



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321294-24

<b>Development</b>	Amendments to permitted office scheme (P.A. Ref. No. 3457/24 / ABP-314353-24) comprising of an additional set-back storey together with all associated works.
<b>Location</b>	No. 49-51 Pleasants Street, Pleasants House & 5 Pleasants Lane, Dublin 8.
<b>Planning Authority</b>	Dublin City Council South.
<b>Planning Authority Reg. Ref.</b>	4221/24.
<b>Applicant(s)</b>	Red Rock Pleasants Street Ltd.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Red Rock Pleasants Street Ltd.
<b>Observer(s)</b>	Enda Winter.
<b>Date of Site Inspection</b>	21 <sup>st</sup> day of February, 2025.
<b>Inspector</b>	Patricia M. Young.

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## 1.0 Site Location and Description

- 1.1. Having carried out an inspection of the site and its setting I consider that the 'Site Location and Description' provided by the Boards inspector in their report for appeal case ABP-320119-24, outside of the modest change in site area to c0.0745ha is still largely applicable. It reads:

*"The area surrounding the site at No. 49-51 Pleasants Street, Pleasants House & No. 5 Pleasants Lane, Dublin 8, features a mix of residential, commercial, retail and community uses. There is a mix of two, three and four storey dwellings and buildings in the vicinity of the site in a variety of architectural styles. With regards to public transport, Camden Street Lower to the east of the site is served by Bus Routes No. 9, 14, 15, 15A, 15B, 15D, 16, 65, 65B, 68, 68A, 83, 83A, 122, 140 and 142 and the subject site is also proximate to the Green Line Luas (the Harcourt Luas Stop located 450 metres south-east)".*

*This: "slightly irregular shaped site (made up of 3 no. land parcels) on the northern side of Pleasants Street in Dublin 8. The site's southern, eastern, and western boundaries are flanked by Pleasants Street, Pleasants Lane and a laneway known as O'Neill's Buildings, respectively. The southernmost of the 3 land parcels, Nos. 49-51 Pleasants Street, currently contains a terrace of 3 no. 2-storey buildings with associated rear yards fronting Pleasants Street. These 3 no. buildings are currently occupied by café/restaurant units and a residential unit at upper floor level. There is a small car parking area on the south-western corner of this land parcel, to the side of No. 51 Pleasants Street. The central land parcel comprises Pleasants House which is a 3-storey office building with frontage to both Pleasants Lane and the laneway known as O'Neill's Buildings. The northernmost land parcel, 5 Pleasants Lane, comprises a double storey vacant building (former dwelling) with associated rear yard fronting Pleasants Street. The site is bounded to the north by the Camden Hotel (easternmost section of the northern boundary), which is a Protected Structure, and by a single storey shed and yard associated with Elliots Cash and Carry (westernmost section of the northern boundary). Elliots Cash and Carry's rear yard has a secondary access point off O'Neill's Buildings. To the east, on the opposite side of Pleasants Lane, are the Camden Hotel; a rear access/service yard associated with No. 83 Camden Street Lower; No. 82 Pleasants Lane, which comprises a 2 storey building; and No. 48*

*Pleasants Street, which comprises a double storey vacant building (former dwelling) with associated rear yard. Rear access to No. 81 Camden Street Lower is also provided off Pleasants Lane, immediately south of No. 82 Pleasants Lane”.*

- 1.2. To this I note that at the time of inspection the commercial units addressing the northern side of Pleasants Street appeared to be vacant. The site is located c2.5km to the south of Dublin’s city centre. The surrounding site has a transitional character with land uses to the west and south of the site being predominantly residential. Whereas to the east and north the land uses are more varied with Camden Street having a strong commercial and mixed-use character.

## 2.0 Proposed Development

- 2.1. Permission is sought for amendments to a previously permitted office scheme (ABP-314353-22 / P.A. Ref. No. 3457/22) consisting of the construction of an additional set-back storey at fifth floor level (c.453m<sup>2</sup> Gross Floor Area (GFA)) to comprise office floorspace (c.351m<sup>2</sup> GFA), and ancillary areas including W/C facilities (c.28m<sup>2</sup>) and circulation space. This proposal in summary increases the height of the overall office scheme to 6 no. storeys over-basement (Note: maximum height of c.23.8m and parapet height of 22.3m) and the permitted floor area from 3,518m<sup>2</sup> to 3,971m<sup>2</sup>. Additionally, this proposal contains a setback at 2<sup>nd</sup> and 4<sup>th</sup> floor level. It also includes the provision of a part green roof at 4<sup>th</sup> floor level and roof level, ESB substation, switch room, bicycle and electric scooter store to provide 38 no. bicycle spaces at basement level accessible by a bike lift, 2 no. external communal amenity spaces totalling 92.5m<sup>2</sup> as well as all ancillary works to facilitate the proposed development.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. By order dated 23<sup>rd</sup> day of October, 2024, Dublin City Council issued notification of the decision to **refuse** permission for the following stated reasons:

“1. *Having regard to Policy BHA9 in the current Dublin City Development Plan (2022-2028) which seeks ‘to protect the special interest and character of all Dublin’s Conservation Areas’, it is considered that the proposed additional*

*storey to the permitted development would result in the building appearing unduly monolithic when viewed from the surrounding area, in particular in the context of the adjoining houses on Pleasants Street to the west of the site, which form a residential conservation area with zoning objective Z2 – ‘to protect and/or improve the amenities of residential conservation areas’. The proposal would therefore adversely impact on the setting and character of the adjoining residential conservation area and on the visual amenities of the area, and would therefore be contrary to Development Plan policy and to the proper planning and sustainable development of the area.*

2. *The proposal would adversely impact on sunlight and daylight provision to residential units in the adjoining apartment development at Olympic House to the west of the site, and would therefore be seriously injurious to the residential amenities of adjoining occupiers and to the proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Authority’s Planning Officer’s report is the basis of their decision. It includes the following comments:

- The site is not situated in a key urban village.
- Developments that exceed a plot ratio of over 3 must be accompanied by a compelling case. None is provided.
- A mix of land uses would be preferable at this site including residential at upper floor levels.
- Additional height is not required to provide consistency with the height of other buildings in its setting.
- No car parking is proposed to serve this development.
- Visual amenity concerns are raised. In particular in relation to the impact of the additional height on the nearby Conservation Area.

- The proposed development would give rise to additional overshadowing and overlooking of properties in its vicinity.
- The amended building design is unduly monolithic in relation to its streetscape.
- Concludes with a recommendation to refuse permission.

### 3.2.2. **Other Technical Reports**

- **Drainage:** No objection, subject to safeguards.
- **Transportation:** No objection, subject to safeguards.
- **Archaeology:** No objection, subject to safeguards.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Transport Infrastructure Ireland:** Requests the inclusion of a Section 49 Luas Cross City Levy development contribution condition.

### 3.4. **Third Party Observations**

- 3.4.1. During the Planning Authority's determination of this application, it received 3 No. Third Party Observations. I consider that the key issues raised in these submissions can be summarised as follows:

- Undue residential and visual amenity impact on its setting.
- Overdevelopment of the site.
- Declining demand for office floor space.
- This site is more suitable for residential and retail related developments.
- The building height is out of character with its setting.

## 4.0 **Planning History**

### 4.1. **Site**

- **ABP-320119-24:** Concurrently with the Board is a 1<sup>st</sup> Party Appeal of the refusal of permission for the demolition of buildings and construction of six-storey, 85-bedroom tourist hostel, together with all associated services and site works. On the

11<sup>th</sup> day of June, 2024, the Planning Authority **refused** this subject development for the following stated reason:

*“Having regard to the location of the site in a transitional zone between Camden Street to the east and the predominantly residential area to the west of the site, which is a residential conservation area, the Planning authority considers that the applicant has not demonstrated that the proposed development which can accommodate over 500 bedspaces, would not result in an overconcentration of tourist accommodation in the immediate area, which would result in an unacceptable intensification of activity, including night time activity, in the adjoining residential area which would be seriously injurious to the residential amenities of the area and would fail to provide an appropriate transition in use between the two areas. The proposal would therefore be contrary to the provisions of the current Dublin City Development Plan (2022-2028) including Policy CEE28 and Section 14.6.”*

- **ABP-314353-22 (P.A. Ref. No. 3457/22):** On appeal to the Board permission was granted subject to conditions for a development consisting of the demolition of structures, construction of 5 storey mixed use building and all associated site works, subject to amendments made by the plans and particulars received by the Planning Authority on the 24<sup>th</sup> day of June, 2022, and as received by the Board on the 12<sup>th</sup> day of September, 2022. Of further note Condition No. 4 required the developer to facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site in the interest of conserving the archaeological heritage of the site through to securing the preservation as well as protection of any archaeological remains that may exist within the site. Decision Date: 07/12/2023.

