



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322533-25

<b>Development</b>	Change of use of retail/restaurant/café unit at ground floor and first floor level.
<b>Location</b>	Four & Five Park Place, Adelaide Road, Dublin 2
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	WEB1377/25
<b>Applicant(s)</b>	Sunny Quarter UC.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sunny Quarter UC.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> July 2025.
<b>Inspector</b>	Peadar McQuaid

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at number Four and Five Park Place, Adelaide Road, Dublin 2. It comprises of a largely completed office block. The block is predominantly 11- storeys in height. It forms part of a wider campus which comprises of office developments known as One, Two, and Three Park Place. The site is located at the edge of an inner-city area and the surrounding urban context is predominantly commercial / workplace in character. The Iveagh Gardens is within 140m of the site to the north.
- 1.2. The appeal site has frontage onto Harcourt Road/Adelaide Road and the LUAS green line to the south. A pedestrian access route, which separates Blocks Four and Five at ground level, connects Adelaide Road, Harcourt Road, and Hatch Street Upper bounds the site to the east.
- 1.3. The platform building of the Old Harcourt Street railway station (RPS - Ref No. 3514) adjoins the appeal site to the northwest with restaurants/cafes uses in the vaulted foundations. To the north of the site is office blocks of One, Two and Three Park Place. The appeal site has a stated area of 0.037 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development is described as follows:
  - Subdivision and part change of use of retail/restaurant/café unit at ground floor and first floor level. The unit was permitted as a retail/restaurant/café unit of 345 sq.m. at ground level and 309 sq.m. at first floor level. As a result of the proposed subdivision and part change of use, a retail/restaurant/café unit fronting Adelaide Road of 93 sq.m. at ground floor is proposed and office amenity space fronting the pedestrian route through the building of 252 sq.m. at ground floor and 309 sq.m. at first floor level is proposed.

Existing	Proposed
<u>Ground Floor</u>  345 sq.m. - retail/restaurant/café use	<u>Ground floor</u>  93 sq.m - retail/restaurant/café use  252 sq.m - office amenity space use

<u>First Floor</u>	<u>First floor</u>
309 sq.m.- retail/restaurant/café use	309 sq.m - office amenity space use

- All associated site development works and consequential amendments to the permitted development, including installation of manifestation on the glazing at the ground floor window bay along the pedestrian link between Adelaide Road and Hatch Street Upper.

2.2. The applicant proposes to revise the design as part of the appeal response. This includes:

- Proposed juice bar within entrance lobby at ground floor level of the office amenity space (wellness facility).
- Associated landscaping.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Dublin City Council (The Planning Authority) issued a notification of decision to REFUSE permission for the above-described proposed development on the 17th April 2025, for the following reason:

1. *The proposed loss of the retail/restaurant/café use and the creation of office amenity floor space is likely to result in a reduction in the animation and vibrancy of the street. The proposal will have a negative impact on the integrity of the permitted scheme and would be contrary to Policy CCUV28 and CCUV30 of the Dublin City Development Plan. One of the defining characteristics of the permitted scheme, was the retail use which was to create animation and activation/footfall along the pedestrian street which links Adelaide Road to Harcourt Street Upper. The proposed change of use will remove this opportunity, will result in the erosion of planning gain within this development and will create an undesirable precedent for similar type development. The proposed development would therefore be contrary to the*

*provisions of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.*

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

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

3.2.2. The Planner's Report is dated 16th April 2025 had regard to the material submitted with the application, the locational context of the site, local planning policy, planning history, the referral (Internal consultees and prescribed bodies) responses received, and submission made to the application. The report recommended refusal and made the following main points:

