



THORNTON O'CONNOR
TOWN PLANNING

Planning Report

Prepared in Respect of a Proposed Large-Scale Residential Development (LRD) Amendment to a Permitted LRD Granted Under ABP Reg. Ref. ABP-LH29S.319121

At

Gowan House, Carriglea Business Park, Naas Road, Dublin 12, D12 RCC4.

Prepared on Behalf of Malclose Limited

June 2025

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Planning Department
Dublin City Council
Wood Quay
Dublin 8

Friday, 27th June 2025

Dear Sir/Madam,

RE: LRD AMENDMENT APPLICATION SEEKING THE AMENDMENT OF CONDITION NO. 2 IN THE PERMITTED STUDENT ACCOMMODATION SCHEME AT GOWAN HOUSE, NAAS ROAD, DUBLIN 12

1.0 INTRODUCTION

1.1 Purpose of this Report

Malkey Limited¹ have retained Thornton O'Connor Town Planning in association with HKR Architects², to lodge this Planning Application to Dublin City Council, in relation to an amendment to the permitted Large-Scale Residential Development (LRD), seeking the modification of Condition No. 2 from the granted permission, which would allow the permitted Student Accommodation to be used for tourist accommodation outside term time at Gowan House, Naas Road, Dublin 12 as permitted under ABP Reg. Ref. LH29S.319121 (DCC Reg. Ref. RD6034/23-S3).

The site is within the administrative area of Dublin City Council.

1.2 Permitted Development

The permitted development as applied for was principally as follows:

'The proposed development will principally consist of: the demolition of the existing two-storey office/warehouse building and outbuilding (5,172 sq m); and the construction of a development in two blocks (Block 1 (eastern block) is part 2 No. storeys to part 15 No. storeys over lower ground floor and basement levels with roof plant over and Block 2 (western block) is part 9 No. storeys to part 11 No. storeys over basement with roof plant over) principally comprising 941 No. Student Accommodation bedspaces (871 No. standard rooms, 47 No. accessible studio rooms and 23 No. studios) with associated facilities, which will be utilised for short-term lets during student holiday periods. The 871 No. standard rooms are provided in 123 No. clusters ranging in size from 3 No.

¹ No. 28, Graigavern Lodge, Ballybrittas, Co. Laois

² HKR Architects, 57 Great Suffolk Street, London, SE1 0BB, United Kingdom

bedspaces to 8 No. bedspaces, and all clusters are served by a communal living/kitchen/dining room.

The development also provides: ancillary internal and external communal student amenity spaces and support facilities; cultural and community floor space (1,422 sq m internal and 131 sq m external) principally comprising a digital hub and co-working space with ancillary cafe; a retail unit (250 sq m); public open space; the daylighting of the culverted River Camac through the site; an elevated walkway above the River Camac at ground floor level; a pedestrian bridge link at first floor level between Blocks 1 and 2; vehicular access at the south-western corner; the provision of 7 No. car-parking spaces, 2 No. motorcycle parking spaces and 2 No. set down areas; bicycle stores at ground and lower ground floor levels; visitor cycle parking spaces; bin stores; substations; hard and soft landscaping; green and blue roofs; new telecommunications infrastructure at roof level of Block 1 including antennas and microwave link dishes, 18 No. antennas and 6 No. transmission dishes, together with all associated equipment; boundary treatments; plant; lift overruns; and all associated works above and below ground. The gross floor area of the development is c. 33,140 sq m comprising c. 30,386 sq m above lower ground and basement level'.

Further to a First Party Appeal, Condition No. 1 of the permission stated the permission was granted for the Option B scheme as submitted with the appeal which reduced the height of the main block from 15 No. storeys to 13 No. storeys, proposed other minor height amendments and overall provided 899 No. bedspaces (as opposed to the 941 No. bedspaces lodged at application stage).

A schedule of accommodation for the permitted scheme is included with the drawing pack.

1.3 Description of the Works Proposed as Part of this Amendment Application

The purpose of this application is to permit the use of the building as tourist/visitor accommodation outside academic term-time. This is on foot of the attachment of Condition No. 2 of the LRD permission, which stated the following.