- **P.A. Ref. No. 2796/21:** Permission was **refused** for a development consisting of a two storey retail unit with apartment at No. 49 Pleasants Street and two storey retail units at No.s 50 and 51 Pleasants Street, a three-storey industrial/commercial building at Pleasants House and a two-storey former dwelling house now in use as a commercial store at 5 Pleasants Lane, and is bound by Pleasants Street to the south, Pleasants Lane to the east, O'Neill's Buildings (a laneway) to the west and by the 'Camden Hotel' to the north. The development also included the demolition of the existing structures on site and construction of a part seven / six / five / four storey (maximum height 23.4m) over basement building (c. 3,966.9m<sup>2</sup> total GFA including

basement of c. 253.8m<sup>2</sup>) with commercial/restaurant/café use (c. 155.2m<sup>2</sup>), commercial storage (c. 37.7m<sup>2</sup>) and residents amenity facilities (98.2 m<sup>2</sup>) at ground floor level and a “Build to Rent” residential development of 45 no. residential units at 1st to 6th floor levels (c. 2,128.9m<sup>2</sup>). The stated reasons read:

- “1. *Having regard to the location of the proposed development in close proximity to a number of protected structures and the Camden Street Conservation area, it is considered that a seven storey building at this location, due to its design, height, bulk, scale and mass, would visually dominate and harm the streetscape and would represent a visually discordant feature that would be detrimental to the character of this area. The proposal does not respond to its overall built environment and does not make a positive contribution to the urban neighbourhood and streetscape and would therefore be seriously injurious to the visual amenities of the area. The proposed development would, therefore, contravene materially the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the location of the seven storey building in proximity to boundaries on both the east and west, with windows and balconies on these boundaries, it is considered that this could cause unacceptable levels of overlooking to adjoining properties and would appear overbearing when viewed from these properties, which would seriously injure their visual and residential amenities which would be contrary to the proper planning and sustainable development of the area.*
3. *Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022 provides that 'the planning authority will actively seek the retention and re-use of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.' The modest but architecturally characterful buildings at No.'s 49-51 Pleasant's Street make a positive contribution to the character, appearance and quality of the local streetscape. The demolition of these locally significant historic buildings would therefore contravene Policy 11.1.1.2 and 16.10.17 of the Dublin City Council Development Plan 2016-2022 and the construction of a new 5-7*



*storey building in their place would seriously injure the amenities of the wider area.”*

Decision date: 08.07.2021

#### 4.2. In the Vicinity

- **No. 12 Camden Row, Saint Kevin's, Dublin 8 (Note: c11m to the north west of the site)**

**ABP-318805-24 (P.A. Ref. No. 3883/23):** Concurrently on appeal with the Board is a Third-Party appeal of the Planning Authority’s decision to **grant** permission subject to conditions for a development consisting of the demolition of building, construction of 7 storey hotel with all associated site works. (Decision date: 01/12/2023).

### 5.0 Policy Context

#### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, is applicable, and under which this appeal site forms part of a parcel of land zoned ‘Z4 – Key Urban Villages / Urban Villages’ that has a stated objective to: *“provide for and improve mixed-services facilities”*.
- 5.1.2. In relation to ‘Z4 zoned lands Section 14.7.4 of the Development Plan states that they: *“function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city”*. This section of the Development Plan also states that: *“Key Urban Villages form the top tier of centre outside the city centre. They typically have retail outlets of a greater size selling convenience and comparison goods or provide services of a higher order. The catchment area generally extends spatially to a greater extent than that of Urban Villages and Neighbourhood Centres”* and that they are: *“typically smaller in scale and provide a more localised role for the daily shopping needs and local services of a residential community”*.
- 5.1.3. Section 14.7.4 of the Development Plan sets out general principles regarding development in Key Urban Villages/Urban Villages and indicates that proposals for

development within these areas should be in accordance with these principles in addition to complying with the land-use zoning. The general principles are as follows:

- *Mixed-Use: Promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities.*
- *Density: Ensure the establishment of higher density development capable of sustaining quality public transport systems and supporting local services and activities. Encourage the development/redevelopment of under-utilised sites and intensification of underutilised areas such as surface parking. Opportunity should be taken to use the levels above ground level for additional commercial/retail/services or residential use.*
- *Transport: Ensure provision is made for quality public transport systems. Provide improved access to these systems and incorporate travel plans, which prioritise the primacy of pedestrian and cyclist movement and address the issue of parking facilities and parking overflow. Ensure that enhanced connectivity and permeability is promoted.*
- *Commercial/Retail: Promote the creation of a vibrant retail and commercial core with animated streetscapes. A diversity of uses should be promoted to maintain vitality throughout the day and evening.*
- *Community and Social Services: Encourage these centres to become the focal point for the integrated delivery of community and social services.*
- *Employment: Encourage the provision of employment uses incorporating office, work hub, live-work units, professional and financial services, and the creation of small start-up units.*
- *Built Environment: Ensure the creation of high-quality, mixed-use urban districts with a high quality public realm, distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly, accessible public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area.*

5.1.4. Further this section of the Development Plan indicates that office is a permissible land use on 'Z4' zoned lands.

- 5.1.5. Section 15.14.4 of the Development Plan in relation to office developments states: *“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.”*
- 5.1.6. Section 5 of Appendix 5 of the Development Plan in relation to Key Urban Villages states: *“the ongoing development, consolidation and rejuvenation of the Key Urban Villages is a key objective of the plan in order to ensure that these centres continue to develop as local hubs with a wide range of retail, retail services, local employment, social infrastructure and community development. It is also envisaged that the quantum of residential and office floorspace in such centres could be increased, particularly above ground floor level. This approach aligns with the strategic vision of the plan and aligns with the principle of the 15 minute city”.*
- 5.1.7. Section 15 of the Development Plan sets out Site Characteristics and Design Parameters for new developments.
- 5.1.8. Other relevant Development Plan provisions:
- Section 2.5- Economic and Employment Strategy: *“The economic strategy seeks to build on these trends and to continue to support the shift from low intensity, more land-extensive employment uses towards more intensive office, service, retail, tourism and culture related employment activity. In line with the principles of the 15 minute city, the strategy also promotes a more mixed use philosophy, with employment land uses to be developed in conjunction or in close proximity to residential development”.*
  - Objective CSO7: Seeks to promote the delivery of compact development including on underutilised lands.
  - Policy SC3: Seeks to promote a mixed-use land use policy in the city centre.
  - Policy SC5 - Urban Design and Architectural Principles: *“to promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in”.*

- Policy SC9 - Key Urban Villages, Urban Villages and Neighbourhood Centres: seeks to develop and support the hierarchy of the suburban centres, including Key Urban Villages, Urban Villages and Neighbourhood Centres, in order to support the sustainable consolidation of the city and align with the principles of the 15 minute city.
- Policy CEE10 - The Outer City: *“to support employment growth in the outer city by encouraging the intensification of infill, brownfield and underutilised land, particularly where it aligns with existing and future public transport infrastructure”*.
- CEE11 - Key Urban Villages: *“to promote Key Urban Villages as mixed use service centres for the local economy, incorporating a range of retail, employment, recreational, community uses as well as ‘co-working spaces’ and ‘office hubs’”*.
- Section 6.5.5 - Regeneration and Vacancy: *“in addition to contributing to the overall quality and attractiveness of the city, the redevelopment of regeneration areas has the potential to directly benefit the city’s economy through the creation of jobs in the construction sector, the provision of new retail, commercial and office floorspace”*.
- Section - 6.5.6 Key Economic Sectors: *“a choice of good quality and cost-competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment”* and *“attracting headquarter type uses to the city is a key foreign direct investment strategy. However, there is a limited supply of the large footplate offices outside of Docklands, Heuston and the suburbs. Sites of sufficient size to provide such floor-plates are often found in regeneration areas and this represents a significant strategic advantage for Dublin”*.
- Policy 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”*.
- Table 2 of Section 3.2 of Appendix 3 sets out indicative plot ratio and site coverage for Central Areas as 2.5-3.0 and 60-90%, respectively. It also sets out that higher plot ratio and site coverage may be permitted in certain circumstances such as:
  - *Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed.*

- *To facilitate comprehensive re-development in areas in need of urban renewal.*
- *To maintain existing streetscape profiles.*
- *Where a site already has the benefit of a higher plot ratio.*
- *To facilitate the strategic role of significant institution/employers such as hospitals.*

It also states that: *“any development with a plot ratio over 3.0 must be accompanied by a compelling case”.*

- *Section 4.1 of Appendix 3 states that: “all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3” and that: “in considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height”.*
- *Height strategy set out under Appendix 3 states that: “a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining existing inner city residential communities. Where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities” and that: “many of the city’s urban villages are underdeveloped and have scope for greater intensification and consolidation. It is acknowledged however, that some of the urban villages have a prevailing low-density character and any proposals for increased height and density will need to have regard to the existing pattern and grain of development to ensure sensitive and successful integration with the existing urban fabric”.*
- **Appendix 5 - Section 4 Car Parking Standards:** This indicates a car parking rate of 0 spaces is specified for Offices located within Zone 1 as identified within Map J.
- **Appendix 5 - Section 3.1 Bicycle Parking Standards:** This indicates that for Offices (Note: Table 1 indicates that this includes Business/Professional, Office Based Industry, Science and Technology Based Enterprise, Business Park. Incorporate

opportunities for future expansion should demand arise) that 1 long term bicycle space per 75 sq. m. gross floor area and that Short Stay/Visitor bicycle spaces shall be determined by the Planning Authority on a case-by-case basis.

