



An  
Bord  
Pleanála

## Inspector's Report ABP-322111-25

### Development

The demolition of all existing buildings and structures on the site; and the construction of a four storey and part five storey mixed-use building comprising a public house (class 10) at basement and ground floor, 6 no. residential units and ancillary site works

### Location

Smyth's Public House, 10 Haddington Road, Dublin 4

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3979/24

### Applicant(s)

Courtney's Lounge Bars Limited

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

R John McBratney & Others

Susan McCarrick

### Observer(s)

Philip O'Reilly

**Date of Site Inspection**

23<sup>rd</sup> June 2025

**Inspector**

Ian Boyle

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## **1.0 Site Location and Description**

- 1.1. The appeal site comprises Smyth's Public House which has an address at 10 Haddington Road, Dublin 4, D04 FC63. It is situated between Haddington Road and Percy Place, which run along the front (south) and rear boundaries of the property (north), respectively. Haddington Road lies on an east to west axis, generally, and connects Baggot Street Upper with Northumberland Road.
- 1.2. The public house is an existing two-storey building fronting onto Haddington Road. It is an older building with a flat roof. It also has a single storey extension at the rear of the site facing onto Percy Place. The front part of the site is setback off Haddington Road from the footpath providing a small seating area / beer garden. The Percy Place frontage is built up against the footpath and projects slightly outwards from the building line of adjoining buildings on either side.
- 1.3. The main entrance to the building is via Haddington Road. However, customers and members of the public can also gain access through from Percy Place. Percy Place is also used for deliveries and as a goods drop-off location.
- 1.4. The surrounding area has a mix of uses, including mainly commercial offices, residential, recreational, and retail type activities. There are also a number of other public houses in this part of the city. The site has good access to public transport, including several frequent bus services and is an 8-minute walk to Grand Canal DART station.
- 1.5. The site has an approximate area of 322sqm.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the demolition of the existing buildings and structures on the site, the construction of a four storey and part five storey mixed-use building comprising a public house (class 10) at basement and ground floor and 6 no. residential units at the upper floors set out in two blocks on either side of a central courtyard and associated site works.
- 2.2. The Planning Authority requested further information on 30<sup>th</sup> August 2024; including confirmation that the proposed works are within the red line boundary for the application, or that sufficient legal interest has been obtained (Item 1), the provision

of a Demolition Justification Report (Item 2), redesign of the overall structure including a reduction in massing, bulk and height (Item 3), redesign of the entrance from Percy Place to provide an adequate amount of unobstructed space for future residents of the apartments (Item 4), redesign and a changed layout for apartment nos. 1 and 2 to ensure future residents have sufficient privacy (Item 5), noise reduction measures to protect residential amenity of the apartment above the public house (Item 6), a redesign of the outdoor seating area and further details of signage (Item 7), details of the proposed drainage arrangements (Item 8), and cycle parking details and the provision of a servicing strategy for the site (Item 9).

- 2.3. The Applicant responded with further information on 9<sup>th</sup> December 2024.
- 2.4. The Planning Authority requested clarification of further information on 10<sup>th</sup> January 2025; including details of further design changes to the structure, such as reductions to the overall mass and bulk of the building, decrease in height, use of setbacks, and changes to elevational treatments (Item 1); redesign of the entrance from Percy Place (Item 2); and clarification of bicycle parking arrangements (Item 3).
- 2.5. The Applicant responded with clarification of further information on 31<sup>st</sup> January 2025.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 26<sup>th</sup> February 2025, subject to 16 no. conditions, which are generally standard in their nature. Notable conditions include:

Condition 4: Implementation of noise reduction measures in accordance with the 'Noise Reduction Measures Report'

Condition 5: Outdoor seating area shall not operate between 10pm and 8am daily.

Condition 6: The proposed awning shall be a single colour only and not contain any advertisements.

Condition 8: Drainage requirements.

Condition 9: EHO requirements regarding construction & demolition phase and operational phase.

Condition 10: Cycle parking spaces and facilities.

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

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

- Zoning: The site is zoned Z4 'Key Urban Villages and Urban Villages 'to provide for and improved mixed-services facilities.' Both 'public house' and 'residential' land uses are permissible uses under this zoning objective.
- Design and Visual Impact: The revised design of the proposed development, as submitted as part of further information, and clarification of further information, has resulted in a development which balances visual interest and attention to detail. It creates an architectural presence that does not jar with the adjoining structures. The design changes made to the Percy Place entrance are also considered to be acceptable and would offer a softer, more welcoming approach at street level.
- Noise: The Acoustic Report and Noise Reduction Measures Report states that the design of the building takes account of the potential for noise from the groundfloor public house, and the outdoor seating area, and that noise reduction measures have been considered in the design of the new building.
- The noise reduction strategies include acoustic insulation and flooring treatments such as soundproof underlay, ceiling treatments, and triple glazed windows and doors throughout the property. It is considered that the measures proposed, along with a condition strictly restricting the hours of operation of the outdoor seating area, would be sufficient in protecting the residential amenity of future occupiers of the apartments.
- Outdoor Seating: The further information submitted shows a redesigned and simplified outdoor seating area. The proposed granite wall, railings and lamps have been omitted and replaced with low level screens and plants on a small step or plinth that the seating area sits upon which softens the appearance of the seating area. The permanent roof structure over the area has been

removed and the area will be covered with a retractable canopy. The design changes submitted as further information are acceptable.

