



An
Bord
Pleanála

Inspector's Report

ABP-318865-24

Development	Reconfiguration and redevelopment of building up to 8 storeys. Inclusion of office spaces and reduction of car parking with all associated site works
Location	St. Stephen's Green Shopping Centre, St. Stephen's Green, Dublin 2, D02 X309
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3012/23
Applicant(s)	DTDL Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties vs. Grant
Appellant(s)	<ol style="list-style-type: none">1. Frank McDonald2. An Taisce
Observer(s)	25 no. observations
Date of Site Inspection	28 th May 2025
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site relates to reconfiguration and redevelopment of St. Stephen's Green Shopping Centre, a large indoor shopping centre located at the top of Grafton Street, in the Southside of Dublin City.
- 1.2. The site occupies a primary position at the top of Grafton Street, one of Dublin's busiest pedestrian shopping streets. The building extends westwards from St. Stephen's Green as far as Mercer Street Lower and presents a continuous, facade running the entire length of the pedestrianised South King Street. To the west of the site is the Fusilier's Arch and entrance to St. Stephen's Green Park from which the Shopping Centre gets its name. The surrounding area is characterised by predominately retail uses, with office, educational, institutional and cultural uses in the wider area. The Luas Green Line passes alongside the site and there is a stop across the street from the site.
- 1.3. The Shopping Centre comprises over 100 outlets and a large food court at first floor level overlooking St. Stephens' Green. The existing shopping centre was completed in 1988 and contains three levels of shops around a central linear atrium of steel frame and glazing construction with an attached multi-storey car park. The building's most recognisable feature is a glazed dome on the roof. There are a variety of building types and heights in the vicinity.
- 1.4. St. Stephen's Green Shopping Centre is not a Protected Structure nor is it listed on the National Inventory of Architectural Heritage. The site adjoins the Grafton Architectural Conservation Area, the eastern elevation forms part of the conservation area which encompasses St. Stephen's Green. St. Stephen's Green is also a National Monument (RMP DU018-020334). There are numerous Protected Structures in the immediate area including the Gaiety theatre, Mercer Library and the protected structures on Grafton Street and St. Stephen's Green.

2.0 Proposed Development

- 2.1. In summary, planning permission was sought for the following:
 - the rejuvenation of the Stephen's Green Shopping Centre, involving the internal reconfiguration and partial redevelopment of the centre, while maintaining a number of existing retail units and elements of the existing building structure.

- The proposal will result in a building of up to 8 no. storeys over basement of retail, cafe/restaurant/bar and office uses (excluding mezzanines in retail/cafe/restaurant/bar units at ground floor and basement and car park level).
- The proposal includes the construction of three storeys of offices over the existing car parking structure (with the omission of the existing uppermost car park level).
- The proposal includes retail, and office uses at first floor and the provision of office use at proposed 2nd to 7th floor levels.
- There is a general increase in height across the development over the existing shopping centre and multi-storey car park, which varies across the site. The maximum height increases over the existing multi-storey car park (which includes plant screen parapets) and when measured from the low point on King Street South is 11.18 metres (existing 30.59m to a proposed 41.77m). The maximum height increases over the existing shopping centre (excluding the multi storey car park) (which includes plant screen parapets/glazed atrium roof) and when measured from the low point on King Street South is 13.27 metres (existing 25.5m to a proposed 38.77m).
- A total gross floor area of 87,932 sq.m. is proposed, which includes a net reduction of retail floor area to 19,049 sq.m., a net reduction of the existing cafe/restaurant uses to 1,740 sq.m., and a net reduction of bar (public house) uses to 789 sq.m. 35,043 sq.m. of offices and ancillary spaces (including existing floor area where retained) are proposed. The overall net increase in GFA over the existing development is 21,419 sq.m.
- The proposal will include a reconfigured internal mall opening onto St. Stephen's Green providing access to new and existing retail and cafe/restaurant units at ground and first floor. Retail, cafe/restaurant and bar (public house) units and office entrances area provided on the King Street South frontage and on the St. Stephens' Green West frontage. The proposed development will include 551 no. car parking spaces and 512 no. bicycle-parking spaces. This represents a reduction in 138 no. car parking spaces from the number of spaces at present. The proposed development includes all associated works including demolition of existing structures, utilities connections, roof level plant and telecommunications infrastructure, temporary construction works, and site hoarding and public realm

works.

The site is bounded by St. Stephen's Green West to the east, King Street South to the north, Glovers Alley to the south (in part) and Mercer Street Lower to the west on a site area of 1.452 ha.

- 2.2. Following a request for further information dated 7th March 2023 and clarification of further information dated 6th October 2023 the scheme was amended. At RFI stage the original scheme was amended to provide for increased food and beverage floor space provision within the proposed shopping centre and introduced arts and cultural uses in the form of a cinema, townhall and art exhibition space reconfiguration. Subsequent to the clarification of FI, the scheme was further revised to provide for increased set back at 6th floor level. In addition, a revised wind and microclimate study concluded that South King Street will be a comfortable environment for outdoor dining.
- 2.3. The planning application was accompanied by inter alia a Planning Report including Townscape and Visual Impact Assessment, Visual Impact Photomontages, Heritage and Design Study of Existing Building, An Architectural Impact Statement, Archaeological Survey, Appropriate Assessment, EIA Screening Report, Engineering Planning Statement, Wind Microclimate Modelling, Daylight Impact Assessment, Ecological Impact Assessment, Mobility Management Plan, Outline Construction Management Plan, Outline Resource and Waste Management Plan/Drawings, Planning Sustainability Statement, Hydrological and Hydrogeological Qualitative Risk Assessment and Water Framework Directive Assessment.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued a decision to grant permission subject to 20 no. conditions.

Planning Reports

- 3.1.1. The initial Planner's Report dated 7th March 2023 recommended further information. The report notes that the St. Stephen's Green shopping centre is located in the south city retail core and plays an important role in maintaining and affirming the status of the city centre as the premier shopping area in the country. The reduction in retail, food and beverage floor space and the lack of social and cultural uses vertically throughout the centre is not acceptable. It is understood that the retail sector is

undergoing a change due to online retailing, technological change and changing consumer behaviour. However, in order to evolve and adapt to these trends, the city centre needs to offer a wide range of uses such as leisure, residential, office and community uses as well as retail. The principal use proposed on this site within the retail core of the city centre shall be office use, which is of serious concern to the Planning Authority. The dominant use as office has also impacted on the design of the proposed centre. Given the sites prominent location, a building of exceptional design and quality of materials should be provided. In this regard, it is considered that the proposed design should be of outstanding architectural quality and should relate to and complement the special character of St. Stephen's Green, the conservation area and the adjoining Grafton Street ACA.

In brief the RFI raised the following points:

1. The proposed reduction in retail and food and beverage floor space is of serious concern to the Planning Authority. A greater mix of publicly accessible uses vertically throughout the building would further generate activity and would help to rejuvenate the existing centre.
2. Query an additional anchor tenant.
3. PA Concerned with the mix of retail and café/bar uses along the South King Street frontage, given the category 2 status of the street. There is also a concern with the viability of the small units along South King Street and the quality of food and beverage provision and that the area is suitable for comfortable outdoor dining.
4. Address the requirements of policy CUO25.
5. Request to refine the architectural quality of the development.
6. The height, scale, massing and the articulation of the upper floors need further consideration, and the Applicant should consider a refinement of the design of the vertical extension to the centre. Concern also that the photomontages do not give a true reflection of the proposed schemes visual impact on the skyline.
7. Revised Daylight and Sunlight report.
8. Architectural Heritage Impact Assessment (AHIA) also does not adequately address the significance of this building as raised by third party objectors. A justification for the level of demolition/alterations required.
9. Revised AHIA providing a greater level of detail and individual analysis of how the proposed development will visually impact the setting of nearby protected

structures such as the Gaiety Theatre, Mercer Library, the Protected Structures on Grafton Street, Johnson's Place, St. Stephen's Green and the national monument St. Stephen's Green Park should be provided by a conservation expert.

10. Archaeological Impact Assessment requested.

11. Item 11 related to drainage.

12. Item 12 related to roads and traffic.

3.1.2. A response was received on 1st September 2023 and clarification of further information sought on 11th October 2023.

In brief the clarification of FI raised the following points:

1. Wind and Microclimate re. South King Street
2. Justification required re.CU025 compliance with respect to cinema and art exhibition space.
3. Request to refine the design by omitting a floor.
4. Request to refine the northeast corner of the building and the entrance to the shopping centre.
5. Address the Daylight Impact Assessment demonstrates that there will be an impact on nearby residential, such as Millin House and Clarendon Row.
6. Traffic issues – car park opening, layout, cycle access to basement.

Clarification of further information was received on 17th November 2023.

3.1.3. The Applicant did not reduce the proposed development by one floor level. However, the PA concluded that the increased set back at sixth floor level of 16.3 metres proposed to the upper floor fronting St Stephens Green with a total setback of 30.4 metres from the building edge visually reduces the massing of the building when viewed from Grafton Street. As a result of these changes the contrast in scale between the shopping centre and Grafton Street is less pronounced. The PA acknowledged that the existing shopping centre is a local landmark. However, the structure is not a protected structure and the Heritage Significance Report prepared by City designer found that the building provides a local landmark and townscape legibility through its form but not through its quality of architecture. However the clock was considered to have craftsmanship qualities, it is used as a smoke curtain and is inherently part of the architecture and was commissioned from an Irish clock maker. The PA report

recommended that the applicant investigate the possibility of re-using the clock in the re-development.

The PA is considered that the revised design submitted at further information and clarification of further information provided a simplified and more refined façade that preserves the setting of the Grafton Street ACA, nearby protected structures and views from St Stephens Green which is a national monument. The PA considered that the reconfiguration, alteration of the facades and vertical extension of St Stephen's Green Shopping Centre accords with the requirements of the 2022-2028 Dublin City Development Plan and the proper planning and sustainable development. Recommended that planning permission be granted.

The planning authority decision to grant of permission subject to 20 no. conditions. These are broadly standard in nature. Conditions of note include:

Condition no. 3 relates to Luas Cross City contribution.

Condition no. 4 relates to Bond

Condition no. 5 relates to detail design and fit out of exhibition space to be agreed with DCC Arts Officer

Condition no. 7 relates to Demolition Management Plan.

Condition no. 8 relates to Construction Management Plan.

Condition no. 9 relates to Archaeologist.

Condition no. 10 relates to finishes including the applicant investigate the possibility of retaining the existing clock and re-using it in the new development.

Condition no. 7 relates to naming.

Condition no. 16 relates to waste management

3.1.4. Other Technical Reports

Roads Streets & Traffic Department -Road Planning Division (Report dated 5th December 2023) – No objection subject to conditions including details of works proposed to Glover's Alley and Mercer Street Lower, including changes to footpath, line markings, corner radii, pedestrian crossing, tactile paving, public lighting, drainage etc. shall be agreed in writing with the Planning Authority and taking in charge details with respect to Glover's Alley.

Environment Health (Undated): No objection and recommends conditions.

Archaeology (Report dated 20th September 2023): No objection subject to a condition that 'if during the course of site works any archaeological material is discovered, the City Archaeologist should be notified immediately. Further, it is obligatory under the National Monuments Act that the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland are notified.'

The Drainage Division (Report dated 11th September 2023): no. objection and recommends conditions.

3.2. Prescribed Bodies

An Taisce (Report dated 9th February 2023) – Concerns raised about the proposed level of demolition and sustainable development principles. The architectural style reflects a highly generic and anonymous commercial style lacking any resonance with, or expression of, it's particular place on one of the key sites of this historic south-inner city commercial core and adjacent Georgian square.

Transport Infrastructure Ireland (Report dated 1st February 2023) – Proximity to the Luas noted. Appropriate conditions set out including S.49 contribution.

3.3. Third Party Observations

The PA in their assessment state that a number of valid observations were made. Issues raised in the submissions included inter alia the following:

- Query the demolition works and the associated environmental impact of demolition and construction.
- This is a Landmark site - The existing building is iconic. It appears on postcards of Dublin akin to the Ha'penny Bridge and Cleary's clock.
- The Dome creates a sense of place, and the clock is an asset to the city.
- Concern over architectural quality of the proposal. The proposed design is uninspiring and reflects a generic shopping mall.
- Small units in existing shopping centre provide character reference to Green Gallery, a unique art gallery trading for 28 years.
- The proposal will have a negative impact on the character of the ACA.
- Residential Amenity – Development will overshadow residential on Chatham and King Street and Clarendon Court. In addition to overlooking concerns.

- Concerns raised as regards the impact of construction activity.
- Noise pollution.
- Concerns raised regarding car parking provision for proposed offices.
- Failure to provide residential use is disappointing.
- The site is the fulcrum of city life for Dubliners with Grafton Street, Luas, St Stephen Green and the Gaiety.
- Contrary to policy CCUV7 – variety of retail offer, the proposed development will reduce variety.
- The development will be visually overbearing.
- Sole purpose of the proposal is to intensify office use on the site. Expansion of office space has no place in this specific part of Dublin City Centre.
- It is set out that the proposal does improve the relationship between the ground floor and King Street.
- The double height atrium under glazed roof is the strongest feature of the existing building and a modern version should be considered.
- The proposal should build down not up like the RCSI.
- The hotel bedrooms in Fitzwilliam Hotel should be protected

4.0 Planning History

Appeal Site

DCC Reg. Ref. 41490/21 - Planning permission refused for the erection of a c. 12.5sqm digital advertising panel (5.65 meters high by 2.2 meters wide). The base of the panel will be c.7.15 meters above the adjacent footpath with the top of the panel c. 12.8 meters above the footpath.

DCC Reg. Ref. 2529/20 - Planning permission refused for development at main (St Stephen's Green/Grafton Street) entrance to the St Stephen's Green Shopping Centre, St Stephen's Green, Dublin 2. The proposed development involves the replacement of the existing advertising panel over the main entrance to the shopping centre (from St Stephen's Green/Grafton Street), which projects full motion/dynamic content with rapid transitions, with new signage which displays a loop of static content, separated by smooth transitions.).

DCC Reg. Ref. 3660/19, ABP 305723/19 - Planning permission refused for advertising signage (c.7.8 x c.2.2m [c. 17.16 sq.m m]) which is projected from within the entrance lobby of the St. Stephen's green Shopping Centre (at the junction of Grafton Street/South King Street and St. Stephen's Green) by means of two projectors onto a vinyl strip on the curved upper glazed surface/window, c.2.95m above the main entrance, to be viewed from outside.

DCC Reg. Ref. 2997/17 - Planning permission granted for development comprising of a combination of units as follows: Ground Floor (and mezzanine), Basement (and mezzanine) of unit B5 (formally known as The Dandelion) and Ground Floor entrance and Basement of Unit B1B (known as TGI Fridays), St. Stephen's Green Dublin 2. The proposed development comprises a change of use, external works to the ground floor facades and internal reconfiguration of the units.

DCC Reg. Ref. 52458/08 – Permission refused for the refurbishment of the main entrance including new signage and lighting. This permission was refused for 1 no. reason:

The proposed development, by reason of its design, material and prominent location would seriously injure the character and amenities of this streetscape, which is situated within a Conservation Area and would conflict with the policies and objectives of the Dublin City Development Plan, 2005-2011, in respect of shopfront design, as well as the Shopfront Design Guide 2001. Accordingly, the proposed development would seriously injure the visual amenities of the Conservation Area and the amenities of property in the vicinity and would thus be contrary to the proper planning and sustainable development of the area.