- Appendix 5 'Transport and Mobility' expands on the Sustainable Movement and Transport Framework'.
- Appendix 6 outlines further detail on Conservation matters.
- Appendix 16: Sunlight and Daylight

## 5.2. Regional

5.2.1. Regional Spatial and Economic Strategy, 2019-2031, (RSES), is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. I note the following:

- Section 6.3 - Economic Strategy: *"the vision for the Region is a growth that is sustainable, competitive, inclusive and resilient. This requires the development of a strong economic base that is supported by enterprise, innovation and skills. The aim is for a vibrant and diversified enterprise base with strong and healthy clusters bringing disruptive technology innovations to national and global markets, with a responsive and efficient labour market"*.
- RSO 13: Seeks to improve education skills.
- Section 9.6: Successful places also support a wide range of services and facilities that meet local and strategic needs and contribute towards a good quality of life. These include educational infrastructure.
- Guiding principles include:
  - Larger scale, trip intensive developments, such as high employee dense offices and retail, should in the first instance be focused into central urban locations.
  - Within the Dublin Metropolitan Area, except in limited planned circumstances, trip intensive developments or significant levels of development should not occur in locations not well served by existing or proposed high-capacity public transport.
  - All non-residential development proposals should be subject to maximum parking standards.

- Planning at the local level should prioritise walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level.
- RPO 8.1: The integration of transport and land use planning in the Region shall be consistent with the guiding principles expressed in the transport strategy of the RSES.

### 5.3. **National**

- 5.3.1. The National Planning Framework (NPF), as revised November, 2024, is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings.
- 5.3.2. Other relevant national planning policy provisions and guidance include:
- Architectural Heritage Protection Guidelines for Planning Authorities, 2011.
  - Urban Development and Building Heights Guidelines for Planning Authorities, (2018).
  - Architectural Heritage Protection Guidelines for Planning Authorities, 2011.
  - Climate Action Plan, 2025.
  - National Sustainable Mobility Policy, 2022.
  - Places for People – the National Policy on Architecture, 2022.

### 5.4. **Natural Heritage Designations**

- 5.4.1. None within the zone of influence. In this regard I note to the Board that the nearest Natura 2000 site is South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and the South Dublin Bay Special Area of Conservation (Site Code: 000210). These are located c3.6km east of the site as the bird would fly, respectively.

## **5.5. EIA Screening**

- 5.5.1. See completed Appendix 1 Form 1 attached.
- 5.5.2. The proposed development is described under Section 2 above.
- 5.5.3. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended, but it is significantly sub-threshold. Of note Schedule 5, Part 2, Class (10)(b) of the said Regulations provides that mandatory EIA is required for the following:
- (iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere, where “business district” means a district within a city or town in which the predominant land use is retail or commercial use. EIA is mandatory for developments comprising over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.
- 5.5.4. I also note that Class 14 of Part 2 of the said Regulations provides that mandatory EIA is required for: 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.
- 5.5.5. Additionally, Class 15(b) of Schedule 5 of the said Regulations 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.
- 5.5.6. The site in its current state relates to a collection of 2-3 storey buildings and associated rear yards/areas of mainly hard standing which are surrounded by a mix of residential, commercial, retail and community uses. The project as lodged under this application and set out in Section 2 of this report above relates to an additional floor level of a permitted yet to be implemented mixed use office building (Note: ABP-314353-22/P.A. Ref. No. 3457/22) within its site area. The nature, scale and extent of additional office floor area sought under this application does not trigger the need to submit an EIAR.



- 5.5.7. On this point I note that the site relates to zoned lands where office is deemed to be a permissible land use and the consolidation as well compact development of underutilised brownfield land at locations like this is supported subject to safeguards. The provision of additional office floor area to the permitted mixed-use development permitted on site would not have an adverse impact in environmental terms on surrounding land uses.
- 5.5.8. This is on the basis that the site does not form part of, nor does it adjoin any Natura 2000 site, it is outside of the zone of influence of such sites and is at a remote lateral separation distance where the nature, scale and extent of development sought under this application would not likely have any significant effect on any such site.
- 5.5.9. To this I note that though the site forms part of a Recorded Monument and Place that relates to the Historic City of Dublin. Alongside it is located in proximity of a Red Hatched Conservation Area and Residential Neighbourhoods (Conservation Areas). Notwithstanding, the site is not designated for the protection of landscape, natural heritage or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 Site. Further, there is no hydrological connection present between the site and any Natura 2000 sites that would give rise to the potential for this proposed development to have any significant impact on watercourses or any sensitive to change land uses. Additionally, the floor area for demolition does not relate to any Protected Structure nor would it immediately adjoin a Protected Structure. Moreover, the reversal of the site's underutilised state and its maximisation of its development potential is consistent with compact, consolidated and climate resilient development at local through to national planning policy provisions at accessible locations like this within the built urban landscape of settlements including Dublin City, subject to standard safeguards.
- 5.5.10. I am satisfied that the proposed development would not give rise to additional waste, pollution or nuisances that would be exceptional having regard to the nature of the development sought through to the site's location within Dublin's inner-city which is subject to change.
- 5.5.11. For clarity I note that the site is not within or near any Natura 2000 site or sites, with the nearest such site being c.3.8km to the south west of South Dublin Bay and River

Tolka Estuary SPA (Site Code: 004024) and c4.1km to the west of South Dublin Bay SAC (Site Code: 000210) as the bird would fly, respectively.

- 5.5.12. The application is also accompanied by the following documentation that includes but is not limited to: Engineering Infrastructural Report, Traffic and Transport Assessment and Preliminary Transport Plan; Visual Impact Comparison; Conservation Method Statement; through to Demolition Drawing Plan.
- 5.5.13. The Planning Authority determined that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is therefore not required.
- 5.5.14. The proposed development seeks to amend a proposed development that was determined by the Board under the Dublin City Development Plan, 2022-2028, (Note: ABP-321294-24) under which they considered that the site area of 0.0744ha, an area that is marginally less than the current applications stated site area of 0.0745ha. The site area is therefore well below the applicable threshold of 2ha for a business district and that it was a type of development that would not give rise to a risk of major accidents or risks to human health.
- 5.5.15. Additionally, the Board in their determination of ABP-321294-24 considered that the proposed development would use the public water and drainage services of Irish Water and Dublin City Council, upon which its effects would be marginal. Moreover, they considered that the need for environmental impact assessment can be excluded at preliminary examination and that therefore a screening determination was not required in this recently determined appeal case.
- 5.5.16. I further note that the said Development Plan was subject to strategic environmental assessment which was undertaken in accordance with the SEA Directive (2001/42/EC). There have been no subsequent variations of this plan in relation to land use or any new capacity issues. Moreover, the proposed development relates to the provision of additional floor over the permitted office building (use in a modestly amended under this application permitted mixed use building).
- 5.5.17. Conclusion: Having regard to the following factors:
- The nature, extent and scale of development sought.
  - The nature, scale, and type of development present on the subject site.

- The planning history of the site, in particular ABP-314353-22 (P.A. Ref. No. 3457/22 ) for which this application seeks amendments that include its increased floor area by way of the addition of an extra floor level together with modest design amendments to the building permitted under this parent grant of permission.
- The nature and scale of the proposed development as set out in Section 22 of this report above, which is below the threshold in respect of Class 10(b)(v); Class 14 and 15(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- The location of the site on Dublin City lands which are zoned 'Z4 – Key Urban Villages/Urban Villages' but having a transitional zonal character given the appeal sites setback from Camden Street which is the focus of the 'Z4' land use zoning. Alongside being located to the north of 'Z1 – Sustainable Residential Neighbourhood zoned lands which relates to the opposite side of Pleasants Street and located to east of lands zoned 'Z2 – Residential Neighbourhoods (Conservation Areas)'. Both 'Z1' and 'Z2' zoned land's primary land use function is residential. Additionally, the site is located within 20m to the west of a Red-Hatched Conservation Area and forms part of a RMP that relates to Dublin's Historic City.
- The results of the strategic environmental assessment for Dublin City Development Plan, 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC).
- The site is served by connections to public mains water and foul drainage supply, with no substantive issues raised in terms of the provision of new connections under ABP-314353-22 with this proposed development relating to amendments to this permitted development, which would give rise to modest additional demands on public infrastructure, with the Planning Authority raising no substantive servicing concerns subject to standard safeguards. With of note the capacity of Ringsend Wastewater Treatment Plan currently in the process of significant upgrading and improvement works which will increase its capacity to accommodate additional compact and more consolidated growth within the Development Plan area.
- The significant lateral separation distance between the site and any sensitive location specified in Article 109 of the Planning and Development Regulations, 2001, (as amended).

- 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 amended).
- The features and measures proposed as part of the project, which are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in its accompanying documentation.
- The pattern of development in the setting.