- Demolition: A Demolition Justification report has been prepared which assesses the embodied carbon in the existing and proposed structures. The Applicant states that there is no worthwhile advantage or merit for the retention of existing buildings on the site, which is acceptable.
- Construction of Basement: A Basement Impact Assessment has been prepared which confirms the proposed form of construction for the basement is industry standard for this type of building and is resistant to ground water ingress and uplift.
- Drainage and Flooding: A Drainage Services Report and Site Specific Flood Risk Assessment Report have been prepared which are acceptable.
- Services: The Services Strategy Report is acceptable.
- No AA issues arise.
- No EIA issues arise.
- In summary, having regard to the zoning objectives for the area and pattern of development in the area, it is considered that the development would not seriously injure the amenities of the area or property in the vicinity.
- It is recommended that permission be granted.

### 3.2.2. Other Technical Reports

Drainage Department: No objection post receipt of further information, subject to conditions.

Transportation Department: No objection post receipt of further information, subject to conditions.

EHO: No objection, subject to conditions.

### 3.2.3. Conditions

- Section 3.1.1 above lists notable conditions attached to the Planning Authority's NoD to Grant Permission (dated 26<sup>th</sup> February 2025). It is



recommended that in the event permission is granted by the Board, that these conditions be included in the Decision.

### **3.3. Third Party Observations**

The Planning Authority received several third party observation. The main issues arising are as follows:

- The site is in a transitional zone area therefore it is important for new developments to avoid abrupt transitions in scale and use.
- The continued viability of this street must be ensured through the retention of the scale of its built heritage and by enhancing the pedestrian experience.
- The proposed development is for a super pub and is not suitable for the area.
- Excessive height / not in keeping with the character of the area.
- Concerns regarding bulk, massing and visual dominance.
- The existing pub is a 'Dublin institution' and no justification has been provided for for its demolition.
- A demolition justification report is required
- Residential amenity impacts such as loss of privacy and loss of light from adjoining structures.
- Inadequate car parking in the area.
- Waste management issues.
- Noise concerns regarding the public house.
- The proposed design and appearance of the building(s) is poor.
- The proposed overhanging balconies and roof terrace are out of character with the area and overbearing, and would result in unacceptable overlooking of adjoining properties.
- Previous proposals on the site were refused by ABP as the proposed development by reason of its design, scale, bulk and plot ratio constitute over-development of the site.

- No consultation has taken place with local residents prior to the application being submitted.

## 4.0 Planning History

ABP Ref. 311845-21 (Reg. Ref. 2040/21): The Board refused retention permission for an outdoor enclosed seating area and branded advertising canopy and screens at front of premises and refused permission for new facade signage at the front of premises, respectively on 14<sup>th</sup> March 2022.

The Board's reasons for refusing permission were that (1) the proposed development would adversely affect the character and streetscape of the area due to its excessive scale, extent and positioning of the screen and canopy structure near a residential conservation area and (2) the high level signage would be contrary to the provisions of the Dublin City Development Plan 2016-22 including sections 16.24.2 and 16.24.3 and the associated Shopfront Design Guide.

Reg. Ref. 2630/16: The Planning Authority granted retention permission in May 2016 for a temporary timber shopfront and associated works to the existing rear (Percy Place) elevation.

Reg. Ref. 4781/04: The Planning Authority refused retention permission in November 2024 for various alterations and demolition of later additions to the existing public house and the construction of a 4 and 5 storey over basement development to incorporate the retained building and to include 6 no. apartment units, public house and associated facilities at ground floor and basement level.

Note: The Planner's Reports set out further details of the planning history for the site and its surrounding area. However, there are further no recent, relevant appeal cases on the site.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-2028

#### Background

The Dublin City Development Plan 2022-2028 ('Development Plan' / 'CDP') was adopted at a Special Council meeting on the 2<sup>nd</sup> of November 2022. The plan came into effect on the 14<sup>th</sup> of December 2022.

#### Zoning

The site is zoned 'Z4 Key Urban Villages / Urban Villages' where the land use zoning objective is "*To provide for and improve mixed-services facilities*".

The vision for this zoning is 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.

#### Red Hatched Conservation Area

The northern part of the site is within a designated Conservation Area (denoted by red hatching on the zoning map).

In this regard, Policy BHA10 of the CDP states that there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

The part of the existing building to be demolished, and which is within the designated conservation area fronting onto Percy Place, comprises the single storey component of the structure. The Planning Authority did not consider that this built element made a contribution to the appearance or character of the Conservation Area.

#### Chapter 7: The City Centre, Urban Villages and Retail

- Policy CCUV12 – Shopfront Design
- Policy CCUV30: Cafés / Restaurants
- Policy CCUV32: Outdoor Dining Proposals

- Policy CCUV35: Night Time Economy

## **Chapter 8: Sustainable Movement & Transport**

- Objective SMT02: Improving the Pedestrian Network:
- Policy SMT11: Pedestrian Network:
- Policy SMT18: The Pedestrian Environment:

## **Chapter 15: Development Management Standards**

- Section 15.5.2 Infill Development
- Section 15.17.4 Outdoor Seating and Street Furniture
- Section 15.17.5 Shopfront and Façade Design
- Section 15.14.12 Night Clubs/Licenced Premises/Casinos/ Private Member Clubs. It states that:

‘In recognition of the importance of Dublin as a thriving and multi-dimensional capital city, there is a need to facilitate the concept of the 24-hour city, particularly in the city centre and other key urban villages. Dublin City Council will encourage entertainment/cultural/music uses which help create an exciting city for residents and tourists alike. There is a need to strike an appropriate balance between the role of these entertainment uses in the economy of the city and the following:

- To maintain high-quality retail functions on the primary city centre streets and ensure a balanced mix of uses.
- To protect the amenities of residents from an over-concentration of late night venues.
- Noise emanating from and at the boundaries of these establishments are issues which will need to be addressed in planning applications for such establishments. Noise insulation and reduction measures, especially relating to any mechanical ventilation or air conditioning, will be required to be submitted with any such planning application.
- To minimise the impact and street presence of casinos / members clubs. Therefore, there will be a general presumption against inappropriate advertising for casinos / gambling/ members clubs. The development of

'superpubs' will be discouraged and the concentration of pubs will be restricted in certain areas of the city where there is a danger of overconcentration of these to the detriment of other uses. In cases where new uses, including uses such as casinos and private members' clubs, or extensions to the existing use are proposed, the onus is on the applicant to demonstrate that such proposed development will not be detrimental to the residential, environmental quality or the established character and function of the area. Matters that shall be taken into account by the planning authority in assessing planning proposals for these uses and extensions to such uses include, but are not limited to the following:

- The amenity of neighbouring residents and occupiers.
- Hours of operation.
- Traffic management.
- Shop frontage treatment and impact on streetscape.'

## **5.2. National Planning Framework**

- 5.2.1. The first National Strategic Outcome (NSO) expected of the National Planning Framework is to achieve compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built-up areas (National Policy Objective 7).
- 5.2.2. National Policy Objective (NPO) 45 is to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.3. Other National and Regional Policy

- *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines')*<sup>1</sup>
- *Sustainable Urban Housing: Design Standards for New Apartments, 2022 ('Apartment Guidelines')*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 ('RSES')*
- *Design Manual for Urban Roads and Streets, 2019 ('DMURS')*
- *Urban Development and Building Heights Guidelines for Planning Authorities, 2018*
- *BRE Guide: Site Layout Planning for Sunlight and Daylight, 2011*
- *Architectural Heritage Guidelines for Planning Authorities, DAHG, 2011*
- *The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')*

### 5.4. Natural Heritage Designations

- 5.4.1. The subject site is not directly located within, or in proximity, to any European Sites.
- 5.4.2. The nearest European Sites are the South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay SPA (Site Code: 004024), which are roughly 2km to the east of the site at the nearest point.
- 5.4.3. The pNHA Grand Canal (Site Code: 002104) is roughly 30m to the northwest of the site.

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<sup>1</sup> The Guidelines replace the 'Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities, 2009'.

## **5.5. EIA Screening**

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Forms 1 and 2 in the appendices section of this report).
- 5.5.2. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main grounds of appeal can be summarised as follows:

#### Existing Public House

- The Applicant intends to 'raze' a long-established licensed premises and replace it with adding multiple apartments overhead.
- The landmark shopfront would be demolished with the public house partly placed in a basement. This would substantially alter the character of the business.
- The current premises has a large amount of disfiguring paraphernalia that constitutes an eyesore, particularly at the Haddington Road entrance, which is very cluttered and visually disruptive.

#### Residential Amenity

- The proposed development is overly dominant and would have a visually overbearing impact.
- The proposed cantilevered balconies would be intrusive, particularly for the houses on Percy Place. However, the additional screening provided is attractive.

- The proposed open roof terraces are overly dominant and would impact on St. Mary's Church.
- Condition 4 requires noise abatement through triple glazing and dedicated ventilation methods. This indicates the growing residential environment in the area would be negatively affected by the proposed development.
- Condition 5 of the Council's Decision is unenforceable. It requires that the outdoor seating area cannot operate after 10pm.

#### Design, Height, Scale and Massing

- Section 15.5.2 of the Development Plan requires that infill development should be an integral part of an urban development due to the historic layout of Dublin's streets and buildings. It should complement the existing streetscape and contribute to urban design quality.
- The proposal should respect the prevailing scale / mass and architectural design of the surrounding townscape using consistent materials and detailing.
- The jutting out building line of the Percy Place frontage should be removed to achieve greater harmony with the streetscape. This causes overcrowding and a traffic hazard, particularly during match days. The proposed development would face similar problems.
- The proposed development is of an excessive height, bulk and massing (site coverage is 87%).

#### Demolition

- The subject site has a heritage shopfront and an inadequate case has been put forward for its demolition.
- There is presumption that against demolishing a structure that positively contributes to the character of a Conservation Area (Policy BH10).
- The rehabilitation and reuse of older buildings is encouraged (Policy BHA11).
- The proposal is not in accordance with Section 3.10.1 of the Architectural Heritage Guidelines for Planning Authorities as the scale of the proposed development is excessive.



### Built Heritage / Conservation Area

- There is a high density of Protected Structures in the immediate vicinity of the site which means a high-quality design response must inform the proposal.
- The Percy Place frontage lies within a Conservation Area (Grand Canal) and must avoid abrupt transitions in scale.
- The opposite side of Haddington Road is zoned Z2 ('Residential Conservation') which means the area is sensitive to visual and residential changes which could diminish their historical merit.