2. The proposed development shall be used for student accommodation or accommodation related to a Higher Education Institute.

The proposed development shall not be used at any time for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel, tourist accommodation or similar use without a prior grant of planning permission.

Reason: In accordance with the details submitted with the planning application including the outline Delivery Service Management Plan and the Accommodation Management Plan.

1.3 Legislative Context for Request for Minor Amendments

The *Planning and Development (Amendment) (Large-Scale Residential Development) Act, 2021*, requires proposed alterations to any permitted LRD schemes to be dealt with through the LRD application process. The LRD process comprises the following 3 No. key stages (in summary):

- Stage 1: Section 247 Pre-Planning Consultation
- Stage 2: LRD Opinion Meeting (this stage is bypassed if the Planning Authority consider the proposed amendments discussed at Stage 1 to be immaterial).
- Stage 3: LRD Application Stage

Therefore, as the proposed amendments subject of this application comprise amendments to a permitted LRD, a Stage 1 Section 247 Pre-Planning Consultation Meeting was held with Dublin City Council on 10th March 2025.

Further to that meeting and in accordance with Section 247(7) of the *Planning and Development Act, 2000 as amended*, we submitted a Report formally requesting that the Planning Authority confirm that no further consultation is required in accordance with Section 32A, and the Applicant can proceed to lodgement of the amendment application.

Dublin City Council advised in correspondence dated 1st May 2025 (see full correspondence in Appendix A) that:

Determination

The Planning Authority has compared the proposed development to the permitted development, and considered whether the —

- (a) the proposed development is substantially the same as the permitted development, and
- (b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated.

The Planning Authority has determined that **no further consultation is required** under Section 247 in relation to the proposed development.

This determination is based on plans and particulars received by the Planning Authority on the 30th April 2025.

In accordance with Section 247(8) of the Act, a determination under subsection 247 (7) shall not prejudice the performance by the Planning Authority of its functions under this Act or any regulations under the Planning and Development Act 2000-2022 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Therefore, as no further pre-planning consultation is required, an LRD Amendment Application is now being lodged to Dublin City Council.

2.0 SITE DETAILS

2.1 Site Location and Description

The application site in the parent permission comprised the following 3 No. elements:

1. The **main development site** which measures 0.962 Ha.
2. The **access road to the west** of the site which measures c. 0.081 Ha which is proposed to be upgraded with works comprising new surfacing to the carriageway, the provision of inbound and outbound bicycle lanes from the development entrance to the Naas Road, the provision of a controlled pedestrian crossing on the access road at the Naas Road junction, and the provision of a further uncontrolled pedestrian and bicycle crossing linking the subject site with the approved Concorde SHD development (ABP Ref: TA29S.312218) to the west.

It is noted that this road is in the Applicant's ownership.

3. An area measuring c.086 Ha on the **Naas Road** in DCC's ownership where works are proposed comprising the realignment and widening of the existing pedestrian footpath along the westbound carriageway of the Naas Road and the provision of linkages from the realigned footpath to the development site, and the provision of new controlled pedestrian crossings across the eastbound and westbound carriageways of the Naas Road and the provision of a new uncontrolled crossing of the Luas tracks.

The subject site is located at the junction between Naas Road and Carriglea Industrial Estate entrance road/access road to the west.

The site currently comprises the existing Peugeot Ireland (Gowan Distributors Ltd) warehouse/office site at Gowan House, RCC4, a two-storey equivalent warehouse building with an associated outbuilding and 131 No. surface car-parking spaces. The Concorde Industrial Estate is located to the west of the site. An aerial map of the site location is provided in Figure 2.1 below.

To simplify this application, the red-line boundary is only proposed around the main development site in this amendment application as no works are proposed to the external road network (nor to the permitted overall development). This means a letter of consent is not needed from Dublin City Council for works on the Naas Road, which are already permitted, with no changes proposed.