#### 5.5.18. Conclusion

I have therefore concluded that, by reason of the location of the site, the site’s setting characteristics alongside the nature, extent and scale of the proposed development that there is no real likelihood of significant effects on the environment arising from the proposed development and that on preliminary examination an environmental impact assessment report is not necessary in this case having regards to the preliminary examination findings above and in turn a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The First Party in their appeal submission to the Board request that the Planning Authority’s refusal of permission for the proposed development is overturned on the basis that the proposed development accords with the proper planning and sustainable development. Their appeal submission is summarised below:

#### **Proposed Development**

- The site is located 300m to the north-west of Harcourt LUAS stop, is located within 80m of high frequency Dublin bus services that run along Camden Street and is c350m from St. Stephen’s Green. Within its vicinity there are a range of local services and amenities. It is therefore suitable for the additional development proposed.

## **Design Concept**

- This proposal builds on the permitted buildings contemporary architecture as well as seeks to enhance its urban quality and sustainability.
- A retail/café/restaurant unit is proposed on the ground and at basement level as part of the permitted scheme (Not: 314m<sup>2</sup>). This proposal does not seek to amend this. The upper floor levels of the permitted scheme provide for 2,030m<sup>2</sup> of office floor space across five floors. This proposal seeks to increase this by the provision of an additional floor level with no amendments to the building other than the provision of a setback at fourth floor level, a terrace at fourth floor level and associated accesses. This therefore results in the proposed fifth floor mirroring the floor below it. With the fifth floor comprised of office floor space of c351m<sup>2</sup>, WC facilities of c28m<sup>2</sup> and circulation spaces.
- It is proposed to let each of the office floor level in their entirety or individually as per the future occupants of this building's needs.
- The design seeks to maximise light for its future occupants and not give rise to any undue adverse visual or residential amenity impacts on its setting.

## **First Planning Authority Refusal Reason**

- The subject site does not form part of a Conservation Area and though in proximity to Conservation Areas this proposed development would not adversely impact their visual setting.
- The addition of another floor level would result not in this building being monolithic in its appearance.
- The overall building seeks to mimic a similar massing, scale, and height of the previous hotel scheme on the site (Note: ABP-320119/P.A. Ref. No. 35060/24).
- Reference is also made to what are considered to be similar precedents.

## **Second Planning Authority Refusal Reason**

- The proposed development results in a minor modification of the footprint and massing of the permitted building, with the level of change to daylight not likely to be perceptible to residents of properties in the vicinity.

- Any additional impact arising from the proposed development on daylight/sunlight levels to properties in its setting including that referred to in the Planning Authority's second reason for refusal would be minor.

### **Plot Ratio & Site Coverage**

- The resulting plot ratio is appropriate to the site's location adjacent to a high frequency/high capacity QBC corridor, as part of a mixed-use scheme that also includes public realm upgrades in a central inner city location. The proposed development meets the Development Plan circumstances where a higher plot ratio and site coverage may be permitted.

### **Office Provision**

- There is a need for office floorspace in Dublin 8.

### **Height**

- The Planning Authority did not refuse permission on height.
- The Urban Development & Building Height Guidelines support increased height at appropriate locations. Additionally, the increased height is consistent with the Development Plans Height Strategy default 6-storey height position for new buildings in the city.
- The additional floor area would enhance the existing profile of the streetscape at this location.
- There is no requirement in relation to this development to demonstrate compliance with the performance criteria set out under Table 3 of Appendix 3 of the Development Plan.

### **Planning Context**

- The proposed development accords with relevant local through to national planning policy provisions and guidance.

### **Economic Impacts**

- This development would give rise to additional jobs at this location when occupied.
- The proposed development would also generate circa 40 jobs during construction.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority seek that the Board uphold their decision, and it requests that any grant of permission include Section 48 and Section 49 Luas X City development contributions conditions.

## **6.3. Observations**

- 6.3.1. A Third-Party observation was received by the Board on the 28<sup>th</sup> day of November, 2024. It can be summarised as follows:
- This development would significantly reduce sunlight to their property and give rise to additional overshadowing. In turn this would negatively impact on the quality and enjoyment of their home.
  - This development is not in keeping with the character of the area.
  - They support the building of more homes that people can buy in this area.
  - The Board is requested to uphold the decision of the Planning Authority.

## **7.0 Assessment**

### **7.1. Preliminary Comment**

- 7.1.1. I have carried out an inspection of the site and its setting; examined the application details as well as all other documentation on file; had regard to the planning history of the site and setting, with particular focus on the recent grant of permission for a mixed-use building on this site by the Board under appeal case ABP-314353-22 (P.A. Ref. No. 3457/22) which I note that the planning application subject to this appeal case essentially seeks modifications and additions to; together with had regard to all relevant planning policy provisions and guidance the most pertinent to this case I have summarised in Section 5 above. Based on this I consider that the main issues in this appeal are those raised by the First-Party Appellant in their appeal submission to the Board. These relate to the two grounds of refusal of planning permission set out in the Planning Authority's decision notification. I further note that the Planning Authority's reasons for refusal overlap with a number of the key issues raised by the Third Party observer in this case. There key concern relates to the amenity impact the

proposed development would have on their property. They also raise a number of other matters that warrant comment on as part of the assessment of this appeal case.

7.1.2. For clarity purposes I consider that the principle of the proposed development is consistent with the land use zoning objectives for these 'Z4' zoned lands, subject to standard safeguards. I also consider that the proposed development, if permitted, as proposed gives rise to no other substantive issues that cannot be addressed by similarly worded conditions as those attached by the Planning Authority's in their decision notification to grant permission. A copy of this notification is attached to file.

7.1.3. Having regards to the above, I propose to deal with the core issues in this appeal case under the following broad headings:

- Built Heritage Impact
- Residential Amenity Impact

7.1.4. The matter of 'Appropriate Assessment' also requires examination. I also note to the Board that the Appellants appeal submission is accompanied by a document titled: "Office Development at Pleasants Street, Dublin 8 – Daylight and Sunlight Assessment Appeal Document", dated November, 2024. This updates a similar assessment provided by the applicant as part of their planning application.

## **7.2. Built Heritage Impact**

7.2.1. As set out under Section 2 of the report above, the proposed development to which this appeal case relates, is comprised of modifications and an additional floor level to a recently permitted mixed use 5-storey over basement building. The predominant land use is office related in its function (Note: ABP-314353-22/P.A. Ref. No. 3457/22) but it also includes ancillary retail/commercial/restaurant use. This recently permitted development would replace the existing buildings, structures, and the associated spaces at No.s 49-51 Pleasant Street, Dublin 8.

7.2.2. In this regard the Board considered that the existing buildings, structures, and spaces on site, i.e. the three 2-storey buildings, a car parking area fronting Pleasants Street (No.s 49-51 Pleasants Street) as well as a 3-storey office building with road frontage onto the cul-de-sac Pleasants Lane on the eastern rear portion of the site and the laneway known as O'Neill's Buildings (Pleasants House) on the western rear portion



of the site and the double storey building of No. 5 Pleasants Lane, were of no particular architectural or other interest that would warrant their retention.

- 7.2.3. Further, the Board considered that the proposed replacement 5-storey over basement mixed use building in what is a highly accessible serviced brownfield site was an acceptable intervention having considered it against the proper planning and sustainable development in what is a rapidly changing part of Dublin city where buildings of height and of more contemporary in architectural design resolution insertions are not uncommon.
- 7.2.4. Overall, the Board was satisfied that subject to standard safeguards that this development was consistent with the proper planning and sustainable development of the area, including the Dublin City Development Plan, 2022-2028, which was in place at the time they issued their decision (Note: 7<sup>th</sup> day of December, 2023).
- 7.2.5. This permitted development at the time of site inspection had not been implemented. In the intervening time since the subject site has continued to deteriorate in its condition as well as appears to have a more diminished functional use of its existing commercial units addressing Pleasants Street. Additionally, its adjoining Pleasants Street public realm has also deteriorated with the adjoining stretch of hard surfaced cement finished public footpath in a poor state of repair. As a result, the contribution of this site to the vitality, vibrancy, animation of the parcel of 'Z4' land the site forms part of appears has also diminished.
- 7.2.6. In this regard I note that the 'Z4' zoned lands as provided for under the current Development Plan relate to Key Urban Villages and Urban Villages. The Development Plan states that they: *"function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city"*.
- 7.2.7. I also note that this site is situated in close walking distance to the Quality Bus Corridor that runs along Camden Street with this regional road located c50m to the west of its Pleasants Street road frontage at its nearest point. Also, the site is located circa 450m on foot to the north west of the Harcourt Luas Stop and within 3km of the historic heart of Dublin city.