### Basement

- Concerns regarding depth of excavation required.
- The construction of a basement would cause significant nuisance including through piling works (noise, air quality, vibration and traffic).
- Dewatering and ground / groundwater contamination should be carefully assessed.

### Waste Management

- There is no waste management plan included as part of the application.

### Procedural Issues

- The public notices cite the address as Smyth's Public House, 10 Haddington Road, Dublin. However, the premises has two street frontages and entrances meaning the public notices are inadequate and erroneous.
- The groundfloor plan submitted does not conform to reality.

### Conditions

- In the event the Board decide to grant permission, the following conditions are requested:
  - Setback the Percy Place frontage in line with adjoining properties on either side and to preclude outdoor use of the setback area.
  - Omit the top floor of the proposed apartment block.
  - Omit the balconies from the Percy Place elevation.

## 6.2. Applicant Response

The Board has received a Response from the Applicant. The main issues raised are as follows:

### Residential Amenity / Concentration of 'late night' Uses / Intensification of Use

- Section 15.14.12 of the Development Plan states 'the concentration of pubs will be restricted in certain areas of the city where there is a danger of concentration of these to the detriment of other uses'. However, the proposed development does not introduce an additional public house into the area.
- The new pub will operate with the same licensing hours as it does presently.
- The new premises will have higher levels of sound insulation and, therefore, result in a noticeable reduction in noise impact.
- The proposed customer area is slightly smaller than the corresponding area for the existing premises (140sqm existing vrs 134sqm proposed)
- The back-of-house facilities on the first floor and barrels will be stored in the basement.
- The back-of-house facilities will also cater for the apartments above.

### Design, Height, Scale and Massing

- The proposed development is contemporary architecture of an exceptional design quality. It is in accordance with policy BHA9 'Conservation Areas'.
- The proposed development is in accordance with the indicative plot ratio and site coverage standards as per the Development Plan. The standards for plot ratio and site coverage are set at 2.5-3.0 and 60-90%, respectively. The proposed plot ratio and site coverage are 2.26 and 87%, respectively.
- The proposed building line at Percy Place matches that of the adjoining Victoria House, which is to the southwest and allows for a 2m wide footpath along this frontage.
- The Development Plan under Appendix 3 (Height Strategy) states that as a general rule the development of buildings between five and eight storeys is promoted in key areas of the city. Where a site abuts a lower density

development an appropriate transition of scale and separation distances must be provided to protect existing amenities. The proposed development has a maximum of five storeys and therefore is consistent with this policy.

- A higher density mixed-use development reflects the urban evolution of this inner suburban area and will make a positive contribution towards its urban character.

#### Infill Development & Demolition

- The proposed development is in accordance with Section 15.5.2 of the Development Plan which is in relation to 'infill development'.
- The proposed demolition of the existing building is comprehensively justified in the Demolition Justification Report, which includes a photographic inventory of the existing structure.
- It would not be feasible to incorporate the existing building into the overall development proposal (see Pages 8 – 9 of Appeal Response).

#### Protected Structures

- There is not an exceptionally 'high density of Protected Structures in the immediate vicinity' or a 'high level of architectural conservation'.
- St Mary's Church is on the southern side of Haddington Road and there is no visual connection between the extensive grouping of Protected Structures along Herbert Place, which is the north of the site on the far side of the canal.
- The 'red hatched' conservation area which applies to the northern part of the site is not the same as an Architectural Conservation Area and must not have the same statutory basis.
- The character of Percy Place has been significantly altered by developments on both sides of the road over the past 25 to 30 years such that much of the conservation merit and character is now absent. In any case, the proposed development would not be overly dominant or overwhelm the character of the area.

## Basement

- The Basement Impact Assessment (BIA) confirms that the proposed form of construction for the basement is industry standard and resistant to groundwater ingress and uplift.

## Procedural Issues

- The postal address for the site is 10 Haddington Road. Percy place is only the rear entrance for the building.
- In accordance with the regulations, a site notice was placed on Percy Place and third party rights to comment on the application were provided for.
- The plan of the existing ground floor is based on a measured survey and therefore accurate.

Note: The First Party Response also includes a submission made by the Scheme Architect (Node Architecture). This is an addendum to the response and provides further comments and responses to the concerns raised by third parties.

### **6.3. Planning Authority Response**

The main issues raised are as follows. If the Board grants permission conditions should be applied requiring:

- Payment off a Section 48 Development Contribution.
- Payment of a bond.
- Payment of a contribution in lieu of open space not being met.
- Naming and numbering of the permitted development.
- A management company to be setup.

### **6.4. Observations**

The Board received a single observation. The main issues raised are as follows:

- The existing pub (Smyth's) is part of the historical and cultural heritage of the city and should be fully preserved.

- Too many historic Dublin pubs have been lost. These contribute to the setting and culture of the city.
- The proposal is too large, too high and would seriously detract from the character and setting of this part of Haddington Road.
- Proposal should be refused permission.