- The Planning Authority has serious concerns with regards to the proposal and the proposed reduction in publicly accessible space within this development. The permitted retail use within the office development contributes to the overall commercial functioning of the city during day, evening and nighttime, in line with the principles of the 15-minute city and development plan mixed use policy.
- The Planning Authority's concerns are not only restricted to the land use change but what it represents in terms of urban vitality, social cohesion, and sustainable city-making. By reducing the mix of uses and publicly accessible space, the proposal risks creating a development that turns its back on the original concept to the scheme, lacks vibrancy outside working hours, and fails to support the principles of inclusivity, proximity, and diversity that underpin the Development Plan and the 15-Minute City concept. Refusal is recommended on this basis.
- The report concludes that the proposed development having regard to the zoning of the site, the provisions of the 2022-2028 City Development Plan, would reduce the animation and vibrancy of the street outside working hours and would be contrary to the proper planning and sustainable development of the area.

#### **3.2.3. Other Technical Reports**

- Transportation Planning Division – No objection to the proposed development subject to standard cost of repairs to public road and services conditions.
- Drainage Division - No objection to the proposed development subject conditions in relation to compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and surface water management conditions of the previous grant of permissions.

### **3.3. Prescribed Bodies**

- TII - No objection to the proposed development subject to conditions relating to LUAS operations/safety and Section 49 supplementary development contribution.

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

3.4.1. There is one third-party submission on file. The issues raised are as follows -

- The proposed development will result in a loss of any potential vibrancy on the street after working hours.
- There is sufficient office space in the development to accommodate the designated office amenity area without losing the relatively minor extent of retail/restaurant space.
- Dublin City Council have supported modifications and downgrading of permissions in the vicinity of site. Examples referenced.
- The down grading and loss of any potential diversity and vibrance will not achieve the inclusive sustainable city of neighbourhoods that the city can be.
- The proposed development should be refused.

## **4.0 Planning History**

### **4.1. Appeal Site**

- PA. Ref. 3005/24 / ABP Ref 319376-24 – Permission GRANTED by An Bord Pleanála for retention and permission for development. Development to

consist of amendments to eastern elevation of permitted development. Retention is sought for addition of door to 3rd floor roof terrace.

- PA. Ref. 5019/22 – Permission GRANTED for the development consists of the following amendments to the development permitted under Reg. Ref. 2388/18 ABP Ref. ABP-301931-19); Reg. Ref. 3292/21 and is currently under construction. (i) provision of 4 no. external accessible terraces (north, south and west elevations) at seventh, ninth and tenth floor. Glazed railings/screens are proposed to all terraces; (ii) alterations to south elevation to provide selected copper coloured treatment to frame 2 no. building entrances incorporating signage zones; (iii) revised soffit detail to plaza entrance; (iv) minor amendments to the basement plant, car and bicycle parking layout; (v) all associated site development works and consequential amendments to the permitted development.
- PA. Ref. 3292/21 – Permission GRANTED for the development consists of the following amendments to the development permitted under Reg. Ref. 2388/18 (ABP Ref. ABP-301931-19) and under construction: (i) Provision of part one, part two additional floors, to provide for an up to eleven storeys over basement level building; (ii) Reconfigurations of floorplates including internal layouts and core locations; (iii) Revisions to elements of permitted elevations of the new development; (iv) Increase in secure bicycle parking at basement level by 35 no. to 228 no.; (v) Increase in car parking provision by 9 no. to 57 no. total; (vi) Overall, the proposal increases the development by 3,546 sq.m. to a total 25,369 sq.m. (Including basement and a minor reduction in the retail provision by 14 sq.m.); (vii) All associated site development works and consequential amendments to the permitted development.
- PA. Ref. 3588/18 - Permission GRANTED for demolition and enabling works: (i) The demolition of the former Telephone Exchange building and vaulted foundations 10 and 11 adjacent to the former Harcourt Railway Station buildings. (ii) Excavation on site to provide for future basement, pile retaining wall to excavation and provision of ground bearing slab and perimeter hoarding to boundary. (iii) Temporary pedestrian route linking Hatch Street Upper to Harcourt Road and Adelaide Road. (iv) Temporary pedestrian route

linking Hatch Street Upper to Harcourt Road and Adelaide Road. (v) All ancillary and associated site development, demolition works, site clearance, drainage and infrastructural works including poles for supporting overhead Luas lines.