- 7.2.8. The current site circumstance is that not only is it an underutilised serviced zoned brownfield site within an accessible and growing in mixed use vitality city location. But also, it currently poorly presents to the three streetscape scenes of Pleasants Street, Pleasants Lane and the laneway that relates to O'Neill's Buildings (Pleasants House). This arises from the dilapidated state of built features and spaces within the site through to their *ad hoc* arrangement as well as limited overall built merit.
- 7.2.9. I therefore consider that the site in its present state contributes little to the functional through to economic vibrancy and animation of the 'Z4' zoned lands it forms part of. Nor does it positively contribute to quality place-making in that it fails to enhance this location's qualitative sense of place and character as experienced as part of localised including westwards from Pleasants Streets junction with Camden Street and eastwards from the Residential Conservation Area that encompasses most of Pleasants Street streetscape scene to the east of Synge Street.
- 7.2.10. On this point I note that Pleasants Street junction with Camden Street forms part of a larger Red Hatched Conservation Area. This Conservation Area aligns with and encompasses a collection of buildings through to spaces associated with this regional route, with it terminating within circa 20m of the south eastern corner of the site. As such the site even though the site's building line is setback further northwards from the public realm to the east of Pleasants Lane and to the west of the lane associated with the O'Neill's Buildings (Pleasants House) is visible from the visual setting of this Conservation Area. In turn any built structure, particularly one of additional height, has the potential to be appreciated from it and could if not sensitively designed have the potential to diminish the special intrinsic character, quality and sense of place associated of this Conservation Area.
- 7.2.11. In relation to Red-Hatched Conservation Areas I note that the Development Plan under Section 11.5.3 indicates that these areas do not have a statutory basis in the same manner as protected structures or Architectural Conservation Areas. Notwithstanding, it sets out that they are recognised as areas that have conservation merit and importance. This section of the Development Plan also indicates that their special interest as well as value relate to their historic and architectural interest alongside the design and scale of these areas. Moreover, it further indicates that they warrant protection through zoning and policy application from inappropriate developments.

- 7.2.12. Against this context Section 11.5.3 of the Development Plan states that: *“all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas”*.
- 7.2.13. I also note the requirements of Development Plan policy BHA9 which I consider is also of relevance. This policy indicates that development 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. It also sets out a number of enhancement opportunities which I consider are of further relevance given the nature of the proposed development and its locational relationship with the nearby Red-Hatched Conservation Area. They are:
- Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
  - Improvement of open spaces and the wider public realm.
  - Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
- 7.2.14. On this basis I consider that the existing of limited architectural or otherwise merit buildings, structures, and associated spaces, on the southern portion of the site provides for an opportunity to realise the latent potential of this site in a manner that aligns with the enhancement opportunities highlighted above.
- 7.2.15. That is to say there is an opportunity to provide a more qualitative of its time design response for new buildings and spaces that positively contributes beyond the ‘Z4’ land use objective but also is respectful to as well as has the potential to enhance the special character of the visual setting of the Red-Hatched Conservation Area it would be visible from.
- 7.2.16. In addition to the visual sensitivity added to by the proximity to the Red-Hatched Conservation Area the site is also located near a designated ‘Z2 - Residential Neighbourhood Conservation Area’ zoned land. These ‘Z2’ zoned lands at their nearest point to the site are located c47m to the south west. With this extending westward to encompass the period residential terraces that align the northern and southern sides of Pleasants Street. It is of further note that all of the period terrace

properties that form part of these 'Z2' zoned lands that extend to the junction of Heytesbury Street, that is to say No.s 1 to 15 Pleasants Street on the northern side and No.s 20 to 34 as well as No. 82 Heytesbury Street and the properties, are afforded protection as designated Protected Structures under the Development Plan.

7.2.17. Moreover, this is similarly the case for Heytesbury Street properties that are visible from its junction with Pleasants Street.

7.2.18. Additionally for the most part the Pleasants Street period properties subject to the 'Z2' land use zoning are part of a formally designed and laid out period streetscape scene, which has survived with a high degree of its original integrity.

7.2.19. In relation to the Development Plan provisions Section 11.5.3 that 'Z2' Residential Conservation Areas do not have a statutory basis in the same manner as Protected Structures or Architectural Conservation Areas and like Red-lined hatched Conservation Areas throughout the city they are: "*recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application*". They are notwithstanding subject to protection under Policy BHA9 of the Development Plan and the enhancement opportunities it refers to.

7.2.20. In relation to Protected Structures I note that Section 11.5 of the Development Plan provides policies and objectives that seek to protect them from any works that have the potential to give rise to undue materially effect of their architectural character through to their setting. It advocates that any development proposal to them or having the potential to materially affect and impact them should include an appraisal of the wider context of the site or structure including potential visual impacts on curtilage of a Protected Structure.

7.2.21. To this I note Policy BHA2 is of relevance. In this regard it seeks to protect them from any works that would negatively impact their special character and appearance through to ensuring that any development in its setting is sensitively sited and designed. It also indicates that they are appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

7.2.22. Against this context the Planning Authority's Planning Officer in their report considered that the proposed development would be visible above the existing context with the additional floor level visible from Synge Street in a visually incongruous manner.

- 7.2.23. They further considered that the additional floor level would have additional impacts on existing buildings in its more immediate setting and it would appear visually unduly monolithic in the context of the residential conservation area which as said is located to the west of the site.
- 7.2.24. Moreover, they considered that a concurrent appeal case ABP-318805-24 (P.A. Ref. No. 3883/23) that is with the Board for determination and relates to a 7-storey over basement hotel building with a total height c.22.45m above ground level does not establish any precedent for which they should have regard to. I note that at the time this report was prepared that the Board had yet to conclude its determination of this case.
- 7.2.25. Overall, the Planning Authority raised no substantive concerns in relation to the impact of the proposed development on the Red-Hatched Conservation to the east of the site. For clarity purposes I also note that neither was there any substantive concern raised by the Planning Authority in terms of visual amenity impact of the proposed development on the 'Z1' zoned lands which are located on the opposite side of Pleasant Street, including by way of visual overbearance.
- 7.2.26. I similarly concur with the Planning Authority that there are no substantive issues arising from the proposed development on the Red-Hatched Conservation Area given that the site is 'Z4' zoned and occupies an accessible location to public transport, services, amenities, and other synergistic land uses. The site is one that forms part of hinterland that contains a large and growing residential population. As such the proposed development would give rise to further employment opportunities for this population. Additionally, Dublin 8 is a location within Dublin city, which has been subject to significant redevelopment of brownfield land to accommodate to more compact, taller more people intensive buildings. I therefore accept that subject to safeguards there is capacity for further maximisation of such lands and the proposed development would not give rise to any undue adverse impact on the Red-Hatched Conservation Area, subject to standard safeguards, including but not limited to seeking a qualitative palette of external materials, finishes and treatments in the round as well as an improvements to the adjoining public realm.
- 7.2.27. The Planning Authority's Planning Officer's concerns in relation to the potential impact of the additional floor level on the Residential Neighbourhood Conservation Area to

the west of the site I consider are reflected in the first given reason for refusal of the proposed development.

- 7.2.28. This reason for refusal I have cited verbatim under Section 3 of this report. I consider that this reason for refusal relates to the Planning Authority's concerns that the additional floor level would result in the building appearing unduly monolithic when viewed from the 'Z2' context. For this reason, it was considered that the proposed development does not accord with Policy BHA 9 of the Development Plan. I again reiterate for clarity purposes that this Development Plan policy seeks the protection of the special interest and character of conservation areas.
- 7.2.29. The Appellant in their appeal submission to the Board, however, rejects that this is the case. They argue that the design introduces alternating levels to what is described as a contemporary high quality architecturally design building in order to create visual interest to it.
- 7.2.30. They also contend that their use of high-quality palette of materials, finishes and treatments together with the modulation of the building's façade in its solid to void and its overall built form through to the provision of setbacks adds variety, animation, and visual interest to it.
- 7.2.31. They further contend that the design also seeks to compliment the containment that would arise by including as part of the design enhancements of the adjoining public realm. The integration of the design of the building and the space around it would add positively to qualitative place-making by adding to the visual character of the surrounding area. This they supported in the documentation accompanying this application, their comments contained within their appeal submission with particular reference made to the Visual Impact Comparison Setting and the Viewpoint Images submitted by them with the application as lodged.
- 7.2.32. To this I note that the Third-Party Observer in their submission to the Board also raised concerns that in their view the proposed development is out of character with its setting.
- 7.2.33. Having regards to the above I consider that this subject site is one that has the capacity to absorb a taller building, subject to safeguards, that respectfully responds and provides appropriate containment of its adjoining public realm as part of untapping the potential of what is an underutilised brownfield site. Additionally, in this regard the site

includes three street frontages, with the key frontage being the southern boundary of the site which addresses the northern side of Pleasant's Street. Also, at present the rear of the site is also visible from the public realm to the north, i.e. Camden Row. However, where localised views towards the existing buildings on site and the western side of the site are visible but at a setback.