## 6.5. Further Responses

The Board received a further response from McBratney & Others. The main issues raised are as follows:

- Approach transition in scale or design must be avoided.
- DCC advocates for the retention and reuse of buildings where they contribute to the neighbourhood character and streetscape.
- The proposed development is too high, particularly against the two-story houses on Percy Place.
- Shares concerns with the Pembroke Road Association over potential for contaminating groundwater through the discharge of foul effluent and grey water.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local, regional, and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design, Height, Scale and Massing
- Residential Amenity
- Protected Structures
- Other Issues

## 7.1. Design, Height, Scale and Massing

### Zoning

- 7.1.1. The proposed development is for the demolition of the existing buildings and structures on the site, and the construction of a four storey and part five storey mixed-use building comprising a public house (class 10) at basement and ground floor and 6 no. residential units at the upper floors set out in two blocks on either side of a central courtyard and associated site works.
- 7.1.2. Key concerns raised by third parties include that the proposal would involve the demolition of long-established premises, and that its replacement with a development of the height, size and scale being proposed would be inappropriate and result in overdevelopment of the site. It is also stated by appellants that the design of the scheme, and particularly in relation to the Percy Place side of the site (northwest elevation), is not in keeping with the character of the area and that it does not respect the architectural design of existing residential housing, some of which are two-storeys in height.
- 7.1.3. The site is zoned 'Z4 Key Urban Villages / Urban Villages' where the objective is '*to provide for and improve mixed-services facilities*'. The land uses 'public house' and 'residential' are permissible uses under this zoning objective. I note also that the vision for lands subject to this zoning is 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'. The proposal is in accordance with the vision for the zoning, in my opinion, as it provides an appropriate mix of uses which would serve the needs of the surrounding vicinity.
- 7.1.4. Furthermore, the redevelopment of the site would be consistent with national and regional planning policy, including the National Planning Framework (2025) (NPF) (NPO's 7 and 45 refer, in particular) and Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019) (RSES). The policy focus on securing more compact forms of development in urban and service areas is therefore cited at national, regional and local policy level, and increased building height and density is recognised as a means by which to achieve this. The recently published Residential Development Guidelines (2024) also seek to facilitate more compact forms of

residential development and places an emphasis on more intensive use of previously developed land and infill sites.

#### Plot Ratio and Site Coverage

- 7.1.5. I also note that the proposed development is in accordance with the indicative plot ratio and site coverage standards as per the Development Plan. These tools help to control the bulk and mass of buildings on a particular site and to ensure a proposal does result in the adverse effects of overdevelopment.
- 7.1.6. I note that the respective standards for plot ratio and site coverage for the appeal site at 2.5-3.0 and 60-90%. The proposed plot ratio and site coverage sit within / below this at 2.26 and 87%, respectively, indicating an appropriate quantum of development is being proposed on the site.

#### Percy Place

- 7.1.7. I note the third party concerns where it is stated that the 'jutting out building line' should be removed to achieve greater harmony with the streetscape' (see Photos 3 – 6 of appeal by McBratney & Others) and to avoid overcrowding and a traffic hazard, particularly during match days. I acknowledge that the building line in this location does protrude marginally and that it sits forward of the adjacent houses at Rawson Court. I also note that the proposed development does not extend past the existing building line at the rear of the property and the footpath will remain wide enough for pedestrians to use.
- 7.1.8. In terms of the proposed elevational treatment for the Percy Place frontage, I consider that an appropriate design, street profile, massing, and height would be achieved in this location. The choice of material and finishes for this elevation is also appropriate, in my view, and I note that the Planning Authority examined this issue in detail as part of their assessment of the application. As part of clarification of further information, the proposal was revised by the Applicant to address concerns by the Planning Authority regarding the design of the building entrance leading off Percy Place. The changes have resulted in a softer and more synthetic aesthetic appearance.
- 7.1.9. I note that the project architects modified the scheme so that the metal gates and screen which separate the public realm from the private entrance at Percy Place

would be 3.2m wide. It would, therefore, be setback from the pavement and entrance to the pub. The entrance would therefore align with the back of the balconies overhead and form a type of canopy above. This would help to deliver an attractive and well-designed overall elevational treatment, in my opinion. I further note that the entrance gates would be of a high-quality spec and that they have been designed to incorporate a light-coloured, decorative screen which would provide an open, welcoming and spacious entry point to the building.

- 7.1.10. The proposed balconies onto Percy Place also adopt a lightweight appearance through the use of subtle metal screening. The screens would reduce the potential for overlooking adjacent properties and provide a welcome degree of enclosure and privacy for future occupants.

#### Conservation Area (Grand Canal)

- 7.1.11. In terms of potential impact on the wider area I note that the Appellant correctly points out that the rear (northwestern) part of the site is within a designated Conservation Area (denoted by red hatching on the relevant zoning map). I consider that Policy BHA10 of the CDP is relevant in this regard in that it states that there a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.
- 7.1.12. However, the part of the existing building to be demolished, and which is within the designated conservation area fronting onto Percy Place, comprises the single storey component of the structure only, and this has no conservation value. During my site inspection it was further evident that this part of the building has no real historical or architectural merit and that it does not have any unusual or particularly high-quality features or characteristics. The Planning Authority also did not consider that this part of the building contributes to the appearance or character of the Conservation Area.
- 7.1.13. Furthermore, it is my opinion that the character of the Conservation Area, as it applies to the wider Grand Canal area, would not be negatively impacted upon by the proposal. This is due to the high-quality design of the proposed development, but also because there would be no abrupt transition in scale caused by the insertion of the new build into this section of the streetscape. I note the prevailing building



height in this area is generally three to four storeys, with some taller buildings present in other nearby locations, and that the proposal would not be incongruous or out of place for that reason. I note also that there is a further line of buildings – a mix of terrace houses and offices – situated between the appeal site and Grand Canal, thus, separating the property from the canal.