- PA. Ref. 2388/18 / ABP Ref 301931-18 – Permission GRANTED for the development consists of the following: (i) The provision of a nine storey including two set back storeys (over basement) commercial development with 18,464 sq.m. gross floor area of office space; (ii) The provision of a new pedestrian link from Harcourt Road through to the existing plaza area west of One Park Place, providing for access through to Hatch Street Upper from Harcourt Road; (iii) The provision of two retail/restaurant/cafe units at ground floor to Harcourt Road and Adelaide Road with a GFA of 640 sq.m. (including mezzanine level); (iv) The provision of a single storey basement level of 2,648 sq.m. GFA which would link to the existing basement servicing One, Two and Three Park Place. Vehicular access to the basement is proposed via the existing ramp to Hatch Street Upper at Two and Three Park Place; (v) The provision of 48 no. car parking spaces and 193 bicycle parking spaces at the proposed basement level with associated facilities; (vi) The proposed development involves the demolition of the former Telephone Exchange building and vaulted foundations 10 and 11 adjacent to the former Harcourt Railway Station buildings; (vii) Public realm upgrades to Harcourt Road and Adelaide Road linking through to the plaza area west of One Park Place; (viii) All ancillary and associated site development, demolition works, site clearance, infrastructural works, provision of plant at basement and roof levels including photovoltaic panels. (ix) The overall development consists of a total 21,906 sq.m. GFA.
- PA. Ref. 3257/15 – Permission GRANTED for development at a 0.02 hectare site comprising of an existing battery room located at ground floor level to the rear (north) of the Eircom Telephone Exchange building, Adelaide Road, Dublin 2. The proposed development comprises the demolition of part (119 sq.m) of the existing battery room (total floor space of 205 sq.m), and associated roof escape enclosure and part of the tank room, the provision of a new wall to the retained part of the battery room, and the provision of a new



escape stairs with escape below to the existing access ramp serving the One and Two Park Place development on Hatch Street Upper. The proposed development includes all associated and ancillary works.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **5.2. Dublin City Development Plan 2022 – 2028**

- 5.2.1. The appeal site has a land zoning of 'Z6 – Employment/Enterprises Zones' with the objective 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.
- 5.2.2. Chapter 5 refers to Quality Housing and Sustainable Neighbourhoods.
- 5.2.3. Section 5.5.3 provides guidance on Healthy Placemaking and the 15-Minute City. It outlines that 15-minute city concept envisages that within 15 minutes on foot or bike from where they live, that people should have the ability to access most of their daily needs.
- 5.2.4. Policy QHSN11 outlines that it is policy 'to promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible'.
- 5.2.5. Chapter 6 refers to the City Economy and Enterprise and indicates in Section 6.5.6 that a choice of good quality and cost-competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment. Attracting headquarter type uses to the city is a key foreign direct investment strategy.
- 5.2.6. Policy CEE21 (i) outlines that it is policy to promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.

- 5.2.7. Chapter 7 refers to The City Centre, Urban Villages and Retail and states that Dublin city's urban centres comprise the city centre, which is the prime retail destination for the country, surrounded by a network of inner and outer suburban centres of different scales. These centres offer a range of opportunities for retail, community and social interaction, services, jobs / business development, amenities and cultural and artistic engagement.
- 5.2.8. Policy CCUV28 relates to 'Provision of Retail Services' and states that it is policy 'to support and promote the development of retail service development at all levels of the retail hierarchy in the city'.
- 5.2.9. Policy CCUV30 relates to 'Cafés / Restaurants' and states that it is policy 'to promote and facilitate the provision of cafés / restaurants in the city and support their role in making the city more attractive for residents, workers, and visitors and in creating employment'.