In the Vicinity (recent)

St. Stephen's Green West (south of site)

DCC Reg Ref. 4131/21 – Permission granted to the Royal College of Surgeons, Ronan Baxter, RCSI Estate & Support Services for development along the St. Stephen's Green and York Street elevations of our building at 123 St. Stephen's Green, Dublin 2 (within the curtilage of a protected structure-R.P.S. ref:7815). Development comprising specialist conservation and restoration to the east (front) facade to St. Stephen's Green and the historic elevations to the south (left) facade to York St.

DCC Reg. Ref. 2873/20, ABP 308102-20 – Permission refused to the Royal College of Surgeons for amendments to a previously permitted education and research building (DCC Reg . Ref: 2016/19; ABP Ref: 305501-19). The proposed development will consist of an additional storey of education and research floorspace. Reasons for refusal states:

Having regard to the prominent and sensitive context of the subject site, by reason of its important location along Saint Stephen's Green and having regard to Policy SC7 and SC17 of the Dublin City Development Plan 2016- 2022, which seeks to protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the inner city, the proposed development would, by reason of visual intrusion, have a significant and detrimental impact on a number of important views and vistas in the city including from Saint Stephen's Green and Harcourt Street.

DCC Reg. Ref. 2016/19, ABP 305501- 19 - Permission granted for the construction of a third level education and research building.

*This building is currently under construction and when complete will be of varying heights ranging from five to eight storeys (including setback).

Stokes Place, St. Stephen's Green South & Harcourt Street (south of site)

DCC Reg. Ref. 2062/21, ABP 311618-21 – Permission granted for office redevelopment comprising: a 4 to 8 storey office building and all associated and ancillary site works. Demolition of existing 5 to 7-storey office complex.

5.0 Policy Context

5.1.1. Section 28 Ministerial Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011.

5.2. Dublin City Development Plan 2022-2028

- 5.2.1. The DCC decision was made under the Dublin City Development Plan 2016-2022. However, the Dublin City Development Plan 2022-2028 was adopted on the 2nd of November 2022, and it came into operation for this area as of the 14th of December 2022.

Zoning

5.2.1. The site is zoned Z5: City Centre: 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.'

- The eastern boundary of the site is shared with a red-hatch conservation area.
- The site is adjacent to the Grafton Street ACA.
- The site is opposite St. Stephen's Green which is a national monument (RMP DU018-020334) is a National Monument in the ownership of the State. Recorded Monument DU018-020388 Bridge is identified on King Street South to the north of the site.
- The St. Stephen's Green Shopping Centre is not a Protected Structures nor is it listed on the National Inventory of Architectural Heritage (NIAH). There are numerous Protected Structures and structures listed on the NIAH in the immediate vicinity of the site.

Relevant policies and standards of the Dublin City Development Plan 2022-2028 include:

5.2.2. Strategy

The overarching strategic approach of the plan is to develop a low carbon, sustainable, climate resilient city.

5.2.3. Chapter 3 – Climate Action

CA3 - Support the transition to a low carbon, climate resilient city by seeking sustainable settlement patterns, urban forms and mobility.

CA4 - Support retrofitting of existing built-up areas including reopening closed walking and cycling links and providing new links.

CA6- Retrofitting and Reuse of Existing Buildings -To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. See Section 15.7.1 Re-use of Existing Buildings in Chapter 15 Development Standards.

CA7 - Energy Efficiency in Existing Buildings

CA9- Climate Adaptation Actions in the Built Environment - Development proposals

must demonstrate sustainable, climate adaptation, circular design principles for new buildings / services / site. The council will promote and support development which is resilient to climate change.....

CA10 - Climate Action Energy Statements

5.2.4. City Shape & Structure

Chapter 4 sets out the overarching framework and strategy to guide the future sustainable development of the city. The vision for the urban form and structure of the city is to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. In summary, relevant policies and objectives include the following:

SC1 - Consolidate and enhance the inner city, promote compact growth and maximise opportunities provided by existing/proposed public transport by linking the critical mass of existing and emerging communities and other regeneration areas.

SC2 – Aims to develop the city’s character.

SC3 – Promotes mixed-uses in the city centre, including high-quality, sustainable residential development and conversion of office / over-shop spaces.

SC5 – Promotes good urban design and architectural principles.

SC11 - Promote compact growth through consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.

Section 4.5.4 deals with increased building height and outlines that Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted. Appendix 3 also outlines performance criteria for the assessment of such development and details the different classifications of building height in the city. The spatial approach is generally to protect the vast majority of the city as a predominantly low-rise city, including established residential areas and conservation areas within the historic core, while also recognising the potential and the need for taller landmark buildings to deliver more sustainable compact growth, including areas identified for large scale regeneration and redevelopment. In summary, relevant policies and objectives include the following:

SC14 – Strategic approach to accord with the Building Height Guidelines.

SC15 – Promotes a mix of uses in large scale development with increased height.

SC16 – Recognises the need for increased building height in identified locations, subject to the protection of existing amenities and sensitivities.

SC17 – Sets out guidance for proposals with increased scale/height in order to protect and enhance the skyline of the city.

SC18 - Promote a co-ordinated approach to the provision of landmark/tall buildings.

SC19 - High Quality Architecture - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

SC21 - Architectural Design - To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character and which mitigates and is resilient to, the impacts of climate change.

SC22 - Historical Architectural Character - To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.

5.2.5. Chapter 6 - City Economy and Enterprise

Office Development CEE1: It is the policy of the Council:

- i. To promote and enhance the role of Dublin as the national economic engine and driver of economic recovery and growth, with the city centre as its core economic generator.
- ii. To promote and facilitate Dublin as a creative and innovative city that is globally competitive, internationally linked, attractive and open.
- iii. To promote an internationalisation strategy building mutually beneficial economic and other links with key cities globally to encourage investment and tourism in Dublin.

CEE2: It is the policy of the Council to take a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high

quality outcomes.

CEE3: It is the policy of the Council:

- I. To promote and facilitate foreign direct investment into the city by working closely with the IDA and other agencies and having regard to the needs of international investment.
- II. To recognise that there is a role for Dublin City Council in establishing a positive and attractive 'brand' for the city and in facilitating investment in the ongoing growth and regeneration of the city

CEE8 - The City Centre - To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas.

CEE21 - Supply of Commercial Space and Redevelopment of Office Stock –

- (i) To promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.
- (ii) To consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.

5.2.6. Chapter 7 - The City Centre, Urban Villages and Retail

Chapter 7 aims to support and promote the city centre, urban villages, and retail. The site is located within the defined City Centre Retail Core and South King Street is designated a category 2 shopping street. Figure 7.2: Dublin City Centre Retail Core, Principal Shopping Streets. The adjacent Grafton Street is a category 1 shopping street.

Relevant Policies:

CCUV4 The Role of Retail -To promote and support the major contribution of retail and retail services to the vitality and success of the city, as a significant source of employment, a focus of tourism, as an important recreational activity and as a link with other cultural, recreational and community activities.

CCUV6 Large Scale Retail / Mixed Use Developments - To ensure that large scale retail / mixed use development proposals match the capacity of existing and planned public transport; provide good quality street environments to provide safer and more

attractive settings for people to shop / do business; and incorporate cycle and pedestrian friendly designs in line with the Retail Design Manual 2012.

CCUV7 Variety in Shopping Offer - Development proposals for major new retail and complementary developments will be expected to provide a range of unit sizes to encourage variety in the shopping offer and support small business growth.

CCUV8 Competition and Innovation -To promote and facilitate competition and innovation in the retail sector to the benefit of the consumer, as an integral part of the proper planning and sustainable development of the city.

CCUV10 Specialist Shops - To acknowledge the unique attraction/distinctiveness of specialist shops / independent / indigenous retail in the city centre and inner city which contribute to the character and attractiveness of the city centre.

CCUV15 Premier Shopping Area - To affirm and maintain the status of the city centre retail core as the premier shopping area in the State, affording a variety of shopping, cultural and leisure attractions. In line with the Retail Planning Guidelines, 2012, the city centre should be the main focus for higher order comparison retail in the city to protect its retailing role and primacy.

CCUV17 Diversifying the City Centre - To ensure the resilience of Dublin City Centre to changing trends in retail demand, appropriate opportunities to further diversify the city centre as a place to live, work and socialise will be encouraged.

CCUV18 Residential Development - To encourage, support and promote more residential apartments as part of mixed-use developments or through the reuse / retrofit of the upper floors of existing buildings. The use of upper floors for residential use is supported in principle on Category 1 and 2 Shopping Streets.

CCUV19 Parking and the Retail Core -To support the re-use and replacement of multi storey car parks in the centre of the retail core and to safeguard short term car parking provision for shoppers and visitors at the periphery of the retail core. The redevelopment of central car parks will support public realm improvements and pedestrian priority in the retail core and can support the retail core and nighttime economy by providing additional mobility hubs and other innovative transport solutions, see also Policy SMT28 (Chapter 8).

5.2.7. Chapter 11 Built Heritage and Archaeology

Chapter 11 recognises the importance of protecting built heritage and archaeology in quality place-making and urban design. The strategic approach aims to protect these heritage assets primarily through sensitive development and high-quality architecture; the inclusion of structures on the Record of Protected Structures (RPS); the designation of Architectural Conservation Areas and Areas of Special Planning Control; safeguarding zones of archaeological interest; implementing the City Heritage Plan; and promoting the re-use of heritage buildings. Relevant policies and objectives can be summarised as follows:

- BHA2 – To conserve and enhance Protected Structures and their curtilage.
- BHA7 - Protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA).
- BHA9 Conservation Areas – To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8, Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include: 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting. 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area. 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area. Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Areas and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.
- BHA10- Demolition in Conservation Areas - There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.
- BHA11 – Supports the rehabilitation and reuse of existing older buildings.

- BHA15 Twentieth Century Buildings and Structures
 - (a) To encourage the appropriate development of exemplar twentieth century buildings and structures to ensure their character is not compromised.
 - (b) To encourage the retention and reinstatement of internal and external features that contribute to the character of exemplar twentieth century buildings, such as roofscapes, boundary treatments, fenestration pattern, materials, and other features, fixtures and fittings (including furniture and artwork) considered worthy of retention.

5.2.8. Chapter 12 -Culture

Objective CUO25 of the Development Plan requires that for all large-scale developments above 10,000sq.m in total area, a minimum of 5% community, arts and culture spaces including exhibition, performance and artist workspaces predominantly internal floorspace is to be provided.

5.2.9. Chapter 15 Development Standards

15.5.1-Refers to the development of brownfield, regeneration and large comprehensive sites which are of sufficient scale to differentiate them from the surrounding townscape.

Section 15.5.1 also sets out a number of key considerations to be considered including:

- To encourage innovative, high quality urban design and architectural detail in all new development proposals.
- To contribute to the streetscape creating active and vibrant public realm.
- To create new compositions and points of interest.
- To provide an appropriate mix of uses comprising retail, residential, recreational, cultural, community- and/or employment generating uses to improve the existing range of uses and facilities in the area.
- To retain existing and create new features to make an easily navigational urban environment, including active building frontages with clearly defined edges and safe public routes.

Section 15.7.1 Re-use of Existing Buildings - *Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose*

the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.

Section 15.15.2.4 Retention and Re-use of Older Buildings of Significance which are not Protected -Our built heritage is rich and varied. Much of our built heritage is not protected nor located within an ACA. The re-use of buildings/structures of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability.

Section 15.14.4 Office - The provision of office accommodation will be supported in appropriate areas of the city. Regard will be had to the scale of such development depending on location. All office proposals shall be accompanied by an architectural design statement which details the internal building design and layout to ensure a high standard of amenity for future employees, in relation to noise impact, daylight and sunlight, ventilation, etc.

Applications for large scale office development should demonstrate how the proposal interacts with the public realm at street level to provide for active frontage and a high level of animation. Large scale office schemes, in excess of 5,000 sq. m., will be required to provide for an element of high quality, public open space or contribute to the public realm of the area through landscaped features such as roof terraces, courtyard gardens and enhanced amenity at street level.

For schemes less than 5,000 sq. m, a high quality environment should be provided where feasible through measures such as landscaping and public realm enhancements. Such proposals should be accompanied by a landscape design report in this regard which demonstrates how the proposals contribute to the natural and built environment. As part of the Architectural Design Statement for larger office schemes,

an assessment should be provided as to how the development would impact on other buildings in close proximity.

Appendix 2 -Retail Strategy

Section 8.12 Category 1 and 2 Streets

Section 10. 0 Guidance on Specific Forms of Retail

Section 10.7 Shopping Centres

Proposals for shopping centres, where it is demonstrated they are acceptable in principle, shall have regard to the overall city policy to promote vibrant streets and also to the Retail Design Manual accompanying the Retail Planning Guidelines 2012. The design must ensure that the proposed shopping centre will be integrated with and be complementary to the streetscape where it will be located. Particular elements to be addressed include:

- The creation of a legible and attractive pedestrian environment through appropriate design.
- The creation of attractive and safe new streets and linkages, where feasible.
- The provision and design of quality street furniture, including fully accessible public facilities and support facilities for shoppers, e.g. toilets, childcare areas, changing facilities and a dedicated room for breastfeeding/maternity related purposes. Such facilities should be provided in shopping centres, larger department stores and retail developments over 800 sq. metres (net).
- The inclusion of residential uses, where appropriate, as an integral part of the centre, in order to increase the evening activity and security of the centre.
- Ease of access to the centre for public transport, cyclists and pedestrians; in the interests of both ease of access and civic design concerns, the centre should have frontage to the street and should not be surrounded by car parking.
- The overall design strategy will normally reflect variety and diversity (by the use of differing shop fronts, setbacks, signs etc.) within a unified design distinctive and specific to its location.
- Shopping centres should be designed along passive design principles and landscaped to ensure safety for visitors, with a good mix of uses encouraging day and

evening uses, while passive surveillance design principles can deter casual graffiti and vandalism. Materials used in their construction should be robust and suitable for climatic conditions over an extended period. Service areas etc. should be out of sight of surrounding residential and pedestrian areas.

- Tree planting and landscaping must form part of the overall design of the shopping centre.
- Universal design and access for all to be integral to any development design.

5.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA.

6.0 The Appeals

6.1. Third Party Appeals

Two no. third party appeals have been received in respect of Dublin City Council's recommended decision to grant permission from:

1. Frank McDonald
2. An Taisce

The issues raised in the grounds of appeal overlap and are summarised as follows:

Demolition Works

- Unjustified substantial demolition conflicts with sustainable development principles and the Development Plan provision of Reuse of Existing Buildings which now form part of United Nations policy (the Sustainable Development Goals (SDGs)).
- Referring to a memorandum by Punch consulting engineers that forms part of the Sustainability Statement calculating embodied carbon savings from *“retaining the existing concrete frame to first floor over the mall area and retaining the existing concrete frame which houses Dunnes Stores and the car park structure above”*. Thus, apart from Dunnes Stores and the car park levels above, most of the shopping centre would be demolished.
- It is further set out that true carbon savings amount to 3,269 CO₂e as the

inclusion of the retention of Dunnes Stores and its associated car parking should not be considered as Dunnes is in separated ownership and the development is obliged to retain and protect this element.

- Noting the Outline Resource and Waste Management Plan submitted, concrete at 2,700 tonnes is the largest category of the identified demolition waste, with 50% to be recycled, followed by 400 tonnes of steel, 50 tonnes of glass, 20 tonnes of mixed waste etc. It is clear substantial demolition is envisaged.

Office Space

- Although billed as a “rejuvenation” of the shopping centre, the proposed development reduces retail space on site. The largest single element proposed is the installation of several floors of offices.
- The amount of retail space is exaggerated by the inclusion of Dunnes Stores anchor. This extensive anchor unit spread over three levels is owned outright by Dunnes Stores and therefore does not form part of the development.
- In response to CFI, the net lettable floor space defined as being publicly accessible increased from 21,569sqm (43%) in the original proposal to 26,031sqm (53%) in the approved scheme. Office space declined from 28,559sqm (57%) to 23,338sqm (47%). The vertical extension to the shopping centre is exclusively required to accommodate the vast bulk of this office space opportunistically capturing “air rights”.
- Lack of justification for and appropriateness of additional office space at this location in south retail core and changing office trends. Reference to a Business Post report (24/09/23) setting out approx. 40,000sqm of office space built in 2022 while an estimated 220,000sqm was expected to be completed in 2023 and any commencement of new speculative office developments had stopped.
- Represents a very large quantum of office space over multiple floors. Post-pandemic the office scene in Dublin have changed radically and change the economics of the proposed office space.
- Query the need for additional office space in the city.
- The location lends itself to residential development, helping to repopulate the city centre.

- The proposal results in a slight decrease in retail area Contrary to CCUV15 of the DCCDP.

Design & Site Context

- The development will result in the loss of the established aesthetic of the Shopping Centre and will have a negative impact on character of the area.
- Excessive scale and bulk at seven to eight storeys high in view of historic and sensitive setting on St. Stephen's Green Conservation Area, adjacent to Grafton Street ACA and in proximity to numerous Protected Structures.
- Concerns were raised about the impact of the development on specific views.
- The response to FI and CFI reflects an inappropriate design including extensive glazing and lacking connection or sensitivity towards history context.
- The demolition of the façade of the shopping centre will result in a loss of the 'unique' identity including the centrally naturally lit atrium mall space.
- It is noted that while a significant portion of St. Stephen's Green's surviving historic building stock was demolished and replaced during the 'office boom' period in Dublin from the 1960's to 80s, the new primarily commercial buildings constructed generally maintained the established historic parapet heights.
- The Grafton Street & Environs/South Retail Core ACA has a very coherent urban form, retaining much of its older street patterns, scale and architecture. While the existing shopping centre is a modern, large footprint building, it generally relates successfully to the context, scale, grain and character of the area.
- The existing shopping centre has developed a city landmark status.
- Increase in height from 5 to 8 storeys should be viewed in the context of SC17. It is noted that the planner's report acknowledges that the development is higher than the prevailing context.
- The revised design in response to FI/CFI is not of sufficient design and the enormous void at the entrance to the shopping centre would actually be the same height as the entire structure of the Fusilier's Arch (10m). Neither is it saved by the "sophisticated glazing system".

- Impact of proposed integrated lighting to illuminate the entire façade inappropriate with built-in LED array.
- The total set-back of the upper floors by 30m from the building's edge noted. Submissions do not agree with the applicant that the visual impact '*will not differ greatly from that of the existing*'.
- The approved development is massively over-scaled, predominately consists of office spaces in a highly sensitive environment.
- Overall height excessive and façade too disruptive to the heritage streetscape/park context.

Other Matters

- Plot ratio of 5.0 is roughly double the indicative plot ratio of 2.5-3.0 for city centre Z5 zoned land in the DCCDP and 1.5-2.0 in a Conservation Area.
- New additions proposed as part of FI response noted and welcomed.
- The submission from Frank McDonald was accompanied by a planning report prepared by Dr. Diarmuid O'Gráda, Planning Consultant. This report queried the validity of the application noting reference to incorrect reference to lodgement date and last date for observations, in addition to concerns regarding the Council's assessment of FI and RFI and conclusions reached. In relating what was sought were plans and drawings for a materially different scheme and on this basis, permission should be refused.
- This report also notes that concessions were made for the "ill-fitting" façade in the 1980's at a time of economic recession. It is further set out that the receiving environment has materially changed since and as a result the shopping centre forms a backdrop, and the proposed arrangement instantly doubles the intrusion.
- Concerns about evening and nighttime activity within the core apart from the 4th floor restaurant and basement cinema.
- Reference made to previous planning applications.

*The Board will note that the appeal from Emmet Rogers was within drawn on 3rd May 2025.

6.2. First Party Response to Third Party Appeals

Response on behalf of the applicant, DTDL limited was submitted by John Spain Associates on 14th February 2024.

The appeal response sets out the site context, description of the development and the evolution of the planning application in response to FI and CFI.

Response to Grounds of Appeal

Existing Building

- It is set out that a significant part of the design is the retention of the existing buildings structure. This will reduce the carbon emissions as a result of the development.
- The existing centre has a number of primary issues including:
 - the units being too small to attract long term tenants.
 - mix of retail and F&B does not promote evening uses.
 - poor circulation issues.
 - atrium reduces size of retail units.
 - Kiosks clutter ground floor.
 - Lack of frontage and permeability along King Street South.
 - Lack of accessible spaces and EV charging.
- The development incorporates Dunnes and the multi-storey car park as well as the retention of the structure of the building.
- City Designer concluded that the *“building is found to be a very ordinary, economical and, in places, crude entity, cleverly embellished with applied repetitive detail. While the layered external facades are of value, it is the only device which lifts this building beyond the mundane. It becomes obvious when taken through the AHPG tests that there are virtually no qualities which put it in a category of requiring preservation or even in a category where justification for its demolition is necessary.”*
- Response supported by a Townscape and Visual Impact Assessment.

External Design

- Building is divided into two elements, the trelliswork-clad on the northern corner and fronting St. Stephen's Green, and the northern façade fronting King Street South.
- Trelliswork-clad – TVIA states *“from close-up the iron trelliswork, and its attachment to the building, lack refinement, appearing both decorative and industrial in quality. The flower boxes serve merely to distract from this. This is not simply a question of maintenance. The trelliswork structure was of its time”*.
- Regarding the entrance it is set out the TVIA states the entrance is *“low, dark and uninviting...”*
- BDK Architects argue that the quality of design is further missed by the quality of the façade detailing which have *“noting of the fine craftsmanship which characterised the buildings the original design intended to mimic”*.

South King Street Façade

- Noting that this elevation was designed to mimic the Gaiety, it is set out this approach diminishes both buildings. The TVIA sets out that the northern and western elevations *“negatively affects the adjacent streetscapes....”*
- The lack of entrance and active frontages has a detrimental effect on the street.
- *BKD argue that ‘the brick facades form a continuous graphical representation of the and Venetian style windows of the Gaiety and are equally crude in their detailing. These facades share none of the quality of the authentic Gaiety facade in terms of proportion and craftsmanship’.*

Internal Design

- It is set out that the internal design is functionally poor.
- The entrance is undersized and uninviting. The glass screen and signage display acts as a bottleneck.
- The proposed development would restructure the internal space and improve permeability.

Relationship with the Surrounding Context

- BDK Architects states – *“It is noted that while the mass, form and distinctive corner treatment mark the prominent corners, the poor quality of the alien design together with the unrefined details and material quality are considered inappropriate, and somewhat disrespectful, of their historic surroundings.”*
- It is set out that building is of little architectural merit or significance.

Proposed Development

Retail

- It is set out that the proposed development is consistent with the Z5 zoning, and it is considered that the mix of uses will provide active uses within the building at day and night.
- King Street South is a Category 2 Retail Street in the Development Plan. The proposal will provide a number of units onto this street and enhance active frontage.
- The proposal is consistent with CCUV4 and will increase the quality of retail offering in the centre while providing complementary uses such as food and beverages units.
- The proposal is consistent with CCUV6 as the development benefits from significant existing public transport infrastructure such as the Luas Green Line and well as the proposed MetroLink stop, both located on St. Stephen’s Green, in addition to bus services.
- The proposal is consistent with CCUV7 as the proposal will provide for larger more commercially viable units.
- The proposal is consistent with CCUV15 as will maintain and strengthen the role of the city centre retail core by providing a variety of uses including cultural attractions which will increase the footfall in the city centre.

Design

- The response refers to the documentation from BDK Architects as provided throughout the application process and in response to the appeal. It is set out that it is proposed to retain the existing retail and food/beverages uses on site and enhance it by providing cinema, office, art exhibition space and a townhall space. A

new street has been provided in the form of a new internal mall. It is set out that the design also includes a 4th floor restaurant which will benefit from exceptional views and well as providing evening uses vertically through the building.

- It is set out that the feature façade results in a refined glass skin layer over a simple raised massing that achieves a distinctive and unique marker on this pivotal corner.
- Regarding lighting, it is set out that is not proposed for the lighting to accommodate an elaborate light show or advertising.

Scale and Height

- It is set out that the scale of the development has been reduced to address the concerns of DCC.
- It is argued that the massing achieves:
 - Greater intensification of use.
 - Improves public accessibility at street level.
 - Provides a building of appropriate scale and height at this significant location.
 - Responds to the surrounding context.
 - Reflect a more simplified form on the Mercer Street corner.
- It is set out that the shoulder height of the proposed development will only increase by 1.86m higher than the level of the dome which is not excessive given the significance of the site and recently constructed/permitted developments around St. Stephen's Green.
- The set back of 30m following CFI significantly reduces the massing of the building when viewed from Grafton Street and St. Stephen's Green. A portion of the upper floor becomes obscured behind the parapet line of the building along the façade.

Impact on the Surrounding Context

- It is set out that the design team has had regard to the site context.
- It is noted that the TVIA states that *“with its unique, highly refined glazed façade the new building would be distinctive, and it's material quality would be appreciably improved.”*

- It is set out the St Stephen's Green is a National Monument with a description of 'Park' with clearly defined boundaries and does not relate to the wider square area.

Grafton Street

- It is set out that the strength of character along Grafton Street is such that it can accommodate its own character and value as a townscape resource (TVIA).
- The character would change but there would be no reduction in visual amenity.

Impact on Conservation Area, ACA and Protected Structures

- Referring to the TVIA, it is set out that there is no doubt that the development would improve the material quality, function and character of South King Street and will generate activity/animation and add visual interest to the street.
- It is set out that the development will improve the setting of the Gaiety and although taller, would not compete with or dilute the history of the building because of the design and material quality of the rejuvenated building and enhanced interface with the street.

Rationale for Office Development

- The submission refers to the Contextual Assessment & Rejuvenation Analysis statement submitted at application stage and a supplementary report included with the appeal response.
- Although the site is not located within the Scheme of Special Control for Grafton Street and Environs 2019, it is argued that an objective of this scheme is to promote office uses at 1st floor in order to encourage intensification of land uses. It is argued that given office use is accepted above 1st floor on a Category 1 Street, similarly it should be appropriate to provide office at 1st floor on a Category 2 Street.
- The site is in the city centre adjacent to high quality public transport infrastructure.
- The footfall generated by 3,000 office workers is a vital component of a vibrant and successful city centre.
- The development is compliance with:
 - Policy CCE1(i) by providing increased employment opportunities.

- Policy CCEE2 as the development will serve as a landmark whilst delivering increased employment.
- CCEE8 by providing a mix of uses including retail, office and cultural activities.
- CCE21 by providing office use from 2nd – 7th floor level at this city centre location.

Carbon Footprint

Referring to the accompanying document to the appeal prepared by PUNCH Consulting Engineers, it is set out that *“80% of the existing structural frame will be retained in the redevelopment and this equates to an estimated saving of 11,898 tonnes of carbon. A full demolition and rebuild would have resulted in 35,649 tonnes of carbon produced, which is equivalent to 3 times the carbon produced with the proposed redevelopment scheme. The adaptive reuse of the existing structure has therefore minimised demolition works, minimised the embodied carbon of the proposed scheme and is aligned with sustainable development principles and section 15.7.1 of the DCCDP 2022-2028”*

Other Matters

Ownership

- Noting reference in one appeal submissions to the ownership of the Dunnes store on site, it is set out that the applicant is the freehold owner of the application site and therefore the inclusion of all spaces is appropriate.

Non-provision of Residential

- It is set out that the appropriate use of the upper floors has been considered. The retention of the existing structure, existing retail units and the presence of the ESB infrastructure largely restricts the uses to commercial due to the structural grid pattern.
- It is set out that office uses and associated loads at upper levels can be accommodated within the existing structural grids without the requirement for intervention into existing retained retail uses and below slab basement structures. This use allows for maximum retention of the existing structure whilst minimising new structural interventions.

Evening/Night Activities

- It is set out that an art exhibition spaces and townhall uses are provided at first floor levels in addition to the restaurant at 4th floor and basement level cinema. The cinema uses and café/restaurant/bar uses will be fronting St. Stephen's Green and King Street South, this will activate these streets during the day and at nighttime. It is also proposed to connect these uses to the first floor F&B uses.

It is further set out that the volume created by the new mall and atria would provide a unique cultural experience and attraction for the public.

Car Parking

- A reduction in car parking is proposed. No parking will be provided for the office space.
- This approach is consistent with CCUV19 as it relates to short term car parking provision.

Further Information Procedure

- DCC requested the applicant to issue a new site notice and newspaper notices following lodgement of FI response, therefore the public including the appellants were notified.

Previous Refusals

- It is set out that the referenced refusals related to applications for signage/advertising.

Application Dates on DCC Website

- It is set out that the application was submitted on 6th February. The September 2023 date of the Council's website relates to the new notices that were erected subsequent to RFI.

Internal Clock

- With respect to the internal clock, the appeal response refers to condition no. 10c of the DCC Notification to Grant Permission. As part of the response BDK Architects have investigated incorporating the internal clock into the development. One iteration is presented as part of the appeal response, but the applicant will

continue to address in accordance with condition 10c or similar should the Board issue a grant of permission.

Other Matters Referenced (but not included in the third Party Appeal submissions)

- Noting that this was raised during the planning process by 3rd parties and DCC the submission refers to the assessments submitted at FI and CFI Stage with respect to sunlight/daylight impact on neighbouring properties and regarding noise & dust, the submission refers to the Outline Construction Management Plan submitted.
- Regarding the PA concerns with respect to wind conditions on Grafton Street and King Street South, the submission refers the Wind Microclimate Modelling submitted at CFI stage.

The submission considers that the proposed development is consistent with the site's zoning and in accordance with the DCCDP 2022-2028 and relevant S.28 Guidelines, having regard to the site's location and context and would not adversely impact on the residential or visual amenity of the area.

6.3. Planning Authority Response

The planning authority's response to the appeals includes a memo requesting that the decision to grant permission be upheld and a number of conditions highlighted namely contributions and bond.