- 7.2.34. The western boundary of the site addresses a laneway associated with the O'Neill's building and Olympic House, with buildings opposite having a staggered building height which includes the 3-storey building height of Olympic House whose south eastern corner provides containment of the setback public realm that fronts the southern boundary of the site. The width of this laneway at its narrowest point relative to the western boundary of the site is c4.2m wide.
- 7.2.35. The eastern boundary runs alongside the more restricted in width cul-de-sac laneway of Pleasants Lane which at its narrowest point is c3.7m wide. The buildings opposite include a terrace group of three traditional two storey terraces that are in various states of poor repair. Their front building line is forward of the southern boundary of the site, and I note of interest on their westernmost elevation is a surviving historic street name sign setting out Pleasants Lane in Irish and English. This period feature together with the surviving part of an old street lamp within the footpath adjoining the southern boundary are features of surviving built historical features of interest that add interest to the streetscape scene of Pleasants Street, particularly where they are visible from the Conservation Areas to the east and west of them.
- 7.2.36. The buildings fronting onto the western side of Pleasants Lane are staggered in their height from single, two-storey to three-storey built forms. I note that this lane may not be part of the public realm given that it is a gated lane. With tall solid metal gates attached to the side of No. 48 and 49 Pleasants Street.
- 7.2.37. To this I note that the buildings opposite the southern boundary of the site to the east of Pleasant Place are also staggered in their built form and height ranging from two storey to four storeys in their height.
- 7.2.38. To the west of Pleasants Place the built form and height are three storeys in their built form, with the building heights reducing to single storey over basement being the predominant building height where Pleasants Street meets the southern side of its

junction with Heytesbury Street. This is similarly the case to the west of Olympic House for the northern side of Pleasants Street.

- 7.2.39. The surrounding area particularly to the north of the site and in terms of later redeveloped sites include examples of taller buildings. These I observe graduate above that of the more traditional built forms that characterise this setting. With a mixture of single over basement, two to three storey built forms that characterise the Camden Street 'Z4' corridor. There are less examples of this within the immediate visual context of the site to the south and south west. With these lands subject to 'Z2' and 'Z1' zoning.
- 7.2.40. Having regard to the site's 'Z4' edge visual setting I consider that proposed development which mainly consists of the addition of a single storey over the permitted 5-storey over basement building with a maximum height of 20.3 metres to a 6-storey over basement building with a maximum height of 23.8m. Together with having regard to the modulation of the proposed building, with this including setbacks at second and fourth floor level. Alongside the upper two floors having smaller floor plates and finished mainly on its southern side with glazing. With the amended building in terms of its side elevations also corresponding to the light weight finishes of the upper floor level by way of it being finished vertical panels of glazing with brick and banding details.
- 7.2.41. Overall I consider that the amendments proposed to the permitted building, in particular, its additional floor level, would not give rise to any significant additional visual overbearance or would it be visual monolithic, subject to the standard safeguard condition of the palette of external treatments, finishes and materials being finalised in writing prior to the commencement of the proposed development, when compared to that of the permitted parent building.
- 7.2.42. I am also of the view that the site's unique positioning relative to its Pleasants Street, O'Neill building laneway and Pleasants Laneway and Pleasant Place. In this regard I consider that this presents a unique opportunity for the additional floor level to add light weight verticality that would result in the building presenting to its streetscape edge as a local focal building that provides an appropriate level of containment particularly to the public realm of Pleasants Street.



7.2.43. Also, when viewed from a distance as part of its cityscape setting, including the Residential Neighbourhood Conservation Area the additional height would in my opinion form part of a graduated skyline and roofline of buildings where it would not be visually at odds with the emerging height of taller buildings within Dublin 8 including on similarly zoned and accessible brownfield lands.

7.2.44. While I accept that these nearby 'Z2' zoned lands are highly sensitive to change, notwithstanding, it is my view that the following factors:

- The site can accommodate the additional 3.5m height to the permitted 5-storey over basement building given that it is bound by three road frontages.
- The increase from 3,518m<sup>2</sup> to 3,971m<sup>2</sup>, the setbacks at 2<sup>nd</sup> and 4<sup>th</sup> floor level.
- The modulation of the overall built form which has greater mass and volume below its fifth and sixth floor through to its relationship to the public through to private domain.
- The large areas of vertical glazing relative to solid brick in the key facades of the amended building.
- The horizontality added to the amended buildings design using banding features to add visual contrast between the horizontal and vertical planes of the amended buildings elevational treatment.
- The light weight material finishes used to contain the roof terraces, particularly the use of glazed perimeters.
- The suggested palette of materials, finishes and treatments indicated in the submitted application which should further enhance the overall appearance of the amended building going forward through to require limited future maintenance. Additionally the harmonisation of this palette of materials with buildings within its setting, including the 'Z2' zoned properties and Protected Structures that align the northern and southern sides of Pleasant Street and the junction of Heytesbury Street junction to the west.
- The harmonisation of the overall modifications and additional floor area with the permitted design aesthetic of the permitted building.
- The pattern of building heights and skyline of the site's setting.

When considered in totality results in the proposed development being one that when also taken with the lateral separation between it and the edge of the nearest Z2 lands within the visual context of the site, I am satisfied that the proposed development would not give rise to any significant adverse impact on the intrinsic character and qualities of these lands in a manner that could be considered to be contrary to the proper planning and sustainable development of the area. In particular, it would not in my view give rise to a development that would be contrary to the 'Z2' land use zoning of nearby lands through to the requirements of Policy BHA9 of the Development Plan nor would it be contrary to the safeguards set out in the said plan in relation to transitional in character zonal areas (Note: Section 14.6). I therefore do not agree with the Planning Authority's first given reason for refusal.

7.2.45. Moreover, I consider that the untapping of the latent potential of the site by way of its redevelopment would also enhance the experience for those journeying along the public realm to and from Pleasants Street and Pleasants Lane. In this regard it would also in my view enhance views and vistas towards the 'Z2' lands when journeying in a westerly direction along Pleasants Street and from the localised views available of the 'Z2' lands from Red-Hatched Conservation Area associated with Pleasants Street and Camden Street. Moreover, I consider that it would also enhance place-making on the edges of Camden Streets 'Z4' land which still contains a number of underutilised brownfield sites.

7.2.46. Conclusion:

Based on the above considerations, I am satisfied that the proposed development does not warrant refusal of permission on its potential to give rise to any undue adverse built heritage impacts on this sensitive to change setting.

Moreover, I am of the view that this site has the capacity to absorb a six-storey building of the height and design that this proposed development. The additional floor level and amendments to the permitted building would in my view fully maximise the latent potential of this site by providing a local focal building that would appropriately contain the adjoining Pleasants Street public realm in a manner whereby it would be legible from the adjoining through to the wider surrounding cityscape setting as a qualitative legible contemporary of its time building that whilst being visually more apparent would

not be out of character with the emerging pattern of development in Dublin 8 and a cityscape where Development Plan provides for a default six storey height.

This impact I consider its supported in the suite of verified views and CGI images which I consider are useful in reaching a determination on the existing, permitted, and proposed outcome when examined alongside the site and its setting relevant planning history.

In conclusion I am satisfied that the proposed development accords with the proper planning and sustainable development of the area.

### **7.3. Amenity Impact**

- 7.3.1. The Planning Authority's second given reason for refusal of permission of the proposed development sought under this application is based on the concern that the proposed development would adversely impact sunlight and daylight to residential units in the adjoining apartment development at Olympic House, which I note is located to the west of the site and bounds the eastern side of the O'Neill's Building laneway. This laneway and Olympic House have a north south orientation. With this laneway having a restricted width of 4.2m at its most restricted relative to the western boundary of the site. The Planning Authority considered that the level of impact that would arise to residential units to the west would be seriously injurious to their amenities and therefore concluded that the proposed development by virtue of this impact would be contrary to the proper planning and sustainable development of the area.
- 7.3.2. This given reason for refusal is based on the Planning Authority's Planning Officers report which had regard to the Sunlight and Daylight Assessment submitted with this application.
- 7.3.3. The Planning Authority's Planning Officer in their report noted that in the case of the permitted development two windows in Olympic House would experience a major adverse impact, one of which would be at ground floor level and one at first floor level. In addition to four windows which would experience a moderate adverse impact with one of these being at ground floor level. In relation to the proposed development the Planning Officer considered that the assessment provided identifies moderate adverse to ten windows and major adverse impacts to two windows in Olympic House. They further noted that the windows experiencing the major adverse impacts are at ground level appearing to be in non-residential use and at upper floor levels in residential use.

- 7.3.4. To this they also considered that one window at No. 46 A Pleasants Street to the east would also experience a moderate adverse impact.
- 7.3.5. The Third-Party Observer to this appeal, indicates that they are a resident of one of the Apartments at Olympic House. They set out their main concern in relation to the proposed development sought under this application is the additional overshadowing and loss of light that would arise from the proposed development. The resulting loss of natural sunlight to their apartment would in their view negatively impact their quality of life and enjoyment of their home.
- 7.3.6. The First Party appellant includes with their grounds of appeal a document titled Daylight and Sunlight Assessment Appeal Document, dated November 2024.
- 7.3.7. This I note is in addition to the daylight and sunlight assessment provided with their planning application.
- 7.3.8. The additional daylight and sunlight assessment notes that the design modifications involve a minor modification to the permitted building's footprint and massing which the authors acknowledge would result in a shift of daylight access when compared to the permitted scheme.
- 7.3.9. This shift they contend is marginal. With Section 1.1 setting out for example that in relation to Olympic House to the west that additional vertical sky component impact on the windows of the residential units addressing O'Neill's Building laneway ranging from 0.78% to 3.07%. The authors of this assessment also note that the amended footprint and massing in the case of windows labelled as 01d and 01e, both which are noted to be located at first floor level of the western elevation of Olympic House, would have a modest reduction in vertical sky component impact of between 1.5% and 1.69%, respectively. They therefore contend that the level of change where additional vertical sky component % arise in comparison to the permitted scheme is of a level that it would not be perceptible to residents of the apartment units addressing the western side of O'Neill's Building laneway.
- 7.3.10. With this impact being clarified as being minor to moderate in terms of BRE vertical sky component value and against a baseline context where the nature of this building, its orientation through to the limited lateral separation distance between it and buildings to the east of the lane result in minor to moderate light penetration.