### **5.3. Natural Heritage Designations**

- 5.3.1. The nearest designated Natura 2000 sites are the South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024), which are located c. 3.2km to the east of the appeal site.

### **5.4. EIA Screening**

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

6.1.1. This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as following:

- The proposal aligns with the relevant land use zoning objectives – Z6, where the primary focus is to foster long term economic development through the creation of intensive employment hubs. Retail, recreation, and leisure uses are considered subsidiary and supportive, ensuring that they do not conflict with the primary employment – driven purpose of the zoning.
- Employment is a key component of the concept and spatially, there are a wide mix of land use zoning objectives provided within 15 minutes' walk and cycle.
- The 654sq.m unit, with significant first floor space, has remained vacant due to its size and layout. The proposal aims to reconfigure the space to align with market demand, offering more viable, flexible retail and complementary uses, boosting occupancy and supporting the local business ecosystem.
- In response to the challenges posed by COVID-19, the proposal aims to attract workers back to the office by enhancing office amenities, while balancing this with sheltered spaces and landscape improvements that provide for community gain and further support the vibrancy of this campus.
- The proposal will drive footfall, increase dwell time and boost spending in the Park Places retail units, enhancing the campus's viability. Despite reducing retail space, it is serving the primary objective of its land use zoning, while complying with Dublin City Development Plan.
- The unit will maintain visual activity along a key pedestrian, with landscaping and improved glazing mitigating visual impact while preserving public realm quality. The Adelaide Road frontage remains unchanged, ensuring active use and a more viable retail size, contributing to the area's vibrancy.
- Should An Bord Pleanála be minded to grant permission subject to the limitation of the use of the space to a wellness facility, it is respectfully

submitted that such a limitation on use be appropriately incorporated with a suitably worded condition.

- Should An Bord Pleanála be minded to grant permission subject to the provision of a publicly assessable juice bar within the entrance lobby and proposed landscaping, it is respectfully submitted that such a provision may be required by an appropriately worded condition.

## **6.2. Planning Authority Response**

- No response was received from the Planning Authority.

## **6.3. Observations**

- No observations were received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Development Plan Policy.
- Impact of change of use.
- Other matters.

### **7.2. Principle of Development**

7.2.1. The appeal site is located within ‘Z6, *Employment/Enterprise*’ zoned lands, the objective for which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation.

7.2.2. Guidance contained in the Development plan for this land-use zoning category states that outside of strategic development areas (SDAs), *“the Z6 lands constitute an important land bank for employment use in the city, which is considered*

*strategically important to protect. The primary objective for this zone is to facilitate long-term economic development in the city.”*

- 7.2.3. The guidance further outlines that *“a range of other uses including local support businesses, are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones. The incorporation of other uses, such as recreation/leisure and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, nor with the vitality and viability of nearby Urban Villages”*.
- 7.2.4. The proposed development involves the subdivision and part change of use of a previously permitted retail/restaurant/café unit at ground floor and first floor level to a proposed retail/restaurant/café unit at ground floor level (fronting Harcourt Road/Adelaide Road) and office amenity space at both ground floor (fronting the pedestrian street) and first floor level. The appellant has stated in the grounds of appeal that the proposed development is in compliance with the Z6 land zoning objective, that the proposed office amenity space falls under ‘office use’ which is a permissible use and the retail use was previously a permitted is ‘open of consideration’.
- 7.2.5. Under the ‘Z6, *Employment/Enterprise*’ land use zoning category ‘café’, ‘shop (local)’ and ‘restaurant’ are all listed as ‘permitted’ uses. There is no specific land use category in the Development Plan relating to ‘office amenity space’. I consider the most applicable land use zoning categories having regard to land-use definitions contained in Volume 2, Appendix 15 of the Development Plan, to be ‘office’ and ‘sports facility/recreational use’ as the proposal is to be utilised as wellness facility incorporating gym equipment and spa type facilities solely for the benefit of office occupiers of Park Place. For clarity the Development Plan definition of a *sports facility/recreational use* is ‘a building, or part thereof, or land used for organised and competitive sporting activity and/or recreational use that aims to promote physical activity and well-being e.g. sports hall, gym, health studio.... etc’.
- 7.2.6. These uses are listed as ‘permissible’ and ‘open for consideration’ respectively. I am satisfied that the open for consideration use of ‘sports facility/recreational use’ is

compatible with the overall policies and objectives for the zone and would not have undesirable effects on the permitted uses.