6.4. Observations

25 no. third party observations were received. These are summarised as follows:

- Support the third party appeal submissions.
- It is set out the public opinion is not in favour of the development.
- The centre is home to many Irish owned/independent retail units (UV9, CCUV10) which could be lost.
- The centre operates as a meeting and gathering place offering an affordable alternative to pubs and expensive restaurants.
- Design, building height and impact on the character of the area.
- The entrance is grossly over-dimensioned and cantilevers to a sharp edge.
- Loss of clock.

- Query need for additional office space.
- The centre is a Dublin landmark.
- Contrary to the Development Plan to develop more housing in the city centre (section 8.8, CCUV18).
- Demolition works and Development Plan policies to re-use existing buildings.
- Reduction in car parking a tokenistic response to climate impacts.
- Opportunity to create a building that aligns with the aesthetic of the city rather than another bland shopping centre.
- Impact on existing tenants.
- Argument to make the centre a Protected Structure as it is a building of Architectural, Historical, Artistic and Social interest.
- Insufficient justification for the development.

7.0 Assessment

7.1. Introduction

- 7.1.1. The case involves several versions of the proposed scheme, namely, the original application, the revised design submitted as further information and subsequent amendment submitted in response to clarification of further information which included a further refinement of the northeastern corner of the development, reduction in scale and massing through an increase in upper level building line set back to the total of 30.4m from the building's edge. Unless otherwise stated, my assessment and any references hereafter to the 'proposed development/scheme' are based on the revised scheme submitted at clarification of further information, that being the scheme on which the Dublin City Council decision is based.
- 7.1.2. Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:
- The Principle of Development
 - Demolition Works

- Design Strategy
- Building Height, Visual Impact and Impact on Built & Cultural Heritage
- Other Matters

7.2. The Principle of Development.

Site Context

- 7.2.1. The existing Stephen's Green Shopping Centre is a six storey over basement building. The centre comprises of three levels of retail and associated uses, with four floors of car parking over. There is also car parking at rooftop level towards the southwestern corner of the site. The main entrance is located at the top of Grafton Street with secondary entrance on South King Street.
- 7.2.2. The Shopping Centre was designed by James Toomey in the mid 1980's and completed in 1988. The Shopping Centre is recognised for its unique facades, in particular, facing St Stephens Green and Grafton Street incorporating multiple layered external decorative ironwork bays which project beyond glazed facades. The white cast ironwork decorations with scrolls and floral design suggest inspiration from 19th century French ironwork design. A glazed dome sits over the main entrance at this location. Anecdotally, it is said the James Toomey, intended to evoke Turner's Great Palm House in the National Botanic Gardens, but he "couldn't resist adding more and more royal icing to his confection". The elevational treatment addressing South King Street and Mercer Street were inspired by the Gaiety Theatre and uses string-course and coloured banded yellow brick interspersed with arch-headed windows to mimic the Gaiety located opposite the site on South King Street.
- 7.2.3. The internal space is defined by a large extensive atrium occupied at ground floor level by kiosk-style retail units flanked on both sides by galleried type retail and food & beverage units over two floors and includes a giant suspended clock feature. The centre comprises of 22,872 sq. metres of retail space and 5,299 sq. metres of café/restaurant/bars.
- 7.2.4. In brief, the proposed development is described by the applicant to consist of the rejuvenation of the Stephen's Green Shopping Centre. This will involve the internal reconfiguration and partial redevelopment of the centre, while maintaining a number of existing retail units and elements of the existing building structure. The proposal will

result in a building of up to 8 no. storeys over basement of retail, cafe/restaurant/bar and office uses (excluding mezzanines in retail/cafe/ restaurant/bar units at ground floor and basement and car park level). The proposal includes the construction of three storeys of offices over the existing car parking structure (with the omission of the existing uppermost car park level). The proposal includes retail, and office uses at first floor and the provision of office use at proposed 2nd to 7th floor levels. The existing anchor units including Dunnes Stores, TK Max, Argos and Boots will be retained as well as the introduction of medium sized retail units and café/restaurants.

- 7.2.5. The proposed development subsequent to CFI provides for 23,338sqm of office use (47%) and 26,031sqm (53%) of retail use, food and beverage (F&B) uses, townhall, cinema, art space and exhibition space. The proposal will result in a net area of 49,369sqm. The existing centre has a net area of 28,171sqm. The proposed layout also provides for 381sqm of F&B terrace/outdoor space. I refer the Board to the Schedule of Accommodation submitted in response to the clarification of further information.

Zoning

- 7.2.6. The proposed development site is zoned Z5: City Centre, the objective for which is '*to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*' The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development which creates a sense of community, and which sustains the vitality of the inner city both by day and night, subject to noise reduction measures. The proposed retail, F&B, cinema, gallery and office uses are all permissible uses within the Z5 zoning. The proposed development of the site would be compatible with this zoning objective and the proposal is therefore acceptable in principle.
- 7.2.7. Chapter 7 of the DCCDP aims to support and promote the city centre, urban villages, and retail. The site is located within the defined City Centre Retail Core and South King Street is designated a category 2 shopping street (Figure 7.2: Dublin City Centre Retail Core, Principal Shopping Streets). The adjacent Grafton Street is a category 1 shopping street. A 'strategy to support the city centre' is set out in Section 8.0 of the DCC Retail Strategy in Appendix 2 of the DCCDP. This sets out measures to improve the vibrancy, liveability and competitiveness of the city centre; envisioning vibrant

shopping streets, a city of events, markets, family leisure, a 24-hour city, a city for homes, expanded and improved public spaces, new and upgraded pedestrian / cycle routes, and integrated public transport.

- 7.2.8. Category 2 Streets are those that already have a mix of retail and non-retail uses which complement the primary retail function of the Category 1 Streets. Appendix 2 of the DCCDP sets out that further development of retail units will be encouraged along with complementary non-retail uses such as cafés and restaurants, cultural, tourist and entertainment uses as well as retail services that add to the vibrancy of the street and create a mixed-use environment to provide for a more integrated shopping and leisure experience. The overarching objective of the Category 2 Street designation is to create a rich and vibrant experience with a broad range of land uses and activities with active frontage, that contribute positively to the character and appearance of the Category 2 Streets. I am satisfied that the proposed development is consistent with the and City Centre Retail Core and Category 2 Street designation.

Office Use

- 7.2.9. The proposed development provides for 23,338sqm of office use from 2nd to 7th floor level which accounts for 47% of the total net floor area. The third parties raise serious concerns with respect to the need for additional office use at this location and the justification for same having regard to changing workplace habits subsequent to COVID 19.
- 7.2.10. In response to the appeal the first party refers to the Contextual Assessment & Rejuvenation Analysis submitted as part of the original application and a supplementary report included with the appeal response. The first party contend that although the site is not located within the Scheme of Special Control for Grafton Street and Environs 2019, it is argued that an objective of this scheme is to promote office uses above 1st floor level in order to encourage intensification of land uses. It is argued that given office use is accepted above 1st floor on a Category 1 Street, similarly, it should be appropriate to provide office at 1st floor on a Category 2 Street.
- 7.2.11. Notwithstanding the first party argument as set out above, section 14.7.5 City Centre – Zone Z5 of the DCCDP states that in the ‘interests of promoting a mixed-use city, it may not be appropriate to allow mono office use on Z5 zoned lands, particularly on large scale development sites, or to allow an overconcentration of hotel uses in a

particular area. Therefore, where significant city centre sites are being redeveloped, an element of residential and other uses as appropriate should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development.’ In this instance the proposed office use will complement the proposed rejuvenation of the existing shopping centre which will retain the primary functions of retail and F&B. In addition, as set out above office use is ‘permitted in principle ‘on Z5 zoned lands. Therefore, I am satisfied that the proposed office which in my opinion does not detract from the Shopping Centre uses, is acceptable at this location and in accordance with section 14.7.5 City Centre – Zone Z5 and the Category 2 Street designation in so far as the proposed office use does not detract from the primary use at street level.

7.2.12. In support of the proposed office use and by way of further justification, the applicants appeal response includes a more detailed review at Dublin office market take-up in recent years. It is set out that the Dublin 2 area has maintained the highest proportion of total take-up across the whole market and also as a percentage of the city centre market, on an annual basis. Since 2015, Dublin 2 has accounted for 61% of the take-up across the City Centre and 39% of the overall market aided by accessibility to public transport. A vacancy rate of 14.4% at the end of 2023 is noted. However, it is set out that a large proportion of available spaces does not meet the sustainable credentials required by occupiers. It is further argued that increased cost of funding has ‘put a brake on commencement of many developments in the Dublin office market’, the delivery pipeline has reduced considerably and 93% of the space due to be completed in the city in 2026 is already pre-let (as per Dublin 2 Office Delivery Pipeline -Currently Under Construction graph submitted as per of report by Knight Frank in response to this appeal). The report argues that this type of office development – “Premium work & lifestyle” product is an emerging trend in the UK, Europe and US markets, particularly as new workplace models evolve. In addition, it is set out that research has identified the preference to have a component of flexible space, along with meeting sustainable credentials and the provision of multiple amenities will drive the demand for global occupiers.

7.2.13. I draw the Boards attention to a recent Savills report in March 2025 relating to the Dublin Office Market which sets out that the vacancy rate in Dublin 2, the city’s prime office hub, is expected drop sharply by year-end 2025 due to strong occupier interest

and substantial pre-let activity. The report notes that prime office rents in Dublin's Central Business District have already begun to recover, rising 4% year-on-year to €65.00 per sq. ft in Q4 2024 – the highest level on record and representing the first quarterly increase since Q2 2022. This upward trend would indicate demand for office space similar to that proposed. I am satisfied that proposed additional office space at this location is justified.

- 7.2.14. In addition, the Board will note that the subject site is located in the heart of the city centre adjacent to a variety of public transport options. This accessible site location combined with the critical mass of additional employees will support the local economy of the area and the vibrancy of the city centre and would be a welcome addition in my opinion. I agree with the applicant that the footfall generated by 3,000 office workers is a vital component of a vibrant and successful city centre.
- 7.2.15. Having regard to the above, I am satisfied that the proposed addition of office use over the Shopping Centre is consistent with Chapter 6 - City Economy and Enterprise of the DCCDP including CEE1(i), Policy CEE2, Policy CEE8 and Policy CEE21(i) to promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.
- 7.2.16. I note some third-party queries with regards to why the development does not include residential. In this regard, I note the first party documentation sets out that the structural frame to be retained as part of the development would not be sufficient to cater for residential development, in terms of additional loading associated with residential development including the requirements for additional internal walls and fit out etc. I accept that this is a viable and acceptable reason, and the provision of residential use would have resulted in the potential for further demolition works and/or additional construction works which would ultimately further increased the embodied carbon implications of the development. I will address the detail design of the development in section 7.4 below.
- 7.2.17. I draw the Boards attention to the Scheme of Special Planning Control for Grafton Street and Environs which encompasses an area of lands up to the eastern site boundary. While this document is referenced by the first party, no part of the site is located with this Area of Special Planning Control.
- 7.2.18. The Board will also note that the site benefits from proximity to a hub of public

transport, including the green Luas line, Dublin Bus, Dublin Bike and is within walking distance of a wide range of bus networks and DART services. The site is therefore well served by public transport.

Conclusion

- 7.2.19. Chapter 4 sets out the overarching framework and strategy to guide the future sustainable development of the city. The vision for the urban form and structure of the city is to achieve a high quality, sustainable urban environment, which is attractive to residents, workers and visitors. While I note the third-party concerns as regards compliance with CCUV15 Premier Shopping Area - *To affirm and maintain the status of the city centre retail core as the premier shopping area in the State, affording a variety of shopping, cultural and leisure attractions. In line with the Retail Planning Guidelines, 2012, the city centre should be the main focus for higher order comparison retail in the city to protect its retailing role and primacy,* I am satisfied that the proposed mix of retail, F&B and office use is consistent with CCUV15 and indeed CCUV17 *Diversifying the City Centre* as a place to live, work and socialise. I am further satisfied that the introduction of an art exhibition spaces, townhall uses, restaurant at 4th floor and basement level cinema in accordance with CU025 further support policies CCUV 15 and CCUV17.

On balance, I am satisfied that the principle of the proposed development is acceptable and will enhance the vibrancy and critical mass of the area and help sustain both the local daytime and nighttime economy. The intensification of development on this site accessible to public transport would represent the optimal use of the development plot.

The Development Plan confirms that the proposed uses are 'Permitted in Principle' in the Z5 zoning and consistent with the Category 2 Street designation. I consider that the principle of the proposed development acceptable within this zoning category, subject to the detailed considerations below.

7.3. Demolition Works

- 7.3.1. The appellants and observers have all raised concerns that demolition works are unjustified and contrary to the Development Plan provision of reuse of existing buildings which from part of United Nations policy (the Sustainable Development Goals (SDGs)). It is set out that apart from Dunnes Stores and the car park levels above

it, most of the shopping centre would be demolished. It is further set out that true carbon savings amount to 3,269 CO₂e as the inclusion of the retention of Dunnes Stores and its associated car parking should not be considered as Dunnes is in separated ownership and the development is obliged to retain and protect. Noting the Outline Resource and Waste Management Plan submitted, it is argued that concrete at 2,700 tonnes is the largest category of the identified demolition waste, followed by 400 tonnes of steel, 50 tonnes of glass, 20 tonnes of mixed waste etc and therefore, it is clear substantial demolition is envisaged.

7.3.2. In the first instance regarding third party concerns raised, I note the Sustainable Development Goals (SDGs) have been incorporated into the DCCDP 2022-2028, Policy SCV1 *United Nations Sustainability Goals* relates. With respect to the Dunnes Stores unit on site, the first party contend that the embodied carbon calculations in the planning application submitted to DCC are correct. It is set out that the shopping centre in its entirety (inclusive of Dunnes Stores) is within the ownership of the applicant as the applicant is the freeholder of the site and therefore Dunnes Stores is a relevant consideration in terms of embodied carbon calculations.

7.3.3. Having regard to the justification for the proposed demolition works, I note the first party argue that demolition works are required on the basis that the existing centre has a number of primary issues including:

- The units being too small to attract long term tenants.
- Mix of retail and F&B does not promote evening uses.
- Poor circulation issues.
- Atrium reduces size of retail units.
- Kiosks clutter ground floor.
- Lack of frontage and permeability along King Street South.
- Lack of accessible spaces and EV charging.

7.3.4. From a climate action/energy perspective, I note DCCDP 2022-2028 introduced provisions (including 15.7.1 and CA6, CA7 & CA10- Climate Action Energy Statement) and acknowledge the 'embodied carbon' implications associated with the demolition and reconstruction of a new development. Section 15.7.1 sets out that where demolition is proposed, the applicant must submit a demolition justification report to

set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. Section 15.7.3 of the DCCDP 2022-2028 sets out that in order to comply with the policies set out in Section 3.5.2 'The Built Environment' and Section 3.5.3 'Energy' of Chapter 3, proposals for all new developments in excess of 30 or more residential units or 1,000 sq. m. or more of commercial floor space, or as otherwise required by the Planning Authority, will be required to include a Climate Action Energy Statement.

- 7.3.5. I note the design strategy employed by the applicant was to reuse and repurpose as much of the existing structural frame as possible and therefore complete demolition of the development on site is not proposed. An Outline construction Management Plan and Embodied Carbon Memorandum were submitted with the application setting out elements of the existing built form to be retained and methods employed to manage construction waste on site. A Planning Sustainability Statement was also submitted.
- 7.3.6. The documentation of file sets out that extensive assessment and analysis of the existing building was carried out to maximise the retention of the buildings structural frame and minimise the embodied carbon impact of the development. The structural analysis of the existing building revealed that it is capable of supporting additional floors. It was therefore determined that altering and vertically extending the building would be preferable to demolition and complete redevelopment. This would significantly reduce the carbon footprint of the intervention. I would agree.
- 7.3.7. By way of clarity in response to this appeal further details were provided regarding the proposed construction works. In this regard, I refer the Board to the accompanying document prepared by PUNCH Consulting Engineers which sets out that *"80% of the existing structural frame will be retained in the redevelopment and this equates to an estimated saving of 11,898 tonnes of carbon. A full demolition and rebuild would have resulted in 35,649 tonnes of carbon produced, which is equivalent to 3 times the carbon produced with the proposed redevelopment scheme. The adaptive reuse of the existing structure has therefore minimised demolition works, minimised the embodied carbon of the proposed scheme and is aligned with sustainable development principles and section 15.7.1 of the DCCDP 2022-2028"*.

7.3.8. Furthermore, Fig. 1 below sets out a description of elements of the existing structure proposed to be retained and demolished as identified by the applicant in the appeal response prepared by PUNCH Consulting Engineers.

Fig. 1 - *Description of elements to be retained and demolished as identified by the applicant.*

Level	Description
Existing Basement Level	All structural elements at basement level including the basement structural slab, foundations, structural columns, structural walls, retaining walls will be retained.
Existing Ground Level	All structural elements at ground floor level including structural slab, structural columns, structural walls, will be retained.
Existing First Floor Level	All structural elements at first floor level including structural slab, structural columns, structural walls, will be retained.
Existing Second Floor Level	At second floor level along St. Stephen's Green, the structural slab and structural columns will be demolished. At second floor level along Mercer Street Lower, the structural slab, structural columns and structural walls will be retained.
Existing Third Floor Level (Shopping Centre Roof and Car Park Level)	At third floor level along St. Stephen's Green, the structural slab and structural columns will be demolished. At third floor level along Mercer Street Lower, the structural slab, structural columns and structural walls will be retained.
Existing Fourth Floor Level (car parking level)	At fourth floor level along Mercer Street Lower, the structural slab and structural walls will be retained.
Existing Fifth Floor Level (car parking level)	At fifth floor level along Mercer Street Lower, the structural slab and structural walls will be retained.

Existing First Floor Level (car parking level)	At sixth floor level along Mercer Street Lower, the structural slab will be demolished
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- 7.3.9. In summary, the extent of structural demolition works is limited to a portion of the second and third floors and the existing sixth floor level. 80% of the existing structure (by volume) will be retained with 20% demolished to allow for the proposed extension works. The 80% retention of the existing structural frame equates to an estimated saving of 11,988 tonnes of carbon. A full demolition and rebuild is estimated to have resulted in 35,649 tonnes of carbon produced, which is the equivalent of three times the carbon produced with the proposed redevelopment as proposed. The first party contend, and I would agree that the adaptive reuse of the existing structure has therefore minimised demolition works, minimised the embodied carbon of the proposed scheme and is aligned with the sustainable development principles and section 15.7.1 and CA6 *Retrofitting and Reuse of Existing Buildings* of the DCCDP 2022-2028.
- 7.3.10. I refer the Board to the Outline Resource and Waste Management Plan submitted and section 2 relating to construction and demolition waste management. The recommended waste management alleviation for the construction phase of the proposed development is proposed to be undertaken in accordance with current legal and industry standards and the requirements of the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction & Demolition Projects (DoEHLG, 2006)'. Implementation of the Plan will ensure effective waste management and minimisation, reuse, recycling, recovery, and disposal of waste material generated during the construction phase of the project. Where waste generation cannot be avoided the development will be required to maximise the quantity and quality of waste delivered for recycling and facilitate its movement up the waste hierarchy away from landfill disposal and reduce its environmental impact. The Contractor's C&DWMP will be required to detail the intended practice for the management of waste arising from the construction and demolition processes and in particular the management of hazardous waste and recyclable materials. The applicant is obliged to ensure that the waste contractors engaged by construction contractors are legally compliant with

respect to waste transportation, recycling, recovery and disposal. This includes the requirement that a contractor handle, transport and recycle/recover/dispose of waste in a manner that ensures that no adverse environmental impacts occur as a result of any of these activities and to reduce the potential embodied carbon implications. These measures can be reinforced through the provision of an appropriately worded planning condition should the Board be minded to grant planning permission.

- 7.3.11. As regards compliance with CA7 and CA10, a Planning Sustainability Statement has been submitted to demonstrate how low carbon energy and heating and cooling solutions, have been considered as part of the overall design and planning of the proposed development. The building currently has a BER rating of F, the proposed redevelopment will target a BER rating of A2. The approach is an acceptable environmental performance design solution, in my opinion.
- 7.3.12. I acknowledge the third party and observers concerns with respect to the embodied carbon impacts associated with demolition and I acknowledge that the internal layout and external facades will be completed overhauled. From a climate action/energy perspective, I acknowledge the 'embodied carbon' implications associated with these demolition works. However, this must also be balanced with the wider sustainability issues associated with the proposed development including the intensification of use on site which has been facilitated through the retention of the existing structural frame, and which is consistent with the overarching aim of the National Planning Framework (2024 and 2025 update) with respect to compact growth.
- 7.3.13. While on balance, I am satisfied that the applicant has addressed Policy CA6 *Retrofitting and Reuse of Existing Buildings*, Policy CA8 *Climate Mitigation Actions in the Built Environment* and Section 5.7.1 of the DCCDP 2022-2028, this development must also be considered with respect to the Development Plan provisions set out in Section 15.15.2.4 to support the retention and re-use of older buildings of significance which are not protected and in particular BHA15 (b) -To encourage the retention and reinstatement of internal and external features, that contribute to the character of exemplar twentieth century buildings, such as roofscapes, boundary treatments, fenestration pattern, materials, and other features, fixtures and fittings (including furniture and art work), considered worthy of retention. It is in this context that I refer the Board to section 7.4 of this assessment and my concerns with respect to the proposed design.

Conclusion

- 7.3.14. In conclusion, I acknowledge that the proposal involves the demolition of elements of the existing buildings/structures on site. I acknowledge the additional resources and energy associated with the proposed development. However, I consider that the adaptive reuse of the existing structure has minimised demolition works, minimised the embodied carbon of the proposed scheme and is aligned with the sustainable development principles and section 15.7.1 of the DCCDP 2022-2028.

And while collectively, I do not consider the entire buildings retention could be reasonably required as part of a comprehensive redevelopment of the site, this must be considered with respect to wider planning issues associated with this development proposal. In this regard, I refer the Board to section 7.4 of this assessment and my concerns as regards the design of the proposed development.

7.4. Design Strategy

- 7.4.1. The third parties raised a number of concerns as regards the proposed design and consider that the design is not unique and reflects a standard type design approach to shopping centres seen across the UK and Europe. It is considered that the proposed entrance is inappropriate and competes with the Fusilier's Arch and the impact of proposed integrated lighting to illuminate the entire façade inappropriate. It is the contention of the appellants and observers that the existing shopping centre's unique architecture should be retained and protected. (*Design Strategy* should be read in conjunction with section 7.5 of this report).

Proposed Design

- 7.4.2. In brief, the proposed design reflects a contemporary design with extensive glazed facades with outer leaf fins and will result in a building of up to 8 no. storeys over basement. The proposal will include a reconfigured internal mall opening onto St. Stephen's Green providing access to new and existing retail and cafe/restaurant units at ground floor level. The proposal includes retail, cultural and F&B uses at first floor and the provision of office use at proposed 2nd to 7th floor levels with an additional restaurant at 4th floor level. Cinema use is proposed at basement level. Retail, cafe/restaurant and bar (public house) units and office entrances area provided on the King Street South frontage and on the St. Stephens' Green West frontage. A setback

of 30.4 metres from the building edge is proposed to reduce the visual impact and massing of the building when viewed from Grafton Street.

- 7.4.3. In terms of detailed design, a new layered massing breaks the façade into two elements. The Design Statement sets out that high-quality neutral stone is proposed to divide the ground and first floor levels into arched bays and a recessed shadow gap detail articulates each arch from the next. Glazed façades are recessed back to give a deep reveal to the stone arches and provide a protected threshold at the entrance to various units. Fluted metallic spandrels are provided at first floor level as a shopfront bulkhead with opportunities for signage. The second element, the upper levels outer facade consists of a double layer of overlapped glass leafs with vertical sections of fritted and clear glass to provide additional depth and a fine grain outer skin. At the entrance, St. Stephens Green and Grafton Street the vertical fins gradually change as they approach the corner reflecting a triangulated pattern over a proposed two storey cantilevered entrance. Lighting to the underside of the floating cantilever is proposed to provide a light filled soffit treatment at the entrance. In addition, during the evening and nighttime, it is proposed to light the feature façade (St. Stephen's Green & Grafton Street). The concept is to have a light source within the double skin treatment that illuminates the overlapping glass fins of the outer leaf.

Impact of the 'Rejuvenation' on the Character of the Existing Building

Introduction

- 7.4.4. In terms of the existing shopping centre the existing façade treatment addressing St. Stephen's Green & Grafton Street is the most recognised element of the Shopping Centre. This section of the shopping centre consists of brick wall with stone detailing, metal frame windows, a metal mesh to support maintenance access and the iron trellis attachments with small built-in planters and a glazed dome. It is the first party's contention that the existing facade is diminished by the quality of the façade detailing and the features reflect nothing of the craftsmanship which characterises the building's original design is intended to mimic and the ironwork detailing suspended above ground floor level are planted on a poor-quality elevation of brick and stone. As regards the existing shopping centre, the Board will note that the building is not a Protected Structure nor is it listed on the National Inventory of Architectural Heritage (NIAH).

St. Stephen's Green & Grafton Street (including St. Stephen's Green West)

- 7.4.5. The third parties and observers contend that the existing Victorian inspired shopping centre and glass dome is a local landmark, and it is their contention that the building should be retained.
- 7.4.6. I note the PA acknowledge that the existing shopping centre is a local landmark. However, their assessment relies on the Heritage Significance Report prepared by City designer. In this regard, I note this report argues that the *“building is found to be a very ordinary, economical and, in places, crude entity, cleverly embellished with applied repetitive detail. While the layered external facades are of value, it is the only device which lifts this building beyond the mundane. It becomes obvious when taken through the AHPG tests that there are virtually no qualities which put it in a category of requiring preservation or even in a category where justification for its demolition is necessary.”*. While the third parties and observers request the building be protected, the Board will note that designation of a building as a Protected Structure is a reserved function, therefore, I do not intend to debate the Protected Structure status or merit of the building. However, it is of note that the first party conservation expert did acknowledge that the “layered external facades are of value”. I would agree and I share the concerns of the third parties and observers as regards the loss of the unique façade addressing the corner of St. Stephen’s Green & Grafton Street, in particular, the above ground floor trellis detailing and dome.
- 7.4.7. In this regard, BHA15 *Twentieth Century Buildings and Structures* of the DCCDP 2022-2028 sets out that it is a policy of the Council to:
- (a) To encourage the appropriate development of exemplar twentieth century buildings and structures to ensure their character is not compromised.*
 - (b) To encourage the retention and reinstatement of internal and external features that contribute to the character of exemplar twentieth century buildings, such as roofscapes, boundary treatments, fenestration pattern, materials, and other features, fixtures and fittings (including furniture and artwork) considered worthy of retention.*
- 7.4.8. In my opinion, the proposed shopping centre as it addresses St. Stephen’s Green & Grafton Street (including St Stephen’s Green West) is stylistically original and innovative. While I note the first party argue that the workmanship and materials are pastiche, in my opinion, the distinctive design inspires debate on value and beauty

and this portion of the building is a unique artistic expression. It is a cultural landmark in the city with social and artistic connotations. I consider, the loss of the metal frame windows, the iron trellis attachments with small built-in planters and the dome would be contrary to BHA15 (b) of the DCCDP, and while the existing design maybe at odds with the general character of area, it is this uniqueness that makes it a distinctive and individual piece of architecture. I do not consider the proposed design to be of sufficient architectural quality to justify the loss of this section of the building.

- 7.4.9. Regarding the proposed design, chapter 4 of the DCCDP acknowledges the key challenge in the city is achieving the balance between providing for compact growth, appropriate densification and placemaking in accordance with national and regional policy while ensuring innovative and sensitive development that respects the city's unique character and enhances its natural and heritage asset. Section 15.5.1 *Brownfield, Regeneration Sites and Large Scale Development* sets out a number of considerations to be incorporated into proposals for large scale development including;- to encourage innovative, high quality urban design and architectural detail in all new development proposals and to retain existing and create new features to make an easily navigational urban environment, including active building frontages with clearly defined edges and safe public routes. This approach is supported by Policy SC19 *High Quality Architecture* and Policy SC21 *Architectural Design*.
- 7.4.10. In this regard, while the first party argue that the building massing and treatment to the street elevations provide a level of sophistication which allows for a more individualistic building, particularly at the northeast, Stephen's Green corner, I do not agree. I do not consider the development as presented at this prominent corner location reflects an appropriate innovative architectural design to justify the loss of this unique and 'individualistic' section of the building. There is nothing particularly unique about the design to differentiate it from any large shopping centre in the city nor is it saved by the façade lighting scheme proposed which, in my opinion, is excessive and likely to detract from the character of the area. This is the most prominent and nationally recognised section of the site and as such requires a unique and innovate design approach. The proposed design is rigid, uniform and box like, dressed only by the proposed the external façade treatments, it appears generic and lacks any distinctive or innovative creativity that would make it stand out and have value beyond its function.

- 7.4.11. The first party argue that the existing shopping centre is only lifted by the façade treatment which the first party do not consider to be appropriately refined, yet in my opinion, the uniform shape and form of the proposed development is dressed only by the external façade treatment and lighting proposed and not by the juxtaposition of any form or shape. Therefore, the same conclusion can be formed with respect to the proposed development.
- 7.4.12. In my opinion, the proposed design as it addresses St. Stephen's Green & Grafton Street fails to innovate. In the context of this section of the site, I consider the design lacks originality or a strong sense of original aesthetic, the proposed design does not stand out as a particularly noteworthy example of architecture and for this reason, I consider the development contrary to section 15.5.1, Policy SC19 and Policy SC21 of the Development Plan and should be refused.
- 7.4.13. Notwithstanding, the above, I do accept that the ground floor retail facades and the entrance would benefit from streetscape improvements to enhance the character and improve the attractiveness and the functionality of the entrance. There are not matters that can be addressed by way of condition in my opinion as such change would result in material changes to the development proposed.

South King Street and Mercer Street

- 7.4.14. Regarding the South King Street façade, I agree with the first party that 'the brick facades form a continuous graphical representation of the and Venetian style windows of the Gaiety and are crude in their detailing. These facades share none of the quality of the authentic Gaiety facade in terms of proportion and craftsmanship and while this elevation was designed to mimic the Gaiety, this approach diminishes both buildings. The Townscape and Visual Impact Assessment (TVIA) sets out, and I would agree, that the northern and western elevations *"negatively affects the adjacent streetscapes...."*, in addition, the lack of entrance and active frontages has a detrimental effect on the street and quality of the public realm. In this respect, I consider the scheme successful and the proposed active frontages along South King Street will, in my opinion, significantly enhance the character of the area and the public realm and is a welcome addition.
- 7.4.15. I further consider the design approach addressing both South King Street and Mercer Street reflecting clearly articulated retail façades and a uniform modern design

approach a successful intervention in terms of the architectural language of the proposed development, the proposed curved corner and contemporary bronze metal façade defines the corner of the development, softens the mass of the development. The combined design approach and materials contrast effectivity with the Mercer Library and adjoining Protected Structures on approach to the site from Johnson Place so as to clearly distinguish the proposed modern development from the adjacent built heritage at this location. I am further satisfied that the recessed building height at this location from 5th storey shoulder height (set back from the north and west shoulder) is acceptable and reduces the visual impact at streetscape level while the increased overall height defines the site as a prominent city centre development in accordance with section 15.5.1 of the DCCDP which refers to the development of large comprehensive sites which are of sufficient scale to differentiate them from the surrounding townscape, in addition to contributing to the streetscape creating active and vibrant public realm. On balance, I consider the proposed design will enhance the appearance of the shopping centre and the streetscape at this location.

Internal Works

- 7.4.16. Having regard to the above, I accept that this will result in the loss of the central atrium and the internal layout will alter, and that while it could be argued that some of the façade improvement works could be carried out without the need for additional building height in the form of the proposed offices, in this regard, I accept the first party contention that the circulation on site is poor and the unit sizes too small to attract longer term occupiers and as such, the internal layout requires alterations to ensure long-term viability notwithstanding the proposal for additional offices on the upper levels.
- 7.4.17. In any case, while the atrium space, internal volume and detailing is attractive, the comprehensive redevelopment and intensification of uses on this site cannot occur in the absence of alterations to the internal layout in order to maximise the use of this central and accessible city centre site in line with DCCDP policies (including SC1 - Consolidation of the Inner City, SC11- Compact Growth, SC15- Building Height Uses and CEE2 - Positive Approach to the Economic Impact of Applications).
- 7.4.18. I am further satisfied that this loss of the atrium space and internal detailing will be counter balanced by the active frontages proposed on South King Street which, in my

opinion, will enhance the quality of the scheme and the wider area through active public realm engagement including the nighttime economy. This active engagement with the streetscape extends to Mercer Street with the continuation of design and the incorporation of large glazing elements and public facing streetscape treatment. As outlined in section 7.2 above, the addition of upper levels office at this central accessible location is acceptable, in my opinion and in accordance with DCCDP standards. (The matter of building height is addressed in more detail in the section 7.5 below).

- 7.4.19. I am satisfied the proposed development as it relates to South King Street and Mercer Street and the associated internal works are in accordance with Section 15.4.2 *Architectural Design Quality* of the DCCDP 2022-2028 and the design reflects 'imaginative, innovative and contemporary architecture' and respects 'Dublin's heritage and local distinctiveness and enriches the city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance'.
- 7.4.20. Regarding the matter of the internal clock, I note the DCC notification included a planning condition requiring the applicant incorporate the clock into the proposed redevelopment. In the event the Board is minded to grant planning permission, I recommend a similar condition be attached to any recommendation. I note the appeal response includes suggested alternative location and that the first party will continue to explore alternatives to accommodate the clock.

Conclusion

- 7.4.21. The proposed development provides for the redevelopment and intensification of uses on a strategic site in the city centre to accommodate more people and activities and will ultimately maximise land use. As regards the proposed design concept the first party argue that the design intends to provide a unique and high quality treatment that presents a calm and simplified backdrop to the sensitive site.

In this regard, I consider the proposed development as it relates to South King Street, Mercer Street and the associated internal development works are in accordance with section 15.4.2 and 15.5.1 of the DCCDP in so far as the proposal is of sufficient scale to differentiate it from the surrounding townscape, in addition to innovate an architectural design that will contribute to the streetscape creating active and vibrant

public realm. I accept that the comprehensive redevelopment of the site in line with DCCDP policies cannot place without some compromise to the existing development on site including the loss of the central atrium.

However, I am of the opinion that the proposed development is not of sufficient architectural design to justify the loss of the unique shopping centre façade and dome at the top of Grafton Street and St. Stephen's Green (including St. Stephen's Green West) and as such, the proposed development would be contrary to BHA15, Section 15.5.1, Policy SC19 *High Quality Architecture* and Policy SC21 *Architectural Design* of the DCCDP 2022-2028. And, while I welcome the redevelopment of the site as it relates to South King Street, Mercer Street and the associated internal development works as set out above, I do not consider the retention of the building as it addresses St. Stephen's Green & Grafton Street and the redevelopment of the remainder of the site can be addressed by way of condition as such changes would result in significant and material changes to the proposed development. Therefore, I consider permission should be refused.

7.5. Building Height, Visual Impact and Impact on Built Heritage

- 7.5.1. A number of concerns were raised about the scale of the building (up to eight storeys) in the context of the site and the sensitivities of the receiving environment, including St. Stephens Green (the park, a national monument and Conservation Area), the Grafton Street ACA and numerous Protected Structure in the vicinity of the site. (*Building Height, Visual Impact and Impact on Built Heritage* should be read in conjunction with section 7.4 of this report).
- 7.5.2. The proposed building steps up from five storeys fronting St. Stephen's Green West and four storeys to South King Street to seven storeys in the central eastern part of the site and eight storeys in the western part of the site. Along St Stephen's Green a shoulder height of five stories (24.560 metres) is proposed with the two top levels set back at 16.3m and 30.4 metres respectively. The overall height along St. Stephen's Green is 34.94 metres. Along South King Street a street parapet of four storeys is proposed at 20.630 metres, with a double set back providing three additional floors. An overall height of 35.450 metres is proposed to the northeast of the site. Providing a height of 36.890 metres to the north-western part of the site.

Building Height Policy

- 7.5.3. Section 4.5.4 *Increased Height as Part of the Urban Form and Spatial Structure of Dublin* of the Development Plan establishes policy context. The Development Plan does not provide prescriptive height limits but reflects national guidance. Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted and also performance criteria for the assessment of such development. In general, the default building height of 6 storeys is promoted. Proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context.
- 7.5.4. I draw the Boards attention to the planning history set out in section 4.0 of this report and, in particular, the recent grants of permission to the south of the site also overlooking and adjacent to St. Stephen's Green Park, ref. ABP 305501- 19 which is currently under construction and relates to the construction of a third level education and research building for the Royal College of Surgeons Ireland and ranges in height from five to eight storeys (including setback) and ref. ABP 311618-21 which relates to a grant of permission for the demolition of an existing 5 to 7-storey office complex and the construction of an office building 4-8 storeys in height at Stokes Place. While I note the third party concerns are regards maintaining traditional parapet heights, I am satisfied that there is precedent for increased building height similar to the proposed development in the vicinity of the site. Furthermore, I am satisfied that the development seeks to ensure that the parapet heights are maintained at streetscape levels with amplified height appropriately set back. I consider this approach acceptable.
- 7.5.5. In terms of national policy, the '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.

- 7.5.6. In this regard as I have previously stated, I would generally concur that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets supporting the National Strategic Objective to deliver compact growth in our urban centres.
- 7.5.7. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise.
- 7.5.8. In this case, I am satisfied that the proposal is generally in line with Development Plan policy and does not materially contravene any specific building height objectives. Therefore, the proposal does not rely upon SPPR 3. Notwithstanding this, I consider it appropriate to apply the criteria outlined in Appendix 3 (Table 1) of the Development Plan having regard to the site context including Grafton Street ACA, St. Stephen's Green Conservation Area and Protected Structures
- 7.5.9. Table 3 of Appendix 3 includes 10 objectives and performance criteria in assessing proposals for enhanced height, density and scale. I have reviewed the scheme relative to Table 3 and I am satisfied that the site has the capacity to accommodate increased building height in line with the provisions of the Development Plan.

Table 1 - Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale - Appendix 3 CDP

	Objective	Assessment
1.	To promote development with a sense of place and character	<p>The site occupies a prominent location at the top of Dublin's Grafton Street adjacent to St. Stephen's Green Park and has extensive frontage along St. Stephen's Green West, South King Street and Mercer Street.</p> <p>The scheme will introduce a new form and height to the area. However, I satisfied that the proposed building height and the stepped arrangements will avoid any abrupt transitions in scale and height from neighbouring properties, the positioning of the higher</p>

		<p>building forms internally within the site removed from the active streetscapes has been subject to detailed consideration to ensure that the scheme can be assimilated into the receiving environment and the proposed shoulder height is consistent with the existing building height and the adjacent built forms.</p> <p>The design approach is supported by the TVIA submitted with the application. I refer the Board section commencing 7.5.11 below.</p> <p>The proposed development provides for new cultural spaces and uses in addition to the retention of the F&B uses already on site and the creation of active frontages on South King Street, which will result in new destination spaces in the locality. As such the development will reflect a distinctive and unique sense of character and identity.</p> <p>While I consider elements of the scheme successful, and Board will note my concerns with respect the design of the development as it addresses the corner of Grafton Street and St. Stephens's Green as set out in section 7.4 above.</p>
2.	To provide appropriate legibility	<p>The development ranges from 5 no. to 8 no. storeys and has been designed with somewhat varied facades including the provision of active and lively frontage on South King Street. As noted above, the proposed shoulder heights across the various elevations are consistent with the established building heights immediately adjoining the development site and the setting back of upper levels is proposed as a means to gradually increase heights, whilst respecting the surrounding properties, existing and proposed. This design approach serves to reduce the perceived mass and scale of the development, in my opinion.</p> <p>Of significance also is the proposed upper floor fronting St. Stephens Green is setback of 30.4 metres from the building edge, which visually reduces the massing of the building when viewed from Grafton Street. I agree with the PA that as a result of the setbacks</p>

		<p>proposed the contrast in scale between the shopping centre and Grafton Street is less pronounced.</p> <p>The proposed development will redefine the streetscape at this prominent urban location and will introduce a new form of height at this location. However, as outlined above there is precedent for similar building heights permitted immediate to the site.</p> <p>As regards the legibility of the scheme, the proposed development retains the concept of an internal street leading from the top of Grafton Street into the shopping centre and has been designed to address all streetscape frontages of the site, permeability through the site has been provided for and enhanced and as noted above the development provides for the required 5% creative space and will create a distinct sense of place and character especially due to the animation of previous lifeless streetscapes, in particular, South King Street.</p> <p>While the above is welcome, this does not negate my concerns with respect to the design of the scheme as it addresses Grafton Street and St. Stephen's Green.</p>
3.	To provide appropriate continuity and enclosure of streets and spaces	<p>The 'rejuvenated' elevations all align to interface with the streetscape whilst being accessible and creating a sense of place. Furthermore, the proposed frontage onto South King Street and Mercer Street enlivens both streets with activity, a welcome introduction which the current scheme lacks.</p>
4.	To provide well connected, high quality and active public and communal space	<p>Existing permeability through the shopping centre site and onto the adjoining streets will be retained and enhanced.</p>

5.	To provide high quality, attractive and useable private spaces	Provision of private open space is not applicable in this instance.
6.	To promote mix of use and diversity of activities	I refer the Board to section 7.2 above and the range of uses proposed including retail, office, F&B and cultural uses and spaces. I am satisfied with the proposed mix of uses and is acceptable and promote a diversity of activates both during the daytime and at night which is lacking in the existing centre.
7.	To ensure high quality and environmentally sustainable buildings	<p>The proposed development has been designed to be fully compliant with existing Building Regulations and the application is accompanied by a Planning Sustainability Statement which provides details of the intended sustainable technologies, energy efficiencies and climate resilience.</p> <p>The Daylight and Sunlight Assessment Report indicates that there will be limited impacts on surrounding properties. Similarly, a Wind and Microclimate Modelling determined that the development is designed to be a high quality environment for the scope of use intended for each area, i.e. comfortable and pleasant for potential pedestrian and the development does not introduce any critical impacts on the surrounding buildings, or nearby adjacent roads.</p>
8.	To secure sustainable density, intensity at locations of high accessibility	<p>The subject site is well served in terms of public transport provision. The proposed development is located within the core city centre directly adjacent to a Luas stop and in proximity to a range of other public transport option including Bus and Dart services and proposed MetroLink.</p>
9.	To protect	The application was accompanied by an Architectural Heritage

	<p>historic environments from insensitive development</p>	<p>Impact Assessment (AHIA). The proposed development is in the vicinity of numerous Protected Structures, the Grafton Street “Architectural Conservation Area” (ACA) and the location of the eastern elevation is within the conservation area which encompasses St. Stephen’s Green and St. Stephen’s Green is also a National Monument. There are no Protected Structures on the subject site. The AHIA determined that the main potential impact on architectural heritage is a visual impact on the Green and adjoining Protected Structures. I would agree.</p> <p>A revised TVIA was submitted in response to CFI, in this regard I note the PA set out the design changes made, result in the contrast in scale between the shopping centre and Grafton Street being less pronounced. Referring to the Townscape and Visual Impact Assessment Report submitted a CFI response stage, it is set out that the visual impact in view 6D (from Grafton Street) would be the same if the top floor was omitted, it would just deliver less floor space.</p> <p>Views 5C and 7D show that the proposed setback reduces the visual impact on St. Stephens Green and removes the two upper floors from view. In the views from St. Stephen’s Green the upper floors no longer protrude above the five storey shoulder height at the north east corner of the site. A setback of 17.5 metres on King Street and 9 metres on Mercer Street is proposed. This setback reduces the appearance of the building by one storey when viewed from Clarendon Street in view 9. The reduced parapet line results in the projecting stair cores being more visually dominant. To address this the first party reduced the parapet height of the stair core by 1.8 metres and amended the treatment with more glazing and a lighter colour finish to reduce the visual impact.</p> <p>In view 10A from the junction of South King Street and Johnson Place, the proposed setback visually reduces the scale of the building by one storey and enhances the setting of nearby protected structures no. 1 and 2 Johnson Place and Mercer Hospital which are</p>
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		<p>protected structures. The parapet line now sits below the clock tower on the Mercer Hospital.</p> <p>I agree with the PA that the proposed setbacks visually reduce the scale and massing of the proposed development and help it to sit more comfortably within its surrounding context.</p> <p>I have already acknowledged that the development would improve the material quality, function and character of South King Street, part of which lies in the Grafton Street ACA. In addition, I am satisfied that the proposed contemporary design approach will contrast effectively with the character of the Gaiety Theatre rather than attempting to compete with it by mimicking the design and therefore is a more appropriate design solution. Similarly, regarding the impact of the development on the Fusilier's Arch, this structure is removed from the site and is the focal point entrance to the park and very much a standout feature. I am satisfied that the development located across the road from the arch and within the existing streetscape does not detract from the Fusilier's Arch. Regarding concerns about the impact on St. Stephen's Green park, It is noted that while St. Stephen's Green is a national monument, the AHIA states that the proposed design is restrained and will have a minimal visual impact on the St. Stephen's Green. I note this statement is also supported by the Archaeology and Built Heritage report submitted in response to FI. I would agree.</p> <p>I refer the Board to section commencing 7.5.11 below.</p>
10.	To ensure appropriate management and maintenance	<p>The application was accompanied by:</p> <ul style="list-style-type: none"> • Outline Construction Management Plan • Outline Resource and Waste Management Plan • Operational Waste Management Plan • Service Strategy Report • Vehicle Swept Path Analysis

		I am satisfied noise management, environmental monitoring, construction waste, operational waste management and pest control can be addressed through the submission of a final CEMP.
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- 7.5.10. In summary, the DCCDP establishes that it is important to protect the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity.

