

An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP323188-25**

<b>Development</b>	Protected Structure: permission & retention – change of use of retail to offices / café with internal alterations and all associated site works.
<b>Location</b>	Nos. 6 & 7 St. Stephen's Green.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	WEB2449/24
<b>Applicant(s)</b>	Perfect Stripe Ltd.
<b>Type of Application</b>	Permission and retention.
<b>Planning Authority Decision</b>	Refuse retention permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Perfect Stripe Ltd.
<b>Observer(s)</b>	None to date.
<b>Date of Site Inspection</b>	06/10/2025.
<b>Inspector</b>	Anthony Abbott King

## **1.0 Site Location and Description**

**1.1** Nos. 6 & 7 St. Stephen's Green located on the north side of St. Stephen's Green between Grafton Street and Dawson Street are abutting protected structures in a predominantly 4-storey commercial streetscape of Georgian / Victorian style buildings with predominantly narrow plot widths and active street frontages.

Nos. 6 & 7 elevate 4 storeys in height onto St. Stephens Green. No. 6 exhibits an additional mansard style floor at roof level.

No. 6 is set forward of no. 7 creating a transition in the streetscape in terms of a distinct change in building line. The change in building line creates a shallow front recess between the projection of no. 6 and the projection of the external bifurcated access stairs to no. 8 St. Stephen's Green adjoining to the east. It is noted the main entrance of No. 8 St. Stephens Green is raised above the streetscape in contrast to the general street frontages on the east side of St. Stephen's Green, which are at grade.

## **2.0 Proposed Development**

**2.1** The applicant applied for the following permission & retention:

- (a) Permission for external seating area to front (south) of building 10 sqm with chairs, tables, un-branded wind-breaks, within the curtilage of site abutting the public footpath.
- (b) Retention for the following:
  - (i) Change of use of (a) basement from retail to offices (410 sqm), (b) ground floor from retail / storage to office (385 sqm) and café (185 sqm), and (c) first floor from

retail with ancillary accommodation to offices and ancillary accommodation (600 sqm);

(ii) Minor internal alterations to non-original partitions;

(iii) Replacement of fascia sign consisting individual cut out built-up brass letter on existing stone fascia.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

The planning authority refused retention / permission for the following reasons:

- 3.1.1. (1) *The proposed loss of retail and the creation of café and office floorspace is contrary to policy CCUV28 and of the Dublin City Development Plan 2022-2028 and is contrary to the key objective 2 of the Scheme of Special Planning Control for Grafton Street and Environs 2019 which seeks to achieve an appropriate mix and balance of uses in Grafton Street by controlling new uses and promoting higher order comparison retail outlets, to provide for a high quality shopping area. The proposed change of use will remove this opportunity 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, the Scheme of Special Planning Control for Grafton Street and Environs 2019 and the proper planning and sustainable development of the area.*

#### **3.1.2. Planning Authority Reports**

The decision of the CEO Dublin City Council reflects the recommendation of the planning case officer report, which recommended a refusal of permission following a Further Information Request by the planning authority.

The Planning Authority requested the following Further Information on the 23/12/24 in order in part to address the concerns of the Conservation Division:

- (i) *A detailed Architectural Heritage Impact Assessment (AHIA) to provide a detailed schedule and analysis of each aspect of the already completed unauthorised works including specifications for materials used. The AHIA report shall adhere to the standard for such reports set out in Appendix B, Architectural Heritage*



*Protection Guidelines for Planning Authorities (2011). The Conservation Architect shall ensure that all completed works adhered to the guidance within each of the relevant Department-published Advice Series publications.*

- (ii) The applicant is requested to demonstrate the following a minimum of 12 number long term cycle parking spaces should be provided, and cycle parking shall be secure, conveniently located, sheltered and well lit....*
- (iii) The applicant is requested to clarify the uses throughout the building including the café at ground floor and the office use at basement, ground and upper floor levels, in light of signage to the front of the premises stating 'Private Members Club'. It should be noted that the loss of retail space, particularly at ground floor level, contravenes the policies and objectives of the Scheme of Special Planning Control for Grafton Street and Environs and the Dublin City Development Plan.*
- (iv) The applicant is requested to clarify all proposed signage, including all signage to the café at ground floor level.*

The further information response prepared by Cathal O'Neill & Company, Architects, 33 Pembroke Road, Dublin 4 was received on the 09/06/2024.

In response to Item (i) the applicant submitted *inter alia* an Architectural Heritage Impact Assessment (AHIA) noting that it could not be confirmed that works were carried out in accordance with the 'Advice Series' guidelines as works were discharged before the engagement of the conservation architect. However, it is further noted that the 'Advice Series' may not be applicable as the lower three floors of the building appear to be substantially rebuilt as a concrete structure in the 1980's apart from the south façade.

