirmation of agreement with Iarnród Éireann & NTA shall also be provided.

Reason: In the interests of safety in the operation of the railway and the proposed DART + South West project.

8. Prior to commencement of development, the applicant shall submit to the Planning Authority for written agreement a revised Servicing and Delivery Plan which indicates the location of the servicing/set down parking bay within the curtilage of the site. The parking bay shall be separate from the proposed accessible car parking space.

Reason: In the interests of road safety

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

10. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

11. The proposed development shall comply with the following requirements:

The nature, extent, and location of archaeological material on the site shall be determined by way of post-demolition archaeological testing. Trial trenches shall be excavated to the top of the archaeological deposits only.

The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. 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.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

13. 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.

14. 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.

15. 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

16. 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.

17. 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.

18. 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Darragh Ryan
Planning Inspector

25th of September 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	324373-26		
Proposed Development Summary	LRD: Demolition of the former public house for the construction of student accommodation scheme consisting of 249 student bedspaces in 2 blocks ranging in height from 1-6 storeys and all associated site works		
Development Address	Former 'Matt's of Cabra' Public House, 2A Fassagh Avenue, Dublin 7, D07 TH77		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
No	Tick or leave blank		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	

5. Has Schedule 7A information been submitted?		
No		
Yes	X	Screening Determination required

Inspector: _____ Date: _____

Appendix 2

Schedule 7A EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ACP-324373-26	
Development Summary	Large-scale Residential Development (LRD): 249 no. student bed spaces internal and external amenity space, on street carparking, cycle parking, landscaping, bin stores, service provision and all other associated site development works at	
	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 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.

3. Has an AA screening report or NIS been submitted?	Yes	The applicant submitted an AA Screening report to the Planning Authority. The screening report submitted concluded that having regard to the lack of connectivity to the nearest SAC and SPA 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.
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?	No	N/A
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	No	SEA an AA were undertaken as part of the Dublin City Development Plan 2022-2028. The application has been accompanied by a Demolition Justification Report Landscape Design Statement, Appropriate Assessment Screening Report, Construction Environmental Management Plan (CEMP), , Architectural Heritage Impact Assessment, Resource & Waste Management Plan, and a climate Action & Energy Statement & Sustainability & M&E Energy Report.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The appeal sit is located within Dublin City Urban Site 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 boundary with rail line and eastern boundary with established residential development. The site is currently brown-field in nature and comprises former Matts of Cabra Public House.	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 currently a vacant commercial premises on site which will require demolition.	No

		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. The use of the land will change from commercial to residential use, a more efficient use of serviced land. There are no watercourses located on or adjacent to the site. The Grand Canal is also situated c.520m to the south of the site.	
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	The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the outline/ final CEMP. There is no significant use of natural resources anticipated. 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. 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.	No

		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.	
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	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. 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. 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. 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.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	YES	Conventional waste will be produced from construction activity and will be managed through the implementation of the outline/ final CMP.	No

		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. 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.	
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	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. 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.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	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.	No

		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). However, these are anticipated to be typical of such student accommodation schemes, as proposed. The proposal shall be accompanied by a student management plan. 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. 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	The potential for water contamination and air pollution (noise and dust emissions) during the construction phase is likely. 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. 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,	No

		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. 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.	
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. The site is located in Flood Zone C	No
1.10 Will the project affect the social environment (population, employment)	Yes	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. The operational phase of the project (i.e. the occupation of the residential units) will result in a potential increase of up to c. 249 persons. A slight impact in scale of effect. 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.	No

		Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	The site is zoned under objective Z1-Sustainable Residential Neighbourhoods which seeks to protect, provide and improve residential amenities. The front of the site is zoned Z3 – Neighbourhood Centre The site is located within an existing urban area and shares its eastern boundary with an existing residential development. The proposed development can be readily serviced and can be accessed by existing and future sustainable modes of transport within the immediate vicinity of the site. I do not anticipate cumulative significant negative effects on the area arising from the project.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - 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	No	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. A submitted AA Screening Report concluded that having regard to the lack of connections and separation from the nearest SAC/ SPA and given the location, nature and extent of the proposed development it is not considered there would be potential to negatively affect the	No

preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		ecological integrity or conservation objectives of European Sites. 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 the integrity of any European Site. See Section 10.0 and Appendix 3 of this report. Water Framework Directive is discussed under Section 11.	
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	The site comprises a brownfield site. The site is not under any wildlife or conservation designation. No protected habitats, plant species of conservation importance, or any terrestrial mammals or evidence of mammals of conservation importance were noted on site. The site is brightly lit by street lighting on Fausagh Avenue. The proposed development will change the local environment as new structures are to be erected. No bat activity was noted on site as per the ecological report submitted. 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.	No

		The proposed development will have a neutral long-term impact on bat populations. 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 exist within the site, currently in an unmaintained and overgrown condition. Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of biodiversity.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	There are no landscape designations or protected scenic views at the subject site. A submitted Archaeological Impact Assessment (AIA) notes that the site lies within the zone of archaeological potential for the historic city, although there are no discrete recorded monuments within the red line boundary. The assessment concludes that it is likely that modern development has substantially truncated into underlying strata. 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	No

		heritage significance and that there is very little potential for visibility of the proposed development from within any Z1 Residential Conservation Areas and that there is little or no potential for impacts on the architectural heritage of these areas. 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.	
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	There are no such resources on or close to the site.	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	There are no watercourses located on or adjacent to the site. The Grand Canal is also situated c.520m to the south of the site. There are no direct or indirect hydrological connections between the site and the European Natura Designated sites. 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	No

		events to groundwater, and mitigate against excessive siltation. Wastewater generated by the proposed development will be collected in a gravity sewer network and will connect to the existing 300Ø combined sewer to the south of the site. 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 and was submitted as part of the application documentation. 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. Peak surface water runoff will be restricted to 2 litres per second for the whole 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.	
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		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. 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.	
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 1 no. car parking space which is located within the development and 1 set down area to be situated on-street replacing existing on-street parking spaces along Faussagh Avenue The proposal provides 308 no. secure bicycle parking spaces for residents, staff and visitors at ground floor and basement level. 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).	No

		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.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are private residential dwellings to the east of the site and existing school buildings to the south of th site. 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. 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. 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. 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.	No

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	ElAR Not Required
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D. MAIN REASONS AND CONSIDERATIONS

ElAR not Required

Having regard to: -

- 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.
- b) The location of the site on zoned lands (Z1 – Sustainable Residential Neighbourhoods), (Z3 – Neighbourhood Centres) and other relevant policies and objectives in the Dublin City Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The brownfield nature of the site and its location in an established residential and urban area, which is served by public services and infrastructure.

- d) The pattern of existing and permitted development in the area.
- 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.
- 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, Archaeological Impact Assessment, Lighting Design Report and Mobility Management Plan.

In so doing, the Coimisiún 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 249 no. student bed spaces internal and external amenity space, cycle parking, landscaping, bin stores, service provision and all other associated site development works.
Brief description of development characteristics and potential impact mechanisms	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. The site has a stated of 0.54ha and is located at Former 'Matt's of Cabra' Public House, 2A Fassagh Avenue, Dublin 7, D07 TH77. The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.4.0km 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).
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)	• 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).	• Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Oystercatcher (Haematopus ostralegus) [A130] • Ringed Plover (Charadrius hiaticula) [A137] • Grey Plover (Pluvialis squatarola) [A141] • Knot (Calidris canutus) [A143] • Sanderling (Calidris alba) [A144] • Dunlin (Calidris alpina) [A149]	c.4.23km	None	N

	• Bar-tailed Godwit (Limosa lapponica) [A157] • Redshank (Tringa totanus) [A162] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Roseate Tern (Sterna dougallii) [A192] • Common Tern (Sterna hirundo) [A193] • Arctic Tern (Sterna paradisaea) [A194] • Wetland and Waterbirds [A999]			
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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 reason for this conclusion is as follows:

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

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.

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