I am satisfied that the proposed building height in this location is in accordance with Section 4 of Appendix 3 of the Development Plan which acknowledges the scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors and the overall approach of consolidation and densification in the city. The proposed intensity of uses and associated height comply with Government policy to increase densities on underutilised lands within core urban areas in order to promote consolidation and compact growth and address the challenges of climate change as reflected in the provisions of the Dublin City Development Plan 2022-2028.

Visual Impact and Impact on Built and Cultural Heritage

- 7.5.11. Policy SC22 seeks to facilitate new development which is in harmony with the city's historical spaces and structures, and the proper planning and sustainable development of the area. The third parties consider the proposed development will result in the loss of the established aesthetic of the shopping centre and will have a negative impact on character of the area, and would, due to its excessive scale and height, appear visually incongruous on the skyline. As such, the proposed development would seriously injure the historic and sensitive setting on St. Stephen's Green Conservation Area, adjacent to Grafton Street ACA and in proximity to numerous Protected Structures.

- 7.5.12. Regarding the concerns raised by the third-party with respect to specific views, I note following:

View from St. Stephen's Green North

- The TVIA submitted in response to the appeal sets out that the building is inevitably prominent as is the existing building due to its position in the view (viewpoint 07C), but it does not impact the setting of the park nor the historic structures. While I accept that the view does not impact the park nor the historic structures, the development does have an impact on the townscape and the magnitude of change is significant relative to the receiving environment, in my opinion. The proposed development occupies a prominent site in the city centre and any redevelopment will result in changes to the townscape character. Regarding the susceptibility of the area to this change, I refer the Board to section 7.4 with respect to my concerns as regards the design at this location which extends to views of the site on approach from St. Stephen's Green North.

View from St. Stephen's Green Park

- Outward views of the site from the majority of the park will be limited due to its enclosure by trees, would be limited and would not impact historic structures given the city backdrop.
- The building will be most exposed from the northwest corner of the park approaching the Fusilier's Arch. The TVIA suggests that diverse buildings are already visible when approaching the Fusilier's Arch. However, contrary to the first party contention that the proposed building would be distinctive and material quality appreciably improved, the viewpoint submitted in response to the appeal clearly establishes that the existing shopping centre blends into the background with only the dome clearly visible unlike the proposed development which dominates the view. Notwithstanding, same I agree with the TVIA which sets out these views are seldom experienced statically, but rather in a continuum the composition changing with every step. In this context, I agree with the TVIA that Fusilier's Arch reads clearly against the proposed backdrop.

View from Grafton Street

- Grafton Street is lined on both sides by Victorian and early 20th century buildings mostly five storeys. The proposed building will rise above the Grafton Street streetscape and will form a new backdrop to the historic streetscape. I agree with the TVIA that the design of the development including extensive use of glass and light colour scheme allows the Grafton Street buildings and rooflines to remain

legible against this new backdrop. The TVIA acknowledges that there would be some diminution of the historic building's prominence and this is unavoidable with a vertical extension of the shopping centre. In this context, I agree with the DCC assessment that the development represents a 'strong backdrop' to the view and there would be no reduction in visual amenity.

- 7.5.13. In addition to the above, I draw the Boards attention to the response to CFI issued by DCC which includes an Architectural Heritage Impact Assessment which assesses the visual impact on the Green and the nearby protected structures. While the PA consider the report lacking, not overly detailed and does not discuss the impact on the landmark clock tower of Mercer's Street Hospital. The report concludes that the shopping centre is separated from the four protected structures to the west of St Stephen's Green by existing commercial buildings and is therefore considered to have minimal impact on the protected structures such as the Unitarian Church and Damer Hall, nos 119 and 120 St. Stephen's Green West and the Royal College of Surgeons, similarly protected structures on King Street South and the Gaiety Theatre and nos 1 and 2 Johnson's Place and Mercers Hospital. I would agree.
- 7.5.14. I am satisfied that the proposed development is removed from and independent of the adjoining Protected Structures, St. Stephen's Green Architectural Conservation Area and Grafton Street ACA and reflects a distinctive architectural language that clearly distinguishes the modern design from the existing built and cultural heritage and the contrasting design approach serves to mediate between a modern design idiom and the historic context and would therefore be consistent with Policy SC22.
- 7.5.15. However, while I accept that the site has capacity to absorb change without detrimental impacts on the character and setting of the adjoining area including built and cultural heritage and the proposed increase in building height has been mitigated through material choice and design including the setting back of the upper levels of the development, I do not consider the design and associated visual and townscape impact as it addresses the intersection of St. Stephen's Green and Grafton Street and the views of the site on approach from St. Stephen's Green North to be of sufficient architectural design to differentiate it from any other contemporary streetscape insertion and/or justify the loss of the existing 'unique' shopping centre at this location nor do I agree with the first party that '... the poor quality of the alien design' of the existing shopping centre 'together with the unrefined details and material quality are

considered inappropriate, and somewhat disrespectful, of their historic surroundings'. It is the unique design of the shopping centre at this junction that serves to highlight the insertion and differentiate it from the adjoining built heritage.

- 7.5.16. In terms of the potential archaeological impact of the proposed development, the Board will note that the Archaeology Division concurred with the consultant archaeologist's assertion that the site of the proposed development in itself is considered to be of low archaeological potential and that the development would have little or no direct archaeological impact. Given the potential archaeological impact is considered to be low, the Archaeology Division of DCC raised no objection to the proposed development subject to the inclusion of a standard archaeology condition.

Conclusion

- 7.5.17. I am satisfied that the proposed site has capacity to absorb increased height having regard to the tiered design approach and the emerging prevailing building height in the area, in particular, adjacent to St. Stephen's Green.

However, as set out in section 7.4 above, I do not consider the proposed design and associated visual and townscape impact as it addresses the intersection of St. Stephen's Green and Grafton Street and the views of the site on approach from St. Stephen's Green North would be acceptable in so far as the proposed design is lacking any visual appeal for this prominent site location in the city centre and as such, would not be consistent with section 15.4.2 *Architectural Design Quality* as it relates to design, urban form and layout 'which should be distinguished by exploiting vistas'.

7.6. Other Matters

Car Parking

- 7.6.1. Concerns raised about the reduction in car parking spaces on site and the associated impacts. The proposed development will include 551 no. car parking spaces and 512 no. bicycle-parking spaces. This represents a reduction in 138 no. car parking spaces from the number of spaces at present. The first party set out that no parking will be provided for the office space as the site is well served by public transport. I would agree and I am further satisfied that this approach is consistent with CCUV19 Parking and the Retail Core as it relates to short term car parking provision.

A Mobility Management Plan also accompanied this application. I note the PA raised not concerns in his regard.

Impact On Existing Tenants

- 7.6.2. Concerns were raised in the submission as regards the impact on existing tenants. While the concerns are noted, this is a matter for the applicant/owner and the tenants and not a matter for the Board.

8.0 Water Framework Directive

- 8.1.1. The impact of the proposed development in terms of the WFD is set out in Appendix C of this report.
- 8.1.2. A Water Framework Directive Report accompanied this application. It is set out that the site lies within the Liffey and Dublin Bay Catchment 09 and Dodder WFD sub-catchment (Dodder_SC_010 WFD River Sub Basin;EPA,2022). The nearest water receptor is the Dublin Bay Coastal Water Body (European Code IE_EA_0900_0000) which is located c. 3.2km to the east of the site.
- 8.1.3. The development has no hydrological connection with the Upper/Lower Liffey Transitional Water Body, Poddle River and Dodder River surface waterbody and the Grand Canal water body. There would be an indirect hydrological connection to South Dublin Bay coastal waterbody through stormwater and four water via the public combined sewer and Ringsend WWTP. Following the Site Specific Flood Risk Assessment, it has been determined that the proposed development is within low risk Flood Zone C and considered appropriate as defined by the Guidelines.
- 8.1.4. The WFD status for the South Dublin Bay waterbody is 'Good' with the current WFD River Waterbody risk source of 'Not at risk of not achieving good status' and for the Dodder Surface Water body the status is 'Moderate' and its risk score 'At risk of not achieving good status'. The main pressure identified is Urban Run-off.
- 8.1.5. The proposed development includes the provision of SUD's measures and standard practice construction and operational measures. Therefore, in accordance with Appendix C of this report, I conclude on the basis of objective information, the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or

on a temporary basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Environmental Impact Assessment Screening

9.1.1. The application addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

9.1.2. With regard to EIA thresholds, Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

9.1.3. Class 13 of Schedule 5 relates to Changes, extensions, development and testing.

(a) Any change or extension of development which would: -

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than-
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

(b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

- 9.1.4. Class 14 of Schedule 5 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 9.1.5. Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 9.1.6. A detailed description of the development is outlined in section 2.1 of the report. In summary, the proposed development relates to the 'rejuvenation' of the Stephen's Green Shopping Centre, involving the internal reconfiguration and partial redevelopment of the centre, while maintaining a number of existing retail units and elements of the existing building structure. The development includes demolition works. The site has an overall area of c. 1.452ha and is located in what can be classed as a business district area. The site is zoned Z5: City Centre: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. The predominant use in the area is a mix of retail and office with some residential and cultural/leisure. However, the site size is significantly below the applicable threshold of 2 ha for a 'business district'.
- 9.1.7. As outlined above, the criteria at Schedule 7 to the Planning and Development Regulations 2001 (as amended) are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that should be the subject of environmental impact assessment. I would note that the requirement for EIA has not been suggested by any of the submissions or reports connected to the application and appeal.
- 9.1.8. The site is occupied by the existing St. Stephen's Green Shopping Centre and adjacent to numerous office development. Therefore, the proposed primary uses are already established in this area and are supported under the zoning objective. The 'rejuvenation' of the centre to enhance the existing retail, F&B offering to include additional cultural uses and office space will not have an adverse impact in environmental terms on surrounding land uses.
- 9.1.9. The proposed development will not increase the risk of flooding within the site, and it

would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies. The building is not a Protected Structure nor is it with an ACA. The AHIA accompanying the application determined no significant detrimental impact on adjacent Protected Structures or the ACA or Conservation Area as a result of the development. The site does not support substantive habitats or species of conservation significance, as highlighted in the AA, EclA and this EIA Screening Assessment submitted with the application. No bats were detected entering or emerging from the existing building on site. No flora or terrestrial fauna species or habitats of National or international conservation importance were recorded. Nor is it anticipated that the development would have any impact on the biodiversity of St. Stephen's Green park given the proposed development is consistent with the already established use. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 10 of this report. While there are no archaeological monuments within the site, the site is within proximity of St. Stephen's Green Park (RMP DU018-020334) a National Monument in the ownership of the State. The Archaeology Division of the Planning Authority raised no objection subject to standard conditions. The nature and the size of the proposed development alongside this existing development remains below the applicable class 10(b) thresholds for EIA.

- 9.1.10. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. In addition, noting the requirements of Article 103(1A) (a) of the Planning Regulations, the first party has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive.

- 9.1.1. Under the relevant themed headings, the EIA screening information prepared by the first-party appellant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment (Section 5.0). I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under Article 103(1A) (a) of the Planning Regulations has been submitted.
- 9.1.2. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the subject application and the opinion of the Planning Authority. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

10.0 Appropriate Assessment

- 10.1.1. I refer the Board to Appendix A -AA Screening Determination.

Screening Determination Conclusion

I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests

of the applicable Natura 2000 site (South Dublin Bay SAC (000210) and River Tolka Estuary SPA (004024) can be excluded having regard to the following:

- There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

10.1.2. I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- The distance between the proposed development and the designated conservation sites.
- Lack of direct hydrological pathway or biodiversity corridor link to the conservation sites.
- The dilution effect with other effluent and surface runoff.
- The distance between the proposed development and the designated conservation sites.
- Lack of direct hydrological pathway or biodiversity corridor link to the conservation sites.
- The dilution effect with other effluent and surface runoff.
- Foul waters will discharge to the existing combined foul and surface water network and will travel to Ringsend wastewater treatment plant for treatment prior to discharge; the wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

10.1.3. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

10.1.4. It is evident from the information before the Board that on the basis of 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, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on South Dublin Bay SAC (000210) and River Tolka Estuary SPA (004024) or an European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

- 10.1.5. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

11.0 Conclusion and Recommendation

It is recommended that the proposed development is refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

It is considered that the proposed development as it addresses St. Stephen's Green and Grafton Street lacks originality or a strong sense of original aesthetic. The proposed design does not stand out as a particularly noteworthy example of architecture at this prominent city centre location to justify the loss of the existing shopping centre as it addresses St. Stephen's Green & Grafton Street which is considered stylistically original and innovative including the existing external trellis detailing and dome, and as such, it is considered the proposed development would be contrary to Policy BHA15 (b) as it relates to the retention and reinstatement of internal and external features that contribute to the character of exemplar twentieth century buildings, such as fenestration pattern, materials, and other features, fixtures and fittings considered worthy of retention, and Section 15.5.1, Policies SC19 and SC21

of the Dublin City Development Plan 2022-2028 which aim to encourage innovative, high quality urban design and architectural detail in all new development proposals that positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

Irené McCormack
Senior Planning Inspector
9th June 2025

Appendix A– Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

I have considered the 'Rejuvenation' of St .Stephen's Green shopping centre in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

There are no European sites in the immediate vicinity of the proposed development site. Table 1 of the AA screening report establishes Ten SACs and eight SPAs were identified within a 15km radius of the Site.

The closest European sites to the proposed development are South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024); both c. 3.2km and 2.9km respectively from the site, in Dublin Bay.

The proposed site is located within a densely populated urban environment. The nearest waterbody to the site is a culverted section of the river Poddle, located approximately 850m to the west of the site boundary. There is no hydrological connection to this waterbody. Both surface and foul water discharge from the site will connect to the existing combined sewers and treated at Ringsend WWTP, under license prior to discharge to Dublin Bay.

Submissions and Observations

I refer the Board to section 3.0 of the main report.

2. Potential impact mechanisms from the project

Zone of Influence

All of the European sites (with the exception of the North West Irish Sea SPA Site Code 004236) present in the vicinity of the proposed development are shown on Fig. 5 and Fig. 6 of the AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in tables 1.

The likely effects of the proposed development on European sites have been appraised using a source-pathway-receptor model.

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.

There are no Natura 2000 sites within the immediate vicinity of the site. There is an indirect hydrological connection to European Sites within Dublin Bay via surface and foul wastewater drainage. Surface and foul wastewater will be directed to an existing public foul network, which in turn discharges to Ringsend Wastewater Treatment Plant (WwTP) for treatment.

The AA screening states that there is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

Conclusion on the extent of the Zone of Influence

The development is for a mixed use primarily retail, F&B and office scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

Foul wastewater from the proposed development will be sent to the wastewater treatment plant at Ringsend in Dublin. Emissions from the plant are currently in compliance with the Urban Wastewater Treatment Directive and there is sufficient capacity in the Ringsend wastewater treatment plant to provide for the predicted future growth of this part of the city.