7.1.14. I am satisfied that the design response put forward has considered the receiving context and that outwards facing views from the development would not result in excessive overlooking, overbearance, or an unacceptable invasion of privacy. I consider that the design approach adopted by the Applicant demonstrates sufficient privacy and residential amenity will continue to be afforded to adjoining and nearby properties and it is not necessary for the proposed building to be setback further into the site from Percy Place. The proposal comprises an appropriate form of infill development in this location. It also meets the requirements of Section 15.5.2 of the Development Plan which requires that development should respect and enhance its context and be well-integrated with its surroundings.

7.1.15. In conclusion, the proposed higher density mixed-use development would make a positive contribution towards the evolving urban character of this urban area and should be granted permission, in my opinion.

## **7.2. Residential Amenity**

7.2.1. The proposed development consists of six residential apartments and a pub. It is therefore relatively modest in size and would attract only a limited number of new residents / customers to the area.

7.2.2. I note that the Dublin City Development Plan 2022-2028 under Section 15.14.12 requires that the concentration of pubs will be restricted in certain areas of the city where there is a danger of concentration of these to the detriment of other uses. However, a key point is that the proposed development would not introduce a new or additional pub into the area – it is a replacement pub.

7.2.3. Importantly, I note that the new pub will operate with the same operating hours as the existing pub. The new customer area would be marginally smaller than the corresponding area for the existing licensed premises (140sqm existing vrs 134sqm proposed). The modern fit out of the new pub would also be required to provide

enhanced sound insulation consistent with present-day building regulations. This would lead to a reduction in noise levels generated during busy periods by blocking or absorbing soundwaves. This would benefit existing nearby homes and residents, but also the future occupants of the above apartments.

- 7.2.4. Common noise insulation methods include the use of acoustic plasterboard – which is thicker and denser for reducing sound transmissions –, placing sound absorbing insulation in wall cavities and ceiling spaces, using ‘floating floorboards’ to prevent vibrations, and double or triple glazed windows and doors. I note that the Applicant has specified that several such measures will be employed to address the issue of noise, which could be accommodated more effectively as part of new build development, as opposed to a retrofit project, in my opinion. The measures are set out in the Acoustic Report and Noise Reduction Measures Report, respectively, which form part of the application. I recommend that a condition should be attached to any grant of permission that issues requiring the development to implement and comply with the various noise control measures and protocols outlined in the report(s).
- 7.2.5. I note that the Planning Authority has also applied a condition (No. 5) strictly restricting the hours of operation for the outdoor seating area to conclude at 10pm. One of the appellants states that this condition would be unworkable and unenforceable and it is unreasonable to expect that patrons of the pub will comply with this requirement.
- 7.2.6. However, I consider that the application of a curfew for beer gardens, terraces or outdoor spaces is common practice for licensed premises in urban areas such as this, and I can see no reason as to why a good management approach would not result in the required outcome. Staff would be expected to close off the outdoor seating area at the required time and signage could be erected onsite to inform patrons of the obligations for using the space. The implementation of the condition would be typically underpinned by the patron management plan for the pub.
- 7.2.7. In relation to the issue of waste management, I consider that this this can be readily addressed via conditions requiring the preparation of an Operational Waste Management Plan (OWMP) and Resource Waste Management Plan (RWMP),

respectively. Each plan will help to ensure adherence to best practice and protocols in respect of waste management and the building works phase.

### **7.3. Protected Structures**

- 7.3.1. This part of Dublin City has a relatively high density of Protected Structures. These are denoted in the CDP zoning map as red asterisks. However, there is a limited number of such structures in the immediate vicinity of the site, in my opinion, and none of these directly adjoin the subject site.
- 7.3.2. I note that St Mary's Church (RPS 3450) lies on the southern side of Haddington Road on the far side of the street from the appeal site. It is roughly 200m away and, as such, would have a limited visual connection with the proposed development. There is an extensive group of Protected Structures along Herbert Place to the north and Baggot Street to the west. However, these are on the far side of the canal and 'around the corner' on another stretch of street, respectively, meaning the site is well removed in a visual sense from these receptors.
- 7.3.3. I note also that the character of the environment of the area surrounding the site has been significantly altered and continues to evolve over the last several decades. This is partly due to the Z4 'Key Urban Villages / Urban Villages' zoning vision which applies to the site and much of the surrounding area. It states that the purpose of the zoning is to serve the needs of the surrounding catchment by 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.
- 7.3.4. The proposal is in keeping with this vision and, in any case, would not be overly dominant or overwhelm the character of the area, in my view. I do not consider that the proposed development would have an unacceptable impact on any Protected Structures or from a built heritage perspective. I also do not consider that it would have a disproportionate impact on the Conservation Area north of the site for these same reasons, as noted above.

## **7.4. Other Issues**

### Demolition of Existing Structure

- 7.4.1. The proposed demolition and replacement of the existing pub with a mixed use development, comprising a new pub and apartments above, has been justified by the Applicant. I note that this issue was raised in the further information request issued by the Planning Authority.
- 7.4.2. In response, the Applicant provided a Demolition Justification report with a photographic inventory of the existing structure. The report assessed the amount of embodied carbon present in the existing building and provided a review of the integrity of the existing onsite structure. It also examined the feasibility of potentially incorporating the existing pub as part of a new development for the site.
- 7.4.3. The assessment ultimately found that there would be no advantage or merit for its preservation, or that it had any significant architectural or conservation value worthy of retention. The report also notes that the existing structure has been in a state of deterioration for several years now, such that extensive repairs would be needed under a refurbishment scenario.
- 7.4.4. I have read the report and concur with its findings.