- 7.3.11. Further, they contend that the ground floor level windows of the Olympic House building that address the western side of this laneway are not in residential use and are for this reason excluded from examination. This I observed to be the case on the day of my site inspection alongside that despite my inspection being conducted around mid-day that the western elevation of Olympic House and the O'Neill Buildings laneway. I also observed that the adjoining lanes suffer from being overshadowed and having light penetration diminished particularly from the south and east by the height and relationship of existing buildings to it.
- 7.3.12. In relation to impact on the residential property of No. 46A Pleasant Street Section 1.2 of the said assessment indicates its author further examined the windows of this property to provide additional clarity on the additional vertical sky component impacts that would arise from the proposed development when compared to the permitted scheme.
- 7.3.13. In this regard it found that windows labelled 46Aa, 46Ab, 46Ac and 46Ad would have an additional vertical sky component impact of between 0.25% to 1.79% when compared with the permitted scheme. With three windows being BRE compliant and with window 46Ac impact changing from minor to moderate.
- 7.3.14. In relation to additional annual probable sunlight hours it found that in relation to the windows to the east of the proposed building the impact would be between 0.18% to 0.55% over the permitted scheme. It acknowledged that in the case of window labelled 46Ac that the additional 0.18% would however change the impact from baseline conditions to the permitted moderate impact to a major impact.
- 7.3.15. Having regards to the permitted building and the proposed modifications to it sought under this scheme I am of the view that the resulting building relates to a cityscape landscape where this modest 0.0745ha site is bound by restricted in width laneways to the east and west of it. The additional floor area proposed adds to the height, mass, and overall volume of the permitted building. It does not add to the overall site coverage of the parent permission. Additionally, the permitted and proposed modified building maintains a strong building edge on the southern boundary of the site which is consistent with the pattern of development within its cityscape setting.
- 7.3.16. Further, the resulting built form has a reduced mass and volume above fourth floor level as well as includes setbacks from the western edge of the site. This therefore

achieves a greater lateral setback from Olympic House which allows for greater solar penetration of light to this existing building and the laneway in between.

- 7.3.17. Moreover, when regard is had to the existing and proposed building to space relationship of the site and its setting; the orientation, built form/massing and placement of existing buildings relative to the west, south and east of the site; the solar penetration that is achieved to both adjoining laneways to the east and west of the site particular from Pleasants Place but also limits the level of daylight obstruction and overshadowing that would arise in a context if there was a more harmonious in building to space relationship through to building line/street frontage along the northern side of the streetscape scene of Pleasants Street.
- 7.3.18. In this context the circa 13m width of the public realm together with the placement of buildings and spaces which allows for light penetration into both of the adjoining restricted in width laneways with the laneway to the west having no setback of its three-storey built form from this laneway's public realm allows in my view for greater light penetration than would otherwise be the case.
- 7.3.19. In this context to achieve compliance with the applicable BRE requirements the design would need to be amended to provide a greater setback from the subject site's Pleasants Street frontage but also from its western and eastern site boundary edges. However, this is a modest in area site in a historically laid out cityscape setting which is characterised by strong building street containment where there needs to be a balance between realising the latent potential of these 'Z4' zoned, serviced and highly accessible brownfield lands and the amenities of properties in its vicinity. With dwelling units located with aspects facing onto O'Neill's Building and Pleasants Lane being most sensitive to any change that occurs within the redline area of this site but in a location where normal greenfield standards of daylight, sunlight through to overshadowing would not be achievable.
- 7.3.20. Given the additional impacts that would arise to the residential properties fronting onto these laneways I do not consider that the level of daylight impacts identified together with any additional overshadowing that would arise from the additional floor area is such that it could be considered as being materially and adversely significant in comparison to the scheme permitted by the Board (Note: ABP-314353-22).

- 7.3.21. Further, in a comparable manner to the permitted scheme I consider that it is appropriate in this instance to exercise the discretion afforded under Section 3.2 of the Building Height Guidelines given that the results of the assessments provided.
- 7.3.22. I also note that the Height Strategy set out in Appendix 3 of the Development Plan indicates that where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided to protect existing amenities.
- 7.3.23. Additionally, Appendix 3 in relation to key urban villages set out that these have scope for greater intensification and consolidation alongside that any proposals for increased height and density will need to have regard to the existing pattern and grain of development to ensure sensitive and successful integration with the existing urban fabric.
- 7.3.24. As set out above I consider that this is the case in relation to the permitted building's height as revised by the modifications proposed under this application. With the additional density of the proposed development in my view reflected by the proposed development giving rise to a plot ratio of 5.01 which I note is firstly higher than the plot ratio of between 2.5-3 as set out under Table 2 of Appendix 3 for central areas. But also, higher than 3.96 of the permitted scheme.
- 7.3.25. On this point I consider that the Development Plan's circumstances where higher plot ratios developments may be permitted include adjoining major public transport and where it facilitates comprehensive redevelopment in an area in need of urban renewal. These circumstances are in my view applicable having regard to this sites accessibility to the Quality Bus Corridor that runs along Camden Street, with this facilitating access to a number of high frequency bus routes providing accessibility to the wider cityscape, and the site is within 450m walking distance to Harcourt Luas Stop.
- 7.3.26. I am also cognisant that the Building Height Strategy that is set out under Appendix 3 of the Development Plan indicates that there is recognised 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 including bus and Luas public transport provisions.
- 7.3.27. Conclusion: Having regards to the above I consider that it is appropriate that the Board exercise the discretion set out under Section 3.2 of the Building Height Guidelines,

regarding the requirements of the daylight provisions, having regard to wider planning objectives for 'Z4' zoned land, the local through to national planning provisions and guidance support for achieving compact urban and more climate resilient use of serviced accessible brownfield lands through to that this modest in area site is one that it has an opportunity to provide an appropriate built containment of its three road frontages in a manner that its consistent with achieving quality placemaking and it is impractical to achieve the same levels of daylight and sunlight penetration that would be expected in this cityscape context as in suburban through to greenfield residential developments. In this instance the I consider that the additional daylight and sunlight availability will vary in line with both the site coverage, development height and density is not materially and significantly more adverse to that of the permitted scheme.

#### **7.4. Other Matters Arising**

- 7.4.1. **Residential Amenity Impact – Other:** For clarity, I am satisfied that the proposed development would not give rise to any additional visual overbearance or overlooking that could be considered as significant and/or exceptional over and above that of the permitted scheme.
- 7.4.2. **Residential Land Use:** The Planning Authority's Planning Officer in their report considered that the additional floor area would be more preferable residential in its land use function. This is consideration is also shared by the Third Party who further considers that the parent building would instead of its predominant office use be preferable residential in its functional use. I am cognisant that if either scenario was proposed that it would subject to safeguards add to the available housing stock in this area in a manner that would be consistent with local through to national planning provisions which support the provision of further residential development on such serviced accessible zoned brownfield sites. However, this is not what is sought under this planning application and office related land use is permissible on 'Z4' zoned lands, subject to safeguards.
- 7.4.3. **Archaeology:** I consider that the proposed development would not give rise to any additional potential for archaeological impact over the permitted scheme. However, should the Board be minded to grant permission I recommend that the Board include a condition that requires compliance with the conditions attached to the grant of permission by the Board under ABP-314353-22. This I note includes archaeological



condition under Condition No. 4 whose purpose is to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 7.4.4. **Transportation (New Issue):** I refer the Board to the Planning Authority's Planning Division report dated the 10<sup>th</sup> day of October, 2024. This raised no substantive issues with the proposed development subject to a recommended bespoke condition that included but was not limited the non-bespoke requirement of: "*1no. non-standard cycle parking spaces capable of accommodating adapted and / or cargo bikes shall be included within the provision of 46no. staff cycle parking spaces at basement level. Key/fob access shall be required to the basement level cycle store. Cycle parking design shall allow both wheel and frame to be locked. Cycle parking shall be fully completed and operational prior to the occupation of the office space hereby permitted*". Should the Board be minded to grant permission I recommend that it includes this requirement in the interest of achieving of ensuring qualitative and secure bicycle parking spaces for future staff in a manner consistent with the Dublin City Development Plan, 2022-2028, provisions.