Figure 2.1: Map Showing the Location of Subject Lands Circled in Red

(Source: Google Maps, annotated by Thornton O'Connor Town Planning, 2025)

3.0 PLANNING HISTORY

The key relevant planning application pertaining to the subject site is the aforementioned recently permitted LRD which is detailed below:

DCC Reg. Ref:	LRD6034/23-S3
ABP Reg. Ref.:	LH29S.319121
Application Date:	27 th November 2023
Development Description:	Permission for a large-scale residential development principally comprising student accommodation at this 0.962 Ha site at Gowan House, Carriglea Business Park, Naas Road, Dublin 12, D12 RCC4 Works to upgrade the access road to the west of the site on an area measuring c. 0.081 Ha are also proposed comprising new surfacing to the carriageway, the provision of inbound and outbound bicycle lanes from the development entrance to the Naas Road, the provision of a controlled pedestrian crossing on the access road at the Naas Road junction, and the provision of a further uncontrolled pedestrian and bicycle crossing linking the subject site with the approved Concorde SHD development (ABP Ref: TA29S.312218) to the west. On the Naas Road, works are proposed on an area measuring c. 0.086 Ha comprising the realignment and widening of the existing pedestrian footpath along the westbound carriageway of the Naas Road and the provision of linkages from the realigned footpath to the development site, and the provision of new controlled pedestrian crossings across the eastbound and westbound carriageways of the Naas Road and the provision of a new uncontrolled crossing of the Luas tracks. The development site area and roadworks areas will provide a total application site area of c. 1.13 Ha. The proposed development will principally consist of: the demolition of the existing two-storey office/warehouse building and outbuilding (5,172 sq m); and the construction of a development in two blocks (Block 1 (eastern block) is part 2 No. storeys to part 15 No. storeys over lower ground floor and basement levels with roof plant over and Block 2 (western block) is part 9 No. storeys to part 11 No. storeys over basement with roof plant over) principally comprising 941 No. Student Accommodation bedspaces (871 No. standards rooms, 47 No. accessible studio rooms and 23 No. studios) with associated facilities, which will be utilised for short-term lets during student holiday periods. The 871No. standard rooms are provided in 123 No. clusters ranging in size from 3 No. bedspaces to 8 No. bedspaces, and all clusters are served by a communal living/kitchen/dining room. The development also provides: ancillary internal and external communal student amenity spaces and support facilities; cultural and community floor space (1,422 sq m internal and 131 sq m external) principally comprising a digital hub and co-working space with ancillary cafe; a retail unit (250 sq m); public open space; the daylighting of the culverted River Camac through the site; an elevated walkway above the River Camac at ground floor level; a pedestrian bridge link at first floor level between Blocks 1 and 2;

	vehicular access at the south-western corner; the provision of 7 No. car-parking spaces, 2 No. motorcycle parking spaces and 2 No. set down areas; bicycle stores at ground and lower ground floor levels; visitor cycle parking spaces; bin stores; substations; hard and soft landscaping; green and blue roofs; new telecommunications infrastructure at roof level of Block 1 including antennas and microwave link dishes, 18 No. antennas and 6 No. transmission dishes, together with all associated equipment; boundary treatments; plant; lift overruns; and all associated works above and below ground. The gross floor area of the development is c. 33,140 sq m comprising c. 30,386 sq m above lower ground and basement level.
DCC Decision:	Refuse Permission
DCC Decision Date:	30 th January 2024
ABP Decision:	Grant Permission Subject to 22 No. Conditions
ABP Decision Date:	13 th June 2024

Figure 3.1 below shows the scheme as granted by the Board. This reduced the elements of the applied for height and reduced the number of bedrooms from 941 No. as originally applied for to 899 No. as granted.



Figure 3.1: Computer Generated Image of the Permitted Development

(Source: 3D Design Bureau, submitted at Appeal Stage)

4.0 DETAILS OF THE DEVELOPMENT PROPOSED

The purpose of this application is to permit the use of the building as tourist/visitor accommodation outside academic term-time. This is on foot of the attachment of Condition No. 2 of the parent LRD permission, which stated the following.

2. The proposed development shall be used for student accommodation or accommodation related to a Higher Education Institute.

The proposed development shall not be used at any time for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel, tourist accommodation or similar use without a prior grant of planning permission.

Reason: In accordance with the details submitted with the planning application including the outline Delivery Service Management Plan and the Accommodation Management Plan.