- 7.2.7. Based on the land-use zoning objective and guidance, I consider the primary function of the appeal site is for employment creation through primarily office-based industry. Having regard to plans submitted I am satisfied that the revised size of the retail/café/restaurant unit and the introduction of a recreation/leisure use in the form of the proposed office amenity space is of an acceptable ratio both in the context of the overall office use of Four & Five Park Place and the mixed uses of the wider Park Place campus. I consider the proposal to be subsidiary to the main employment generating use and not of a sufficient scale to conflict with the vitality and viability of the adjoining 'Z4 Urban Villages' zoned lands.
- 7.2.8. On balance, I am satisfied that the principle of the proposed development is acceptable and will enhance the desirability of the office block and wider Park Place campus to attract a suitable tenant for Four & Five Park Place which would represent the optimal use of the office block development. At the time of my site inspection the appeal site was vacant with only a shell and core fit out. While I accept that the reduction in size of the permitted retail/restaurant/café unit would alter the intended mixed-use ratio of the office block development, I would contend that current occupancy status of the office block which has been vacant since completion two years ago does not contribute to any employment generation or stimulate any footfall for the area. The Coimisiún will note that under Section 6.5.5 of the Development Plan states that '*vacancy is significant issue for the city economy as vacant commercial and residential floorspace represent not only a misuse of a valuable resource but also detracts from the urban quality and on the attractiveness of an area for its residents, visitors, businesses and for potential investors*'.
- 7.2.9. Overall, I consider that the principle of the proposed development acceptable within this zoning category, subject to the detailed considerations below.

### **7.3. Development Plan Policy**

#### **7.3.1. Policy CCUV28 and Policy CCUV30**

- 7.3.2. The reason for refusal by the Planning Authority states that the proposed development would be contrary to Policy CCUV28 and CCUV30 of the Development Plan.

- 7.3.3. For clarity, Policy CCUV28 seeks *‘to support and promote the development of retail service development at all levels of the retail hierarchy in the city’*. The purpose of the retail hierarchy is to indicate the level and form of retailing activity appropriate to the various centres across the city and in doing so, to protect each centre’s vitality and viability, while allowing each centre to perform its role within the hierarchy. The hierarchy emphasises the primacy of the City Centre. The City Centre retail core area is primarily subject to land use zoning objective ‘Z5 city centre’. Having regard to Volume 2, Appendix 2 Retail Strategy, Section 5, Table 2 and Section 6.0 ‘Scale and Location of Retail Development’ of the Development Plan, I am satisfied that appeal site is not located within a land use zoning objective (Z3, Z4, Z5, Z14) that is included within the retail hierarchy of the city therefore I consider that Policy CCUV28 is not applicable in this instance.
- 7.3.4. Policy CCUV30 of the Development Plan sets out that it is a policy of the Council to *‘promote and facilitate the provision of cafés / restaurants in the city and support their role in making the city more attractive for residents, workers, and visitors and in creating employment’*. In my opinion the Planning Authority have not demonstrated how the proposed development would be contrary to this policy. While I acknowledge the concerns raised by the Planning Authority in relation to the proposed reduction in publicly accessible space within this development. I do not contend that the proposed development which still retains 93sq.m of a retail/restaurant/café unit at ground floor level is contrary to the stated policy.
- 7.3.5. I am satisfied that the proposed unit at ground floor would provide an acceptable level of activity and animation while complementing the existing café/retail uses already located within wider Park Place campus and adjoining streets.
- 7.3.6. 15-Minute City concept
- 7.3.7. I note that the Planning Authority in their assessment of the application have deemed that the proposed development fails to support the principles that underpin the Development Plan and the 15-Minute City concept. Section 5.5.3 ‘Healthy Placemaking and the 15-Minute City’ of the Development Plan is of guidance to this appeal. It states that, *‘a core objective of the plan is to promote the principle of the 15-minute city. The 15-minute city concept envisages that within 15 minutes on foot*

*or bike from where they live, that people should have the ability to access most of their daily needs’.*

- 7.3.8. The Development Plan outlines that ‘Key Urban Villages’, ‘Urban Villages’ and ‘Neighbourhood Centres’ will play a key role in developing the concept of a 15-minute city. Furthermore, Policy QHSN11 states that it is the Policy of Dublin City Council *‘to promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible’.*
- 7.3.9. The appeal site is not located within one of the above aforementioned land use zoning categories of ‘Key Urban Villages and ‘Urban Villages’ – Zone 4 or ‘Neighbourhood Centres’- Zone 3. The appeal site is situated within the south inner city where within 15 minutes’ walk or cycle, a wide variety of different land use zoning categories are situated. As noted above in section 7.2.6 of this report the primary function of the appeal site is for employment creation with other subservient uses. One of the key principles of the 15-minute city concept is that urban inhabitants should be able to access most of their daily needs—such as employment within a 15-minute walk or cycle from their home. The appellant has contended that the potential footfall generated by 6,000 – 7,000 capacity office workers of the Park Place Campus is a vital component of a vibrant and successful city centre.
- 7.3.10. I am satisfied that the proposed development will contribute to the primary function of the appeal site by improving and facilitating the opportunities for employment creation that can be easily accessed by surrounding residents through adjoining high quality public transport modes. The potential additional employees through office re-occupation and new commercial tenancies will support both urban vitality and vibrancy which aligns with both the 15-Minute City concept and Development Plan.
- 7.3.11. Conclusion
- 7.3.12. On balance, I am satisfied the proposed development would not be contrary to Policies CCUV28, CCUV30 or QHSN11 of the Development Plan. Furthermore, I consider the proposal is consistent with Chapter 6 - City Economy and Enterprise of



the Development Plan including section 6.5.6 which states that *‘an adequate supply of high-quality office and commercial floorspace will still be a key requirement for Dublin’s economy in the future. A choice of good quality and cost-competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment’*.

#### **7.4. Impact of change of use**

- 7.4.1. The appellant proposes to reconfigure and subdivide the previously permitted retail/restaurant/café space within the appeal site. The space has a stated total area of circa 654 sqm and is located at both ground and first floor levels. The ground floor retail/restaurant/café space, measuring 345 sqm is to be subdivided into two separate units. The first unit fronting onto Adelaide Road will maintain its retail/restaurant/café use and measures 93 sqm. The second unit, 252 sqm in size is subject to a change of use and is to become a new office amenity space. On the first floor, which comprises 309 sqm of retail/restaurant/café space, a similar change of use is proposed, to provide for an office amenity space. Both office amenity spaces are internally connected and are to be utilised as a wellness facility for employees of the wider Park Place campus. The proposal will result in the re-allocation of 561 sqm from retail/café/restaurant use to office amenity use (office wellness facility). No change is proposed to the overall gross floor area within the appeal site.
- 7.4.2. The grounds of the appeal in response to the Planning Authority’s refusal decision state that the requirement for the proposal is primarily based on the on-going vacancy of the retail/café/restaurant unit. The unit has remained vacant for the two years despite marketing by the developer agents. This is due to the size of the unit exceeding current market requirements. The internal configuration which includes a mezzanine level element and the provision of almost half of the floorspace at first floor level further compounds the lack desirability from prospective retailers/tenants. The original scheme was designed in 2017/2018 and no longer aligns with current market conditions where demand for large mezzanines has decreased. The appellant has highlighted the need for targeted interventions such as complementary facilities (wellness facility) to encourage staff back to the workplace post-COVID to address low occupancy levels.