## 8.0 AA Screening

- 8.1. I have considered the project which is detailed under Section 2 of my report in light of the requirements of 177U of the Planning and Development Act, 2000, as amended.
- 8.2. The subject site is not located within or adjacent any Natura 2000 sites designated Special Areas of Conservation (SAC) or Special Protection Areas (SPA). The project is also not directly connected with or necessary to the management of a Natura 2000 site and therefore it needs to be determined if the development is likely to have significant effects on a Natura 2000 site(s).
- 8.3. The closest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and South Dublin Bay Special Area of Conservation (Site Code: 000210) which are located c3.6km east of the site as the bird would fly.
- 8.4. No significant nature conservation concerns were raised as part of this appeal case and including by the Planning Authority in their determination of this planning

application. Similarly, no significant nature conservation concerns are raised by any of the Parties in this appeal.

- 8.5. I also note that the site is a serviced zoned brownfield site within an existing urban environment with surrounding development being mixed use in its character to the east and along the Camden Street corridor with residential becoming more dominant at this location further westwards to the northwest, west and south-west of the site. The drainage for the proposed development will be designed on a separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system. I note that there are also significant improvements to the treatment of foul water as part of the current major upgrading works to Ringsend Wastewater Treatment Plan to enable it to treat the increasing volumes to the required standards. Additionally, there are no capacity issues raised in terms of public infrastructure capacity to absorb the additional demands that would arise from this project.
- 8.6. There are no watercourses or other ecological features of note on the site or in the vicinity of the site that would connect it directly to Natura 2000 sites in the wider area. The nearest pathways to the nearest designated sites from the appeal site is the Royal Canal located c0.5km to the south of the site at its nearest point as the bird would fly. The intervening setting is a serviced dense urban setting.
- 8.7. Due to the enclosed nature of the development site and the presence of a significant buffer area comprising of a mature densely developed urban area between the site and the nearest pathways to Natura 2000 sites, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.8. During site clearance, demolition and construction phases of the project, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions/contaminants to surface water. The contained nature of the site which is serviced with no direct ecological or hydrological connections or pathways together with the distance between the site and any Natura 2000 sites make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect their conservation interests either directly or indirectly.

- 8.9. There will be no direct or *ex-situ* effects from disturbance on mobile species during construction or operation of the proposed development. The proposed development will not result in any effects that could contribute to an in-combination effect with other developments in the area. With I note the Board yet to decide on the concurrent appeal case ABP-318805-24 (See: Section 4.0 of the report above which provides an overview of the site and its setting's planning history).
- 8.10. No mitigation measures are required to come to these conclusions.
- 8.11. Conclusion: Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act, 2000, (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any Natura 2000 sites including South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and South Dublin Bay Special Area of Conservation (Site Code: 000210), in view of the sites Conservation Objectives. An Appropriate Assessment (and submission of a NIS) is not therefore required in this circumstance. This determination is based particularly on the following factors:
- The planning history of the site.
  - The pattern of existing and permitted development in the site setting.
  - The scale of the development and lack of impact mechanisms that could significantly affect a Natura 2000 site/sites.
  - Distance from and lack of connections to the Natura 2000 site/sites.
  - The disposal of foul water to the public foul sewer system and surface water to the public surface water sewer network for required treatment. With this infrastructure having capacity to absorb it.
  - The screening determination by the Planning Authority.

## 9.0 Recommendation

- 9.1. I recommend that permission is granted.

## 10.0 Reasons and Considerations

Having regard to the planning history of the site, in particular appeal case ABP-314353-22 (P.A. Ref No. 3457/22) which permitted a mixed use office building for this site, which the subject proposed development seeks modifications to including the provision of an additional floor level over; the sites 'Z4 – Key Urban Villages / Urban Villages' land use zoning objective under the Dublin City Development Plan, 2022-2028, alongside this plans support for reversal of underutilised serviced brownfield land including at accessible locations by way of compact and consolidated redevelopment in a manner consistent with regional through to national planning policy provisions and guidance, the existing pattern of development in the vicinity of the site including the proximity to residential properties, it is considered that subject to compliance with conditions below, that the proposed development would be acceptable in terms of design, height, overall built form through to building to space relationship with its site and its setting.

It is also considered that the proposed development would not adversely affect the intrinsic and special character of the visual setting of Conservation Areas that form part of its Pleasants Street and Camden Street streetscape scene, with this including the 'Z2' zoned land to the west and the Protected Structures it contains, in a manner that could be considered contrary to the Dublin City Development Plan, 2022-2028, provisions.

Further, Section 3.2 of the Urban Development and Building Height - Guidelines for Planning Authorities, 2018, provides flexibility in terms of impacts arising from taller buildings. In this regard it is considered reasonable to apply this flexibility given the site's context as part of Key Urban Village ('Z4) cityscape setting and forming part of a historically laid out urban plots results in difficulties to achieve no undue obstruction to daylight and sunlight penetration to properties including those with a residential function which are sensitive to change.

In this case the proposed development would not materially or adversely add to the level of daylight and sunlight impact when compared to that arising from the permitted scheme. The proposed development would, therefore, not seriously injure the residential or visual amenities of the area or of property in the vicinity.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29<sup>th</sup> day of August, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The development shall comply with the terms and conditions governing the overall site under ABP-314353-22 (P.A. Ref. No. 3457/22), unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

**Reason:** In the interests of orderly development and clarity.

3. The proposed development shall be revised as follows:
  - (a) 1 No. non-standard cycle parking spaces capable of accommodating adapted and / or cargo bikes shall be included within the provision of 46 No. staff cycle parking spaces at basement level. Key/fob access shall be required to the basement level cycle store. Cycle parking design shall allow both wheel and frame to be locked. Cycle parking shall be fully completed and operational prior to the occupation of the office space hereby permitted.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of providing a satisfactory standard of residential amenity for occupants of the development and to improve overlooking of pedestrian routes through the site

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

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Patricia M. Young  
Planning Inspector  
23<sup>rd</sup> day of April, 2025.

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-3211294-24		
<b>Proposed Development</b> <b>Summary</b>	Amendments to permitted office scheme (P.A. Ref. No. 3457/24 / ABP-314353-24) comprising of an additional set-back storey together with all associated works.		
<b>Development Address</b>	No. 49-51 Pleasants Street, Pleasants House & 5 Pleasants Lane, Dublin 8.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	<i>Class 10 (b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.) With the permitted development relating to Class 14 and Class 15 of 2001 Regulations as amended also.</i>	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

No	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	✓	<i>Class 10 (b) (iv) Urban Development: Note: the proposed development relates to an urban development for modifications and an additional floor level to a permitted mixed-use building on site area of 0.0745ha. There is no increase in footprint, no additional demolition of structures and these aspects were deemed to be subthreshold by the Board in its determination of the permitted development for this site to which the modest in nature and extent modifications relate and therefore the proposed development is considered to subthreshold having regards to Class 14 and Class 15 of 2001 Regulations as amended also.</i>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
No	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
Yes		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: 23<sup>rd</sup> day of April, 2025



## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-3211294-24
<b>Proposed Development Summary</b>	Amendments to permitted office scheme (P.A. Ref. No. 3457/24 / ABP-314353-24) comprising of an additional set-back storey together with all associated works.
<b>Development Address</b>	No. 49-51 Pleasants Street, Pleasants House & 5 Pleasants Lane, Dublin 8.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>I refer to Section 2 of this report above.</p> <p>The proposed development is mainly comprised of an additional floor level and modifications to a mixed-use building permitted by the Board under ABP-314353-22 (P.A. Ref. No. 3457/22).</p> <p>The site is located in a historic area of Dublin 8 to the west of Camden Street forming part of a parcel of land subject to the land use zoning objective Key Urban Village/Urban Centres (Z4) under the Dublin City Development Plan, 2022-2028.</p> <p>The proposed development would not be exceptional in the context of the existing environment with 6-storey buildings the default building height provided for under the said Development Plan's Building Height Strategy which is set out in Appendix 3.</p> <p>During construction phase associated with the modifications and additional floor level to the permitted building, the proposed development would generate waste during excavation and construction.</p>

	<p>I do not consider that the level of waste generated during this phase or during the occupation of the additional office floor area would be significant in the local, regional, or national context.</p> <p>No significant waste, emissions or pollutants would arise during the construction or operational phase of the proposed development due to its nature and extent.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located in or immediately adjacent to any Natura 2000 site and the proximity of the closest Natura 2000 site are set out under Section 5 of this report above.</p> <p>The site forms part of the historic cityscape of Dublin City and subject to standard archaeological safeguards it is unlikely to give rise to any substantive issues in this regard.</p> <p>There is ample separation distance between the site and the Z2 - Residential Neighbourhood Conservation Area to the west, which also contains several Protected Structures, as well as the Red-Hatched Conservation Area to the east. The site is also located to the north of 'Z1' zoned lands with over c13m separation distance in between.</p> <p>The site contains no buildings, structures, or spaces of any sensitivity, including environmental, historical, cultural, or otherwise.</p> <p>The development relates to modifications to a permitted mixed-use building and does not include any increased footprint of this building with the modifications relating to its upper floor level built form, mass, scale, and volume which includes an additional floor level and therefore additional increase to its floor area. The intended use of this additional floor area is office which is the primary use of the permitted parent building under ABP-314353-22 (P.A. Ref. No. 3457/22).</p>

<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).		Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

**Inspector:**

**Date:** 23<sup>rd</sup> day of April, 2025

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)