As set out above, the Applicant is seeking permission for the following:

'The development proposes the utilisation of the permitted student accommodation bedspaces as tourist/visitor accommodation outside academic term time only, which requires the modification of Condition No. 2 of the parent permission'.

The Applicant suggests that Condition No. 2 is modified as follows, which is the typical condition applied to Student Accommodation schemes by Dublin City Council and An Bord Pleanála:

The proposed development 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 sustainable development of the area.

The Applicant is not clear on the rationale for the original Condition No. 2 attached to the permission as:

- a) There is no explanation given in the Inspector's Report, Board Order or Board Direction.
- b) The 'reason' for the condition implies that the Applicant stated that there would be no requirement for the standard tourist accommodation that is always permissible in Student Accommodation schemes outside term time as per the legal definition in Section 2 of the *Planning and Development Act, 2024*, which states the following:

'student accommodation' means a building or part thereof used, or to be used, for the sole purpose (subject to paragraph (b)) of providing residential accommodation to students during academic term times, whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not used, or to be used,—

- (a) as permanent residential accommodation, or*
- (b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times;".*

It is not correct to state that the Applicant stated that the proposal wouldn't be used outside term time. Both the *Accommodation Management Plan* and the *Delivery Services Management Plan* states that the building will be used for summer lets outside term time with the *Delivery Services Management Plan* for example stating the following in this regard:

7.0 SHORT TERM SUMMER LETTING

Over the summer period it is envisaged that the traditional student term residents will vacate the premises. During this period, it would be the intention of this development to accommodate summer language students. This would be the same principal use as the normal student term and would mean there would be no projected changes to the proposed deliveries and servicing of the development.

The maximum allowable length of a Student Accommodation lease is 41 No. weeks as per *The Residential Tenancies (Amendment)(No. 2) Act*, which was signed into law on 12th July 2024. The result of this legislation and Condition No. 2 means that the 899 No. bedrooms could be empty for 11 No. weeks, outside the 41 No. week lease term now permitted. In this regard, leaving rooms sitting empty for this period is unsustainable and there appears to be no rationale as to why this would be required.

Thus, the Applicant is seeking the amendment of Condition No. 2, allowing Gowan House to operate as every other Student Accommodation building is permitted, i.e. student accommodation during term time and for '*residential accommodation to tourists or visitors outside of academic term times*', as per the definition prescribed in Section 2 of the *Planning and Development Act, 2024*.

This is fully in line with the recommendation set out in a Circular entitled 'Identifying Planning Measures to Enhance Housing Supply, issued by the Department of Housing, Planning, Community and Local Government in July 2016, which sought to allow the short-term use of Student Accommodation outside of the academic term.

5.0 ENVIRONMENTAL ASSESSMENT

5.1 Environmental Impact Assessment Report (EIAR)

In their consideration of the proposed development under ABP Reg. Ref. LH29S.319121, An Bord Pleanála stated:

'The Board completed an Environmental Impact Assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended,*
- (b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,*
- (c) the existing use on the site and pattern of development in surrounding area,*
- (d) the availability of mains water and wastewater services to serve the proposed development, the availability of mains water and wastewater services to serve the proposed development,*
- (e) 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), and Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and 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), and*
- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended;*

the Board 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'.

As the subject amendment proposes minor modifications to the permitted development comprising the use of the building for a maximum of 11 No. weeks a year over and above that permitted, it is considered that the proposed amendments now put forward are minor in nature that equally it can be considered that no elements of the project will result in any likely significant impact on the environment, either alone or when considered cumulatively, and as such an EIAR is not required.

5.2 Appropriate Assessment

In their consideration of the parent permission, An Bord Pleanála stated that:

'The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and concluded that, by itself or in combination with other developments, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required'.

It is considered that the proposed amendments now put forward are minor in nature and that it can be equally concluded that no elements of the project will result in any likely significant impact on any European Site, either on its own or in combination with other plans or projects, in light of their conservation objectives.

6.0 PLANNING APPLICATION ADMINISTRATION

6.1 Planning Fee

- The planning fee of €80.00 has been paid to Dublin City Council (representing the planning application fee payable in accordance with Schedule 9 of the *Planning and Development Regulations 2001-2021*).