- 7.4.3. Having reviewed the submitted plans, I am satisfied that the proposed design and layout of the new retail/restaurant/café unit would provide an active interface with the public street. This section of Harcourt Road/Adelaide Road mainly comprises of office/commercial developments that in large part have minimal interaction at street level with entrance lobbies providing the only interface. The proposed unit would help supplement the existing retail/ restaurant/café offering in the immediate vicinity while providing vibrancy and animation to this primary frontage of the appeal site. The benefit of direct access onto the public street would also allow increased trading times outside of core office working hours.
- 7.4.4. I note the Planning Authority within its assessment expressed concerns with the proposed change of use from retail to office amenity space and the reduction in publicly accessible space within the development. Furthermore, the Planning Authority state that the creation of office amenity floor space is likely to result in a reduction in the animation and vibrancy of the pedestrian street which links Adelaide Road to Harcourt Street Upper.
- 7.4.5. By way of clarity, as part of the appeal response an amendment to the layout has been proposed by the appellant. In this regard, I refer the Coimisiún to the accompanying document prepared by BKD Architects which shows the inclusion of a juice bar within the entrance lobby area of the office amenity space and associated soft landscaping to the public realm. The appellant in response to the Planning Authority concerns has stated that the juice bar would be publicly accessible.
- 7.4.6. In my opinion, the proposed office amenity space would not lead to a significant reduction in the animation and vibrancy of the pedestrian street which links Adelaide Road to Harcourt Street Upper. I consider the introduction of the publicly accessible juice bar will result in a suitable degree of animation and vibrancy to the pedestrian street. The new uses of recreation/leisure use and retail (juice bar) would remove the existing dead frontage and visual disamenity currently created by the unit vacancy. The addition of landscaping at the entrance and to the front of the building would help soften the public realm and encourage dwell time through the provision of seating. If the Coimisiún are mindful of granting permission to the proposed development, I would recommend the inclusion of the juice bar with public access. I would also consider it appropriate that a condition is attached to any grant of permission requiring the appellant to submit detailed proposals for the internal layout

of the entrance lobby and the size/location of the juice bar and associated public realm landscaping to be agreed in writing with the Planning Authority prior to commencement of development.

- 7.4.7. I am satisfied that the new office amenity space to be utilised as wellness facility would be generally a positive addition to the area. Firstly, it would enhance the desirability of the vacant appeal site (Four and Five Park Place) and the wider campus for potential tenants by offering high quality amenities for staff, thereby increasing office occupancy levels and employment generation. All of which align with the primary objective of the land use zoning objective. Secondly, by increasing the likelihood of office occupation, it will generate extra footfall for the existing retail/café recreational businesses within the Park Place campus thereby making them more viable and sustainable. I would support the strategy of the appellant in encouraging employees to spend more dwell time in the area both within and outside working hours through the provision of enhanced complementary facilities.
- 7.4.8. Furthermore, I am satisfied the proposed office amenity space would compliant the existing mix of uses within the wider Park Place campus. At the time of my inspection on a weekday mid-morning, I noted full occupancy of the nine retail/café/leisure units within the vaulted foundations of the Old Harcourt Street railway station. These units primarily cater for the needs of the employees in Park Place campus and adjoining office developments but also serve the surrounding local community during opening times. I consider it appropriate to include condition to define the use of the office amenity space to align with definition of a '*Sports Facility and Recreational Uses*' as set out in Volume 2, Appendix 15 of the Dublin City Development Plan 2022-2028.
- 7.4.9. It is noted from the site inspection that the pedestrian street which links Adelaide Road to Harcourt Street Upper through the Park Place campus is subject to restricted opening hours by campus management, with all access points gated. I note the Planning Authority referenced the lack vibrancy outside working hours as a consideration in issuing a refusal decision for the proposed development. I would contend that the proposed office amenity space would potentially help extend the campus opening and closing hours by allowing employees access the welfare/leisure/gym facilities before and after core work hours thus supporting vibrancy of the campus over longer hours. I note the opening hours of the campus

have been recently extended (6.00am to 9.00pm) as result of the Platinum Pilates studio opening in vault number three under Planning permission Reg Ref 4668/23.

- 7.4.10. On balance, I am satisfied the proposed change of use would not result in any significant reduction in the animation or vibrancy of the pedestrian street which links Adelaide Road to Harcourt Street Upper. I consider the proposal would likely lead to planning gain through the enhanced prospect for increased office occupancy levels, employment gains and footfall generation. I would not consider the loss of 561 sqm of retail/café/restaurant use to recreation/leisure use in the form of the proposed office amenity space to be so significant as to warrant refusal of the application. Overall, I consider the change of use as proposed to be acceptable. Therefore, I consider permission should be granted.

## **7.5. Other Matters**

### **7.5.1. Supplementary Development Contribution**

- 7.5.2. A submission was made by Transport Infrastructure Ireland on the original application stating that the subject site is located within a catchment area for the Section 49 Supplementary Contribution Scheme for the Luas Cross City line (St. Stephen's Green to Broombridge line). I have consulted the said scheme and the appeal site is located within the catchment area of the scheme. However, I note under Section 11 of the Scheme that the following categories of development will be exempted from the requirement to pay a development contribution scheme.

- Permissions for a change of use from one commercial/retail use to another are exempt. Any net additional floorspace will be charged at the commercial rate.

- 7.5.3. This exemption would not apply in this instance, given the proposed office amenity space would include gym/wellness facilities (recreational use) and as such I do consider that the Section 49 Supplementary Scheme is applicable.

## **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. The subject site is not located within or adjacent to any European Site(s). The closest European sites are the South

Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024), which are located c. 3.3km to the east of the appeal site.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the development proposed, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows

- The nature of the development proposal.
- The location of the development in a serviced urban area.
- The distance to the Natura 2000 site network and the absence of pathways to any European site.

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 Water Framework Directive Screening**

- 9.1. The subject site is located within an urban area circa 277m away from the nearest waterbody (Grand Canal-Main Line). The proposed development comprises of the subdivision and part change of use of retail/restaurant/café unit at ground floor and first floor level to office amenity space at ground floor and at first floor level and all associated site development works.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no

conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows

- Nature and scale of the development.
- Distance from nearest Water bodies and lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

10.1. I recommend that the Commission grant permission, subject to conditions, based on the reasons and considerations set out below.

## **11.0 Reasons and Considerations**

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

## 12.0 Conditions

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

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

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

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

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

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

4. (a) Full details of the juice bar and internal layout of the office amenity space lobby area shall be submitted to the planning authority prior to the commencement of development, which details of the exact use, location, seating and external signage, shall be agreed in the writing with planning

authority prior to its occupation. All glazing on this frontage shall be kept free of all stickers, posters, manifestations and advertisements.

(b) The juice bar shall be open to the public during normal working hours.

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

5. A landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following

- a) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
- b) details of proposed street furniture, including bollards, lighting fixtures and seating.

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

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

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

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

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

7. During the operational phase of the office amenity space the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location or at any point along the boundary of the site.



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

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

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

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

9. The developer shall pay to the planning authority a financial contribution in respect of The LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

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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Peadar McQuaid  
Planning Inspector

13<sup>th</sup> August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Change of use of retail/restaurant/café unit at ground floor and first floor level.
<b>Development Address</b>	Four & Five Park Place, Adelaide Road, Dublin 2
	<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>	State the Class here  <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
<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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><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></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

**Date:** 13<sup>th</sup> August 2025