In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of Dublin Bay including the North West Irish Sea SPA can be screened out for further assessment at the preliminary stage

based on a combination of factors including the minimal effluent discharge from the proposed development works (to be treated at Ringsend WWTP and discussed further below), the intervening minimum distances and the lack of direct hydrological pathway or biodiversity corridor link to these conservation sites and the dilution effect with surface water runoff and following this, sweater. Furthermore, in relation to the potential connection to sites in the outer Dublin Bay area, I am satisfied that the distance to the boundary of the North Dublin Bay SAC and the North Bull Island SPA are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210) and South Dublin Bay and River Tolka Estuary SPA (site code: 004024).

Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening. I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table 1 below. I am satisfied that no other European Sites fall within the possible zone of influence.

The Board will note that the AA Screening Report determined that 'No significant

effects are likely' on any Natura 2000 site.

3. European Sites at risk

Having regard to the potential ZOI and the submitted AA document, the following Natura 2000 sites are identified as requiring further consideration for potential impacts due to possible indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water drainage network and the foul sewer network:

- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)

The Qualifying Interests are described under Table 1 below. A brief description is also provided.

Their current conservation status, attributes, measures and targets are expanded upon in Table 2 of the applicant's submitted document.

Table 1: European Sites at Risk

European Site	Conservation Objective	Effect mechanism	Impact pathway/Zone of influence	Qualifying Interests
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.	Habitat Loss and Fragmentation Habitat degradation as a result of hydrological impacts	Indirect pathway via surface water drainage network and the foul sewer network	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]
South Dublin Bay and	To maintain or restore the favourable	Habitat degradation as a result of	Indirect pathway via surface water drainage network	Light-bellied Brent Goose (Branta bernicla hrota) [A046] /

River Tolka Estuary SPA (004024)	conservation condition of the bird species listed as Special Conservation Interests for this SPA.	hydrological impacts	and the foul sewer network	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] / 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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South Dublin Bay SAC

This site lies south of the River Liffey in Co. Dublin and extends from the South Wall to the west pier at Dun Laoghaire. It is an intertidal site with extensive areas of sand and mudflats. The sediments are predominantly sands but grade to sandy muds near the shore at Merrion Gates. The main channel which drains the area is Cockle Lake. Several small, sandy beaches with incipient dune formation occur in the northern and western sectors of the site, notably at Poolbeg, Irishtown and Merrion/ Booterstown.

The formation at Booterstown is very recent. Drift line vegetation occurs in association with the embryonic and incipient fore dunes. Typically drift lines occur in a band approximately 5 m wide, though at Booterstown this zone is wider in places. The habitat occurs just above the High Water Mark and below the area of embryonic dune. At low tide the inner parts of the south bay are used for amenity purposes. Bait digging is a regular activity on the sandy flats. At high tide some areas have windsurfing and jet-skiing. This site is a fine example of a coastal system, with extensive sand and mudflats, and incipient dune formations. South Dublin Bay is also an internationally important bird site.

South Dublin Bay And River Tolka Estuary SPA

The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay. It includes the intertidal area between the River Liffey and Dun Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. In the south bay, the intertidal flats extend for almost 3 km at their widest. The sediments are predominantly well-aerated sands. Several permanent channels exist, the largest being Cocker Lake. A small sandy beach occurs at Merrion Gates, while some bedrock shore occurs near Dun Laoghaire. The landward boundary is now almost entirely artificially embanked. The site is an important site for wintering waterfowl, being an integral part of the internationally important Dublin Bay complex.

www.Protected Sites in Ireland | National Parks & Wildlife Service

4.. Likely significant effects on the European site(s) 'alone'

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) relate to:

- surface water drainage from the proposed development site during the construction and operational phases;
- increased wastewater being sent to Ringsend WWTP during the operational phase of the proposed development;

Assessment of Likely Significant Effects on Designated Sites

Having regard to the separation distance from European Sites and the characteristics of the site including the urban context and on-going active uses. The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. No ex-situ impacts on qualifying species are therefore considered likely and it is not considered that the proposed development gives rise to a risk of significant effects due to collision of qualifying bird species with buildings.

I note surface water from the proposed development will discharge to the combined public surface water sewer system. It is a policy of Dublin City Council to require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works". SuDS measures will be incorporated into the proposed development. It is not anticipated that there will be significant effects on the environment as a consequence of the proposed development. Furthermore, the scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the subject site from European sites in the Dublin Bay area (dilution factor).

It is proposed to discharge foul sewerage into the existing combined drainage infrastructure before existing the site to the public combined sewer means of a new sewer and discharge to the public sewer. There is an indirect hydrological pathway

between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP (i.e. South Dublin Bay SAC and South Dublin Bay And River Tolka Estuary SPA). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.

5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

In combination or Cumulative Effects

The applicant’s AA Screening Report has considered cumulative / in-combination impacts, including other permitted developments in the vicinity of the site.

This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP.

The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2022-2028. The Development Plan has been subject to AA by the Planning Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. Dublin Bay is currently classified by the EPA as being of “unpolluted” water quality status. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

AA Screening Conclusion

It is reasonable to conclude that, on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210) and River Tolka Estuary SPA (004024), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

Overall Conclusion- Screening Determination

I conclude 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site (South Dublin Bay SAC (000210) and River Tolka Estuary SPA (004024) can be excluded having regard to the following:

- There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- The distance between the proposed development and the designated conservation sites.
- Lack of direct hydrological pathway or biodiversity corridor link to the conservation sites.
- The dilution effect with other effluent and surface runoff.

Foul waters will discharge to the existing combined foul and surface water network and will travel to Ringsend wastewater treatment plant for treatment prior to discharge; the wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

- No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix B - EIA -Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference (318865-24)			
Development Summary	Reconfiguration and redevelopment of building up to 8 storeys. Inclusion of office spaces and reduction of car parking with all associated site works		
	<table> <tr> <th data-bbox="902 587 1070 694">Yes / No / N/A</th><th data-bbox="1070 587 2148 694">Comment (if relevant)</th></tr> </table>	Yes / No / N/A	Comment (if relevant)
Yes / No / N/A	Comment (if relevant)		
1. Was a Screening Determination carried out by the PA?	Yes EIA not required		
2. Has Schedule 7A information been submitted?	Yes		
3. Has an AA screening report or NIS been submitted?	An Appropriate Assessment Screening Report was submitted with the application. EclA was also submitted with the application.		
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	SEA and AA were undertaken in respect of the Dublin City Development Plan 2022-2028		

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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?	There is a clear consistency in the nature and scale of development in the surrounding area, primarily comprising retail, office use, residential, cultural and recreational uses. The proposed development would retain the use on site as a shopping centre and introduce a new office use to the site within the city centre that is not regarded as being of a scale significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development has been designed to address the site context, with standard measures to address potential impacts on surface water and groundwaters in the locality.	No
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?	Construction materials will be typical for an urban development of this nature and scale.	No
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?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for	No

	construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures and the submission of Construction and Demolition Waste Management Plan (CDWMP) which would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan, Construction & Demolition Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Other operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	The implementation of a Construction Environmental Outline Construction Management Plan, Outline Resource and Waste Management Plan/Drawings will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures.	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area. A suitable condition relating to Construction Environmental Management Plan will mitigate potential impacts.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	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: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are listed in Section 10 and Appendix A of this report and other designated sites are referenced in the application AA Screening Report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites.	No
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,	The proposed development would not result in significant impacts to protected, important or sensitive species	No

foraging, resting, over-wintering, or migration, be significantly affected by the project?		
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<p>There are no Protected Structures on site. The site is adjacent to a number of Protected Structures, the Grafton Street ACA and St. Stephen's Conservation Area. The Architectural Heritage Impact Assessment concludes that the development will result in detrimental impacts.</p> <p>An Archaeological desk study and Impact Statement accompanied the planning application. While there are no archaeological monuments within the site the site lies on outside the St Stephen's Green, a national monument. Any impact will be mitigated by an appropriate archaeological condition.</p>	No
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 such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure	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?	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas. No surface water features in the vicinity of the site.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	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?	The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is a city centre location in proximity to similar social and cultural uses in addition to schools and	No

	hospitals etc. However, there is no negative impact anticipated as a result of the proposal.	
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 or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; the location of the proposed residential units on lands zoned within the Dublin City Development Plan 2022-2028 Z5: City Centre: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.’ where the proposed uses at permissible within the Z6 zone; <p>the results of the Strategic Environmental Assessment of the Development Plan;</p> <ul style="list-style-type: none"> the nature of the existing site and the pattern of development in the surrounding area; 		

- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project; Townscape and Visual Impact Assessment, Visual Impact Photomontages, Heritage and Design Study of Existing Building, An Architectural Impact Statement, Archaeological Survey, Appropriate Assessment, EIA Screening Report, Engineering Planning Statement, Wind Microclimate Modelling, Daylight Impact Assessment, Ecological Impact Assessment, Mobility Management Plan, Outline Construction Management Plan, Outline Resource and Waste Management Plan/Drawings, Planning Sustainability Statement, Hydrological and Hydrogeological Qualitative Risk Assessment and Water Framework Directive Assessment. 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.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix C – Water framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	318865-24	Townland, address	St. Stephen's Green Shopping Centre, Dublin
Description of project		Reconfiguration and redevelopment of building up to 8 storeys. Inclusion of office spaces and reduction of car parking with all associated site works.	
Brief site description, relevant to WFD Screening,		The subject site is a existing urban shopping centre. It is prosed to connect the existing service infrastructure currently serving the site. No additional ground works are proposed.	
Proposed surface water details		All surface water drainage will discharge to the existing combined sewer. The following SuDS measures will be implemented: Green Roofs, Blue Roofs	
Proposed water supply source & available capacity		A review of the Uisce Eireann Capacity website on 3/6/2025 indicated that potential capacity is available in Dublin subject to 'Level of service' (LoS) improvement to meet 2033 population targets.	
Proposed wastewater treatment system & available capacity, other issues		The Board will note that a review of the Uisce Eireann Capacity website on 3/6/2025 indicated spare capacity available at the Ringsend WWTP.	
Others?		<p>A SSFRA accompanied that planning application. The report concluded:</p> <p><i>'The site has been assessed in accordance with the "The Planning System and Flood Risk Management" Guidelines. As part of the sequential test, the OPW flood hazard maps have been consulted, as have the Catchment Flood Risk Assessment Maps produced by the OPW. In all cases it was found that the development is at low risk of flooding and the development is deemed appropriate within the proposed site location.</i></p>	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Type	WFD Classification	WFD Status (2013-2018)	WFD Risk	Waterbody Name / ID	Location
Surface Water	River	Poor	<i>At Risk of Not Achieving Good Status</i>	Poddle_010 (IE_EA_09P030800, 09P03)	Located c. 0.8 km to the west of the proposed development site.
	River	Moderate	<i>At Risk of Not Achieving Good Status</i>	Dodder_050 (IE_EA_09D010900 09D01)	Located c. 2.2 km to the southeast of the proposed development site.
Transitional Water	Transitional	Good	<i>Under Review</i>	Liffey Estuary Upper (IE_EA_090_0400)	Located c. 0.6 km to the north of the proposed development site.
	Transitional	Good	<i>Under Review</i>	Liffey Estuary Lower (IE_EA_090_0300)	Located c. 1.0 km to the northeast of the proposed development site.
Groundwater	Groundwater	Good	<i>Under Review</i>	Dublin Groundwater Body (GWB) (IE_EA_G_008)	Groundwater body immediately underlying the proposed development site.
Coastal Water	Coastal	Good	<i>Not At Risk of Not Achieving Good Status</i>	Dublin Bay (IE_EA_090_0000)	Located c. 3.2 km to the east of the proposed development site.
Canal	River	Good	<i>Not At Risk of Not Achieving Good Status</i>	Grand Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_GCMLE)	Located c. 1 km to the south of the subject site and flows

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

Determination to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**

Table 9-1: Potential Leakage Assessment (with mitigation)

Source	Pathways	Receptors considered	Risk of Impact	Mitigation Measures
Construction Impacts (Summary)				
Unmitigated leak from an oil tank to ground/ unmitigated leak from construction vehicle (1,000 litres worst case scenario).	Bedrock protected by 5-10m low permeability overburden. Migration within weathered/ less competent limestone is low (limestone has discrete local fracturing rather than large, connected fractures).	Limestone bedrock aquifer (Locally Important aquifer and Poor Aquifer)	No perceptible risk – The existing slab will remain in place; therefore, no risk of migration through poorly connected fracturing within the limestone (Locally Important Aquifer) rock mass is expected. No likely impact on the status of the aquifer/off site migration due to the presence of the existing slab, mitigation measures (i.e. CEMP) low potential loading, natural attenuation within overburden and discrete nature of fracturing reducing off site migration.	The project-specific CEMP will include robust mitigation measures which are set out in the available OCEMP and the EIA Report, to protect the underlying hydrogeological environment. The CEMP will be a live document and it will go through a number of iterations before works commence and during the works. It will set out requirements and standards which must be met during the construction stage and will include the relevant mitigation measures outlined in the EIA Report and any subsequent conditions relevant to the proposed development. These include management of soils, re-fuelling machinery and chemical handling and control of water during the construction phase.
Discharge to ground of runoff water with High pH from cement process/ hydrocarbons from construction vehicles/run-off containing a high concentration of suspended solids	Indirect pathway to South Dublin Bay through public combined sewer (distance source-receptor: >3.2km)	Hydrological environment (South Dublin Bay)	Potential for local temporary exceedances of statutory water quality standards at outfall. However, no perceptible risk of deterioration of WFD Status in Coastal Dublin Bay based on loading and high level of dilution in the surface water sewer and on the distance of c. 3.2 km between the source and the estuary.	

Screened out -
Standard construction practice
CEMP

Screened out -
Standard construction practice
CEMP

OPERATIONAL PHASE					
Source	Pathways	Receptors considered	Risk of Impact	Mitigation Measures	Screened out
Operational Impacts (Summary)					
Foul effluent discharge to sewer	Indirect pathway through public combined sewer to Dublin Bay waterbody (distance source-receptor 3.2km)	Hydrological environment (South Dublin Bay)	No perceptible risk – Foul water will be treated in Ringsend WWTP. Foul discharge from the development will not impact on the overall water quality within South Dublin Bay and therefore would not have an impact on its current Water Body Status (as defined within the Water Framework Directive).	The proposed development is designed to ensure the protection of the underlying hydrogeological environment such as containment from car park areas and the use of SuDS techniques. In order to limit the surface water discharge from the site to pre-development, greenfield rates, and to ensure improvement in the overall surface water quality before ultimate discharge the principles of Sustainable Drainage Systems, (SuDS) are to be implemented.	
Discharge to ground of hydrocarbons from carpark leak (70 litres worst case scenario)	Indirect pathway through public combined sewer to Dublin Bay waterbody (distance source-receptor 3.2km)	Hydrological environment (South Dublin Bay)	No perceptible risk due to the implementation of the mitigation and design measures which includes SuDS techniques and the use of interceptors along the drainage system.		Screened out
DECOMMISSIONING PHASE					
NA	NA	NA	NA	NA	NA