### Visual Clutter

- 7.4.5. One of the appellants states that the current premises has large amounts of 'disfiguring paraphernalia' and that this constitutes an eyesore, particularly at the Haddington Road entrance. They go on to say that this has resulted in a cluttered and visually disruptive appearance for the street. During my physical inspection of the site this was apparent, and I noted that flags, signage, bunting and other types of decorative appendages were prevalent at the front of the property.
- 7.4.6. I consider that this issue can be adequately addressed by way of condition, however, which would require that no signage, advertisement or advertisement structures, other than those shown on the drawings submitted with the application, should be able to be erected or displayed on the building, or within the curtilage of the site, unless authorised by a further grant of planning permission.

### Basement

- 7.4.7. There are third party concerns regarding the construction of the proposed basement, including in relation to the depth of excavation required and that it could lead to constriction related nuisances for residents during works. Another concern raised is that the construction of the basement could lead to ground /groundwater contamination and that this issue should be carefully assessed.
- 7.4.8. I note that the Applicant has prepared a Basement Impact Assessment (BIA). This is a detailed evaluation required by the Planning Authority to assess the potential effects of basement construction on surrounding structures, groundwater conditions, and the environment.
- 7.4.9. I have read the BIA as part of my assessment of the file and note that an in-situ retaining wall is proposed as part of the basement and this this will be constructed in concrete. The lower basement level will sit above the water table and the proposed construction methodology will follow the recommended industry standard. Importantly, the BIA confirms that the basement will be resistant to groundwater ingress and uplift. The Council's Drainage Division, upon receipt of the BIA, accepted the report and the accompanying drawings as satisfactory, subject to condition.
- 7.4.10. In conclusion, I am satisfied that any residential impacts, including in relation to noise, air quality, vibration and traffic would be temporary in nature only, and can be addressed via a condition requiring the preparation of a final Construction Management Plan.

### Procedural Issues

- 7.4.11. An Appellant references certain procedural issues to do with the application. Specifically, it is stated that the public notices for the application failed to provide a full and accurate address for the property and that the groundfloor plan differs to the actual layout of this floor.
- 7.4.12. I note that the full postal address for the application site is Smyth's, 10 Haddington Road, Dublin 4. I have corroborated this against the public notices accompanying the application and am satisfied this procedural requirement has been met.

- 7.4.13. Regarding the alleged irregularities in the version of the groundfloor plan, I note the Applicant's response which confirms that the plan is based on a measured survey and, therefore, accurate. There is no information on the file, or otherwise, to suggest this prerequisite has not been properly met.
- 7.4.14. I do not consider that the appellants have been discommoded in any way, or that third party rights or entitlements have been impinged upon in some manner. I further note that the planning application was considered acceptable by Dublin City Council.
- 7.4.15. It is my opinion that this issue is not sufficient reason to refuse the application.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site comprises Smyth's Public House which has an address at 10 Haddington Road, Dublin 4, D04 FC63. It is not directly located within, or in proximity, to any European Sites. It is a brownfield site situated in an inner urban location near Dublin City Centre. It is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European site.
- 8.3. The nearest European Sites are the South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay SPA (Site Code: 004024), which are roughly 2km to the east of the site at the nearest point. The pNHA Grand Canal (Site Code: 002104) is roughly 30m to the northwest of the site.
- 8.4. The proposed development is described in Section 2.0 of my report above.
- 8.5. No nature conservation concerns were raised in the planning appeals.
- 8.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.7. The reason for this conclusion is as follows:

- The proposed nature of works, which comprise the redevelopment of an existing developed and urban site in an inner urban location, and which would be on fully serviced lands.
- The location and distance from the nearest European site and lack of any ecological connection(s), including a waterbody, such as a river, stream, drainage channel, or ditch.
- The Applicant's Planning Report, which includes a paragraph under Section 6 which states that a requirement for an AA Screening / NIS is not applicable in this case. Section 7 of the report also states that the requirement for AA can be screened out in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC). The Planning Authority did not raise any concerns or issues in this regard.

8.8. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

9.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

10.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the zoning objective for the site ('Z4 Key Urban Villages / Urban Villages'), which is provide for and improve mixed-services facilities and of Policy Sections 15.5.2 ('Infill Development') and 15.14.12 ('Night Clubs/Licenced Premises/Casinos/Private Member Clubs'), and the location of the site in proximity to a wide range of community services and social facilities, the existing pattern and character of development in the vicinity, and the design, scale and layout of the proposed development on what is a centrally-located, urban site, it is considered that, subject

to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, and would not seriously injure the residential or visual amenities of the area or detract from its character or built heritage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>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 9<sup>th</sup> December 2024, and on 31<sup>st</sup> January 2025, respectively, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>
3.	<p>The mitigation measures contained in the Noise Reduction Measures Report shall be implemented prior to the occupation of the permitted residential units.</p> <p><b>Reason:</b> To protect the environment.</p>
4.	<p>The outdoor seating area for the public house shall not operate between the hours of 10pm and 8am daily.</p> <p><b>Reason:</b> In the interests of residential amenity</p>
5.	<p>The proposed awning over the outdoor seating area shall be a single colour and shall not contain any advertisements.</p> <p><b>Reason:</b> In the interest of visual amenities.</p>



6.	<p>The following requirements of Dublin City Council's Drainage Division shall be complied with:</p> <ul style="list-style-type: none"> <li>a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.</li> <li>b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.</li> <li>c) All surface water discharge from this development must be attenuated in accordance with the requirements of the DCC's Sustainable Drainage Design and Evaluation Guide (2021).</li> <li>d) The development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details of the surface water management proposals shall be agreed in writing with DPPDC Section prior to commencement of construction.</li> <li>e) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.</li> <li>f) Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990. Please note, Uisce Éireann is the sanitary authority responsible for the foul and combined drainage network. Dublin City Council is the local authority responsible for the storm water drainage network.</li> <li>g) The outfall surface water manhole and the outfall pipe from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. The outfall manhole shall be located within the final site boundary of the development.</li> </ul>
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	<p>h) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary.</p> <p>i) The recommendations of the submitted Basement Impact Assessment shall be fully implemented.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
7.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction and Demolition Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>
8.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
9.	<p>The applicant shall comply with the following requirements of Dublin City Council's Transportation Planning Division:</p> <p>Prior to the commencement of development, the applicant shall submit revised details of the proposed cycle parking for the written agreement of the Planning Authority. These details shall demonstrate compliance with the Cycle Design Manual 2023, Compact Settlement Guidelines 2024, and Volume 2, Appendix 5, Section 3.0 of the Dublin City Development Plan 2022–2028. In particular:</p>

	<p>a) A minimum of 12no. long term cycle parking shall be provided for the residential aspect of the development. 1 no. cargo space shall be provided at ground floor for the residential aspect of the development, unless otherwise agreed. A minimum of 1no. long term and 3no. short term spaces shall be provided for the public house element.</p> <p>b) A proportion of the long-term cycle parking shall be provided using Sheffield stands or similar alternatives to accommodate larger bicycles and bicycles with accessories. The design must also enable cyclists to secure both the frame and wheels of their bicycles.</p> <p>c) For the proportion of the proposed long term cycle parking which is in two-tier stand style. A clear space of 2.0m - 2.5m in front of the two-tier cycle stands to allow proper alignment and placement of cycles, as specified in the Cycle Design Manual.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
10.	<p>No advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
12.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.</p>

	<b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.
13.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
15.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) for both the public house and residential units, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>Proposals for a apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No</p>

	<p>advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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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Ian Boyle  
Senior Planning Inspector

23<sup>rd</sup> June 2025

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322111-25
<b>Proposed Development Summary</b>	The proposed development is for the demolition of the existing buildings and structures on the site, the construction of a four storey and part five storey mixed-use building comprising a public house (class 10) at basement and groundfloor levels and 6 no. residential units at the upper floors set out in two blocks on either side of a central courtyard and associated site works.
<b>Development Address</b>	The site comprises Smyth's Public House which has an address at 10 Haddington Road, Dublin 4, D04 FC63.  It is situated between Haddington Road and Percy Place, which run along the front (south) and rear boundaries of the property (north), respectively. Haddington Road lies on an east to west axis, generally, and connects Baggot Street Upper with Northumberland Road.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.

<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	NA
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>	Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an Environmental Impact Assessment (EIA) is required for Class 10(b)(iv) urban development which would involve an area greater than 2 hectares (business district) 10 hectares (built up area) or 20 hectares (elsewhere).



<b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	The Applicant has not submitted Schedule 7A information.
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<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** Ian Boyle

**Date:** 23<sup>rd</sup> June 2025

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322111-25
<b>Proposed Development Summary</b>	The proposed development is for the demolition of the existing buildings and structures on the site, the construction of a four storey and part five storey mixed-use building comprising a public house (class 10) at basement and groundfloor levels and 6 no. residential units at the upper floors set out in two blocks on either side of a central courtyard and associated site works.
<b>Development Address</b>	<p>The site comprises Smyth's Public House which has an address at 10 Haddington Road, Dublin 4, D04 FC63.</p> <p>It is situated between Haddington Road and Percy Place, which run along the front (south) and rear boundaries of the property (north), respectively. Haddington Road lies on an east to west axis, generally, and connects Baggot Street Upper with Northumberland Road.</p>
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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>The nature of the proposed development is not exceptional in the context of the existing environment.</p> <p>During the construction phase the proposed development would generate demolition waste as the existing onsite structures and buildings are proposed to be removed.</p> <p>However, given the relatively modest size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which for residential use.</p>

	<p>The proposed size, scale and quantum of development is not exceptional in the context of its receiving environment.</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><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The site is near Dublin City Centre and within walking distance many available services and facilities in the area. The surrounding area has several different zonings, which is typical for a town centre context and setting, including mixed use, commercial and residential.</p> <p>The site, and its surrounding area, is not a particularly sensitive environment. The site is a brownfield site in an inner urban location. It is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p> <p>The subject site is not directly located within, or in proximity, to any European Sites.</p> <p>The nearest European Sites are the South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay SPA (Site Code: 004024), which are roughly 2km to the east of the site at the nearest point. The pNHA Grand Canal (Site Code: 002104) is roughly 30m to the northwest of the site.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>There is no real likelihood of significant effects associated with the proposed development.</p>

<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	<p><b>EIA is not required.</b></p> <p><b>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</b></p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	NA
There is a real likelihood of significant effects on the environment.	NA

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

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

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

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

(only where Schedule 7A information or EIAR required)