The Planning Fee is calculated as follows:

Class	Calculation	Amount
Class 13	€80.00	€80.00

6.2 Statutory Notices

- An original page of the *Irish Daily Star* dated 27th June 2025 in which notice of the application has been published pursuant to article 17(1)(a) of the *Planning and Development Regulations, 2001 (as amended)*.
- One copy of the Site Notice dated 27th June 2025 and erected or fixed on the land or structure pursuant to article 17(1)(b) of the *Planning and Development Regulations, 2001 (as amended)*.

6.3 Planning Application Form

- A completed Supplementary Application Form (Form 19) dated 27th June 2025.

6.4 Planning Report

- A copy of this *Planning Report* prepared by Thornton O'Connor Town Planning, dated 27th June 2025.

6.5 Architecture

- A copy of the following permitted drawings prepared by HKR Architects:

Architectural Drawings by HKR Architects			
Drawing No.	Drawing Title	Scale	Size
GWH-HKR-XX-00-DR-A-0100	Location Plan	1:1,000	A3
GWH-HKR-XX-00-DR-A-0101	Site Layout Plan	1:500	A0
GWH-HKR-XX-00-DR-A-0102	Site Layout Plan – Existing	1:500	A3
GWH-HKR-XX-00-DR-A-0103	Site Demolition Plan	1:500	A3
GWH-HKR-XX-ZZ-DR-A-0460	Demolition Elevations	1:200	A1
GWH-HKR-XX-00-DR-A-0200	Ground Floor Plan	1:200	A1
GWH-HKR-XX-01-DR-A-0201	First Floor Plan	1:200	A1
GWH-HKR-XX-02-DR-A-0202	Second Floor Plan	1:200	A1
GWH-HKR-XX-03-DR-A-0203	Third Floor Plan – Typical Lo3 to Lo8	1:200	A1
GWH-HKR-XX-09-DR-A-0209	Nineth Floor Plan	1:200	A1
GWH-HKR-XX-10-DR-A-02010	Tenth Floor Plan	1:200	A1
GWH-HKR-XX-11-DR-A-0211	Eleventh Floor Plan	1:200	A1
GWH-HKR-XX-12-DR-A-0212	Twelfth Floor Plan – Typical L12	1:200	A1
GWH-HKR-XX-B1-DR-A-0221	Lower Ground Floor	1:200	A1
GWH-HKR-XX-B2-DR-A-0222	Basement Floor Plan	1:200	A1
GWH-HKR-XX-RF-DR-A-0223	Roof Plant Enclosure	1:200	A1
GWH-HKR-XX-RF-DR-A-0224	Roof Plant	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0400	East Elevation 1	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0401	East Elevation 2	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0402	West Elevation 3	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0403	West Elevation 4	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0404	North Elevation 5	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0405	North Elevation 6	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0406	South Elevation 7	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0407	South Elevation 8	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0450	Contiguous North Elevations	As Indicated	A0
GWH-HKR-XX-ZZ-DR-A-0451	Contiguous West Elevations	As Indicated	A0
GWH-HKR-XX-ZZ-DR-A-0500	Site Section A-A	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0501	Site Section B-B	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0502	Site Section C-C	1:200	A1
GWH-HKR-XX-ZZ-DR-A-0503	Site Section D-D	1:200	A1

7.0 CONCLUSION

We trust that this document will provide Dublin City Council with sufficient information to consider the amendment proposed which seeks the modification of Condition No. 2 from the permitted Student Accommodation scheme, which would allow the permitted Student Accommodation to be let outside term time as every other Student Accommodation is permitted to do.

Yours sincerely,



Patricia Thornton
Director
Thornton O'Connor Town Planning

APPENDIX A: SECTION 247(7) DETERMINATION FROM DUBLIN CITY COUNCIL



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine,
Bloc 4, Uirlár 3, Oifigí na Cathrach, An Ché Adhmaid,
Baile Átha Cliath 8

Planning & Property Development Department
Block 4, Floor 3, Civic Offices, Wood Quay,
Dublin 8.

May 1st, 2025

Patricia Thornton,
Thornton O'Connor Town Planning
No. 1 Kilmacud Road Upper,
Dundrum, Dublin 14

**Re: SECTION 247 (7) – SECTION 247(7) REQUEST FOR LRD APPLICATION FOR SEEKING THE
UTILISATION OF THE PERMITTED STUDENT ACCOMMODATION SCHEME
FOR TOURSIT ACCOMMODATION AT GOWAN HOUSE, NAAS ROAD,
DUBLIN 24**

**DETERMINATION UNDER SECTION 247 (7) OF THE PLANNING &
DEVELOPMENT ACT 2000-2022**

Patricia,

A *Pre-Application Consultation Request* was received by Dublin City Council's Planning Department on behalf of Malclose Limited.

The request for consultation was regarding proposed amendments to permitted Large Scale Residential development LRD6034/23-S3 (ABP LH29S.319121), granted by An Bord Pleanála on 13th June 2024. This development relates to the demolition of buildings and the construction of two blocks providing for a total of 899 student accommodation units, retail, café, community/ amenity facilities,

A subsequent Section 247 meeting was held between the applicant – Malclose Ltd, and Dublin City Council on the 10th March 2025 (as per Planning and Development Act 2000, as amended).

The following is a determination under Section 247 (7) of the aforementioned Act.

- A. *Minutes of the Meeting – please find a copy of the minutes enclosed.*
- B. *Determination under Section 247 (7) of the Planning & Development Act 2000 as amended*

Ceannoifig, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8. Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

T. 01 222 2222 www.dublincity.ie

Introduction

The Planning Authority received a request on behalf of Malclose Ltd, in relation to proposed amendments to a permitted development under LRD6034/23-S3 (ABP LH29S.319121). The proposed development, granted by An Bord Pleanála, related to the provision of 899 no. units as student accommodation, retail, café, community/ amenity facilities, at Gowan House, Carriglea Business Park, Naas Road, Dublin 12.

Permitted and Proposed Development

The permitted development consisted of:

- 5 year permission granted on the 13th June 2024.
- Demolition of existing buildings on site
- Construction of 2 no. blocks
- 899 no. student accommodation units
- Retail unit 250sq.m.
- Community Use 472sq.m.
- Cultural Use 729sq.m.
- Community and Cultural Use 221sq.m.

The current proposal relates to:

The proposed development comprises of an amendment to Condition 2 of the permitted development and the applicant is seeking to use the permitted student accommodation bedspaces as tourist/visitor accommodation outside academic term time only.

Condition no. 2 of the parent permission states:

"The proposed development shall be used for student accommodation or accommodation relates to a Higher Education Institute.

The proposed development shall not be used at any time for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel, tourist accommodation or similar use without a prior grant of planning permission.

Reason: In accordance with the details submitted with the planning application including the outlined Delivery Service Management Plan and the Accommodation Management Plan."

As a result of the above-mentioned condition, the development as permitted, cannot be used for any other use outside of the permitted 41 week academic term. In that regard, as it is currently permitted, the development would lie idle during this period. The applicant is seeking to modify Condition no. 2 to allow for use of the building as tourist/visitor accommodation during the period.

This would be in line with the recommendation set out in Circular PL8/2015 'Identifying Planning Measures to Enhance Housing Supply' issued by the Department of Housing, Planning, Community and Local Government in July 2016, which sought to allow the short term use of student accommodation outside of the academic term.

Ceannoifig, Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8. Éire
Head Office, Civic Offices, Wood Quay, Dublin 8, Ireland

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No other modifications are proposed as part of an application to the permitted development.

Determination

The Planning Authority has compared the proposed development to the permitted development, and considered whether the —

- (a) the proposed development is substantially the same as the permitted development, and
- (b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated.

The Planning Authority has determined that **no further consultation is required** under Section 247 in relation to the proposed development.

This determination is based on plans and particulars received by the Planning Authority on the 30th April 2025.

In accordance with Section 247(8) of the Act, a determination under subsection 247 (7) shall not prejudice the performance by the Planning Authority of its functions under this Act or any regulations under the Planning and Development Act 2000-2022 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Yours sincerely,



Nicola Conlon
Senior Planner