

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322533-25

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

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1377/25**

**Appeal** by Sunny Quarter UC care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 17<sup>th</sup> day of April, 2025 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** The proposed development consists of the following: - subdivision and part change of use of retail/restaurant/café unit at ground floor and first floor level. The unit was permitted as a retail/restaurant/café unit of 345 square metres at ground level and 309 square metres at first floor level. As a result of the proposed subdivision and part change of use, a retail/restaurant/café unit fronting Adelaide Road of 93 square metres at ground floor is proposed and office amenity space fronting the pedestrian route through the building of 252 square metres at ground floor and 309 square metres at first floor level is proposed. All associated site development works and consequential amendments to the permitted development, including installation of manifestation on the glazing at the ground floor window bay along the pedestrian link between Adelaide Road and Hatch Street Upper, all at Four and Five Park Place, Adelaide Road, Dublin (scheme permitted under register reference numbers 2388/18 (ABP-301931-18), as amended under register reference numbers 3292/21; 5019/22; and 3005/24 (ABP-319376-24)).

## **Decision**

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

## **Reasons and Considerations**

Having regard to the policies and objectives of the Dublin City Development Plan 2022-2028, in particular the Z6 Employment/Enterprise' land use zoning objective which is "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation', the site's planning history and to the nature and scale of the proposed change of use, it is considered that, subject to compliance with the conditions set out below, the proposed development would maintain a suitable ratio and range of land uses, would ensure a high standard of amenity for future and existing employees of the area, would respect the character and pattern of development in the area and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted with the appeal on the 14<sup>th</sup> day of May, 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (register reference number 2388/18 - An Coimisiún Pleanála reference number ABP-301931-18), and subsequent amendment permissions register reference numbers 3292/21, 5019/22 and 3005/24 - An Coimisiún Pleanála reference number ABP-319376-24). This permission shall expire on the same date as the parent permission.

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



3. The office amenity space shall operate within the definition of a 'Sports Facility and Recreational Uses' as set out in Volume 2, Appendix 15 of the Dublin City Development Plan 2022-2028. In addition, office amenity space shall be limited solely for use of the future occupants of the development and of the adjoining sections of the Park Place campus only and shall not be used as a public facility.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan 2022-2028, and the proper planning and sustainable development of the area.

4. Full details of the juice bar and internal layout of the office amenity space lobby area shall be submitted to the planning authority prior to the commencement of development, and details of the exact use, location, hours of operation, seating and external signage shall be agreed in writing with the planning authority prior to its occupation. All glazing on this frontage shall be kept free of all stickers, posters, manifestations and advertisements.

**Reason:** To ensure that the overall development is carried out in accordance with the details submitted in the appeal, to ensure an active street frontage.

5. A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
  - (b) Details of proposed street furniture, including bollards, lighting fixtures and seating.

The landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

6. The following requirements of Transport Infrastructure Ireland shall be complied with:

- (a) All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations.
- (b) The applicant should ensure there is no adverse impact on Luas operation and safety.
- (c) The development shall comply with Transport Infrastructure Ireland's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

**Reason:** In the interests of public and rail safety.

7. During the operational phase of the office amenity space, the noise level shall not exceed:

- (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and
- (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location or at any point along the boundary of the site.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the amenities of property in the vicinity of the site.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. 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. The application of any indexation required by this condition 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.



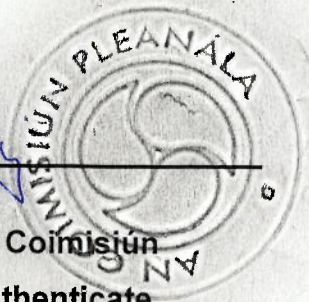
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *9<sup>th</sup>* day of *September* 2025.