In response to Item (ii), the applicant noted that long term cycle parking in excess of 12 spaces is located to the rear of the building accommodated in a secure room at ground floor level entered from the rear. In the matter of visitor parking 2 number Sheffield (4 spaces) stands are proposed within the front curtilage, as shown on DRG. No. 772.2PP18.

In response to Item (iii), the applicant notes that the use of the upper three floors has been "office" since the 1980s and before. A report prepared by Manahan Planners appended to the response addresses the policies and objectives of the



development plan in the matter of the three lower floors the subject of this application, which were in part previously in retail use.

In response to item (iv), the applicant notes that the signage proposed is as per the planning application.

### 3.1.3 Other Technical Reports

Conservation Division have no objection to retention permission and permission subject to condition following review of the further information response.

The Conservation Division do not consider the proposed Sheffield stands, accommodating short term bicycle parking, appropriate given their proposed location within the front curtilage of protected structures.

### 3.3. Prescribed Bodies

No comment other than TII response (attach condition).

### 3.4. Third Party Observations

None recorded.

## 4.0 Planning History

4.1 There is a complex planning history on this site given its commercial city centre location. However, there is no recent relevant planning history of note.

## 5.0 Policy Context

### 5.1 Development Plan

The following policy objectives of the Dublin City Development Plan 2022-2028 and ancillary documents are relevant:

#### **Zoning**

The zoning objective is 'Z5' (Map E) 'City Centre': *To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*

Office & Café/Tearoom are permissible uses.

## Architectural Conservation Area Designation 2006

The development is within the Grafton Street & Environs Architectural Conservation Area. Nos. 6 & 7 St. Stephen's Green are denoted as 'shopping centre' on Figure 1 of the document that illustrates the boundaries of the architectural conservation area, which include the north side of St Stephens Green from Grafton Street to Dawson Street.

### Protected Structure(s)

Nos. 6 & 7 St. Stephen's Green are protected structures (RPS Ref: no. 7765).

Chapter 15 (Development Standards), Section 15.15.2.3 (Protected Structures) of the Dublin City development Plan 2022-2028 states that: *the inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to the structure, provided that the impact of any proposed development does not adversely affect the character of the Protected Structure and its setting.*

Chapter 11 (Built Heritage) is relevant in the matter of the policy context regulating the development of protected structures, which *inter alia* states:

### Historic Use

*The historic use of the structure is part of its special interest and often the best use for a building will be that for which it was built. However, on occasion a change of use will be the best way to secure the long-term conservation of a structure. Where a change of use is proposed, the building should be capable of being converted into the new use without harmful extensions or modifications, such as the insertion of new openings, staircases, the substantial subdivision of historic floor plans and/or serious loss of historic fabric.*

### Retail

Chapter 7 (Retail) and Appendix 2 (Retail Strategy) of the Dublin City Development Plan 2022-2028 are relevant:

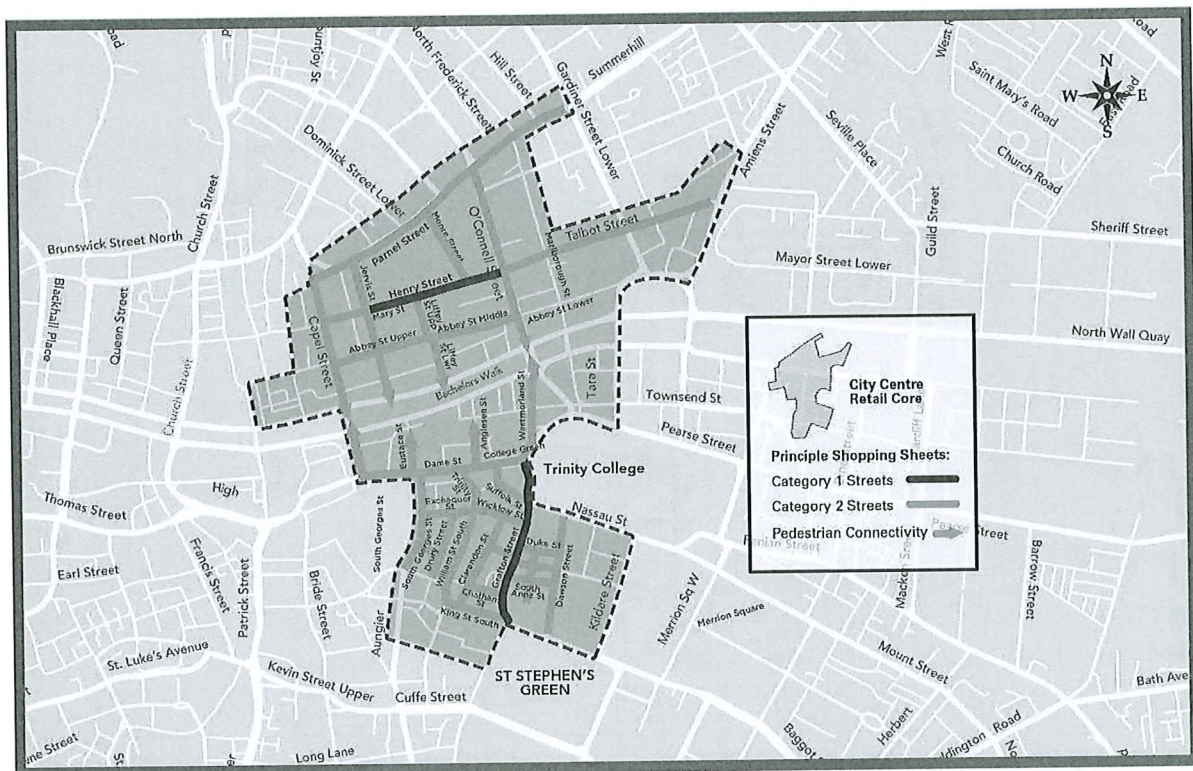


Chapter 7, Section 7.5.2 (Primacy of the City Centre and retail Core Area) *inter alia* states:

*Dublin City Centre serves as the pre-eminent shopping, business, cultural and leisure destination in the state. To ensure the long-term sustainability, viability and vitality of the city centre, it is important that it can adapt to changing consumer demands and behaviour, changing work patterns and the challenges posed by online retailing .....*

It is noted that Grafton Street is a Category 1 Retail Street

**Figure 7.2: Dublin City Centre Retail Core, Principal Shopping Streets**



The following retail policies are relevant:

Policy CCUV2 (Retail Hierarchy) is relevant and states:

*To implement the retail hierarchy contained in the 'Retail Strategy' of this Development Plan and to support retail development at all settlement levels in the city. Retail development within the hierarchy of centres will be of a scale, type, and nature that reflects and enhances the role and function of the centre within which it is proposed as per the Retail Strategy, Appendix 2.*



Policy CCUV8 is relevant and states:

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

Policy CCUV15 (Premiere Shopping Area)

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

Policy CCUV28 is relevant and states: *To support and promote the development of retail service development at all levels of the retail hierarchy in the city.*

### **Co-working spaces**

Chapter 15 (Development Standards), Section 15.14.5 is relevant and *inter alia* states the following:

The Co-working spaces are e-working hubs that enable a range of users to work independently in a collective space.....

Co-working spaces should ensure a high level of interaction at street level and avoid the use of screens / glazing manifestations where possible.

Communal cycle storage and associated facilities should be provided in accordance with requirements for office developments, Appendix 5 for further details.

Co- Working spaces should be located in city centre areas, key urban villages or in urban villages/neighbourhood centres in line with the 15 minutes city objective.....

### **Café**

Chapter 15 (Development Standards), Section 15.14.7.2 (Restaurants/Cafes) is relevant and states:

The positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised. In considering applications for outdoor dining the following is relevant:

*For proposals relating to outdoor dining, applicants will be required to demonstrate whether temporary or permanent outdoor dining facilities are provided. These areas should be fully contained within the site boundary. Temporary dining should ensure all fixtures and fittings are fully removable outside operating hours and should not impede access or create undue clutter or trip hazard in the streetscape.*

Chapter 15, Section 15.17.4 (Outdoor Seating and Street Furniture) is relevant and states:

Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. In considering applications for outdoor furniture, the planning authority shall have regard to the following:

- *Size and location of the facility.*
- *Concentration of existing street furniture in the area.*
- *The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens.*
- *Impact on the character of the streetscape.*
- *The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance.*
- *Impact on access and visibility.*

**Scheme for Special Planning Control for Grafton Street and Environs 2019-2025**

Grafton Street is within a designed area of special planning control. Scheme of Special Planning Control was passed by resolution of Dublin City Council September 2019. The following is relevant:

Part (1b), Section 1.1.6. Key Objective (2):

*To achieve an appropriate mix and balance of uses in Grafton Street by controlling new uses and promoting higher order comparison retail outlets, in particular fashion outlets, to provide for a high quality shopping experience.*

Part 2, Section 2.2.0 (Maximising the use of buildings) Key Objective (3):

*To attract and encourage a strong and contemporary mix of uses on the upper floors of all buildings.*

Part 5 (the Public realm) *inter alia* states:

*Section 5.5.2 Key Objective (10): To provide for a high quality range of street furniture that will enhance the public realm.*

Section 5.5.7 is relevant and states:

*In general, given the relatively narrow width of Grafton Street and the high pedestrian footfall the provision of certain elements of street furniture on the public footpath or private landings will not be favourably considered. These elements include newspaper stands, A-frames and spinner stands erected by retailers or tables and chairs for cafes, restaurants or bars....*

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

- Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht are relevant.



## **6.0 EIA Screening**

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.

See completed Form 1 on file (Appendix A).

## **7.0 The Appeal**

### **7.1 Grounds of Appeal**

The grounds of appeal, prepared by Manahan Planners on behalf of the applicant are summarised below:

- The concerns of the planning authority are misplaced and these matters are addressed in the context of the application.
- The proposal is a vibrant mixed-use development that contributes positively to the streetscape, provides high quality employment opportunities and offers an exceptional café experience that will enhance the public realm on St. Stephen's Green. It is claimed the development should be granted retention permission as it delivers significant planning and heritage benefits while addressing contemporary economic and environmental challenges facing city centres.
- The subject buildings, comprising a pair of attractive brick fronted protected structures, are in part set back from the back of the public footpath creating a front landing that has the scope to be used for outdoor dining; the front landing is not really suitable for the expansion of retail activity within the building.
- The upper floors of the building(s) have been in office use for many decades. The ground floor and basement were in retail use. However, all previous efforts to retail from this building(s) have failed.

- The failure of retail at this location relates to: (a) the building is outside the core Grafton Street retail area and (b) the ground floor footprint is too large for most retailers but too small for major operators.
- Notwithstanding the location and constraints of the building(s), the applicant has found a successful use mix for the utilisation of all floor, which in majority comprises 'hot desking' workspaces in high demand with an eat-in and take-out café on the ground floor (street level).
- The building(s) adjoin the Luas stop and cater for office workers commuting to the city by public transport. There are close to 80 leases agreed with occupants who generate footfall, vibrancy and custom to Grafton Street. It is claimed that the use of the building(s) should be welcomed by the planning authority rather than opposed.
- The existing use strategy for the building(s) aligns with planning policy on protected structure preservation, as it ensure that all the floors of the building(s) are in active use not just the ground floor, as is the case for the majority of the retail units in the Grafton Street area that are characterised by the vacancy / underutilisation of their upper floors.
- The conservation section of the planning authority had questions in regard to conservation of building fabric. The response to further information furnished by the applicant satisfied the concerns of the conservation section. It is claimed that the proposed development represents an exemplary adaptive reuse of protected structures that aligns with contemporary planning policy objectives while preserving the building(s).
- In the matter of development plan policy CCUV28 (provision of retail services), it is claimed that the overall policy to support and promote the development of retail services at all levels of the retail hierarchy in the city is admirable but has been overtaken by events post covid. It is claimed that it is accepted that the quantum of retail floor space required today has reduced due to the growth in on-line shopping. Coffee shop, restaurant and café use has filled the vacuum maintaining streetscape activity and vibrancy.



- It is noted that two of the three shop premises between the building(s) the subject of appeal and Grafton street are presently vacant.
- In the matter of Objective 2 of the Scheme for Special Planning Control (SSPC) for Grafton Street and Environs, the building(s) are not located on Grafton Street. Notwithstanding the proposal provides an appropriate mix and balance of uses aligned with the objectives of the Scheme operating as a “high order” quality premises. It is claimed the retention of this proposal will not injure or reduce the quality, ambience and attractiveness of the wider Grafton Street area.
- The response to the request for further information includes a number of valuable points, which are set out in the appeal statement, which the Commission is asked to take into consideration in its decision. The points *inter alia* include the following:
  - The Architectural Heritage Impact Assessment (AHIA) satisfied the concerns of the conservation division in the matter of materials and construction specifications. The development has positive conservation impacts in terms of heritage enhancement including continuous building occupation and public building access to the ground floor.
  - Office and café use are explicitly permitted under the Z5 zoning objective.
  - The loss of retail floor space must be contextualised with reference to the chronology of retail viability on site, which has consistently struggled at this location and must also be informed by post covid shopping patterns and reduced city centre footfall (- 37%).
  - Development Plan policy explicitly states the requirement for an adaptable and resilient city centre, the provision of alternative uses within the retail core and a response requirement to changing consumer trends and behaviours; contemporary planning policy alignment at national, regional and local levels supports climate action and promotes compact growth and reduced commuting.
  - The ground floor café provides exceptional street activation, representing a significant improvement over vacant retail units, including extending open



hours (7am-6pm) versus typical retail (10am-6pm) and external seating (10 sqm) creating a continental café atmosphere.

- The development employs 15 plus full time equivalents and provides work spaces for 80 plus remote workers resulting in a positive economic impact.
- The development is aligned with climate goals in terms of embedded carbon through building retention, carbon reduction through sustainable commuting and, promoting circular economy principles through building re-use, heritage preservation, flexible layout and quality refurbishment.

## **7.2. Planning Authority Response**

The planning authority request that the decision to refuse planning permission is upheld.

## **7.3. Observations**

None to date.

## **8.0 Assessment**

**8.1.** 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 planning policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning / land-use mix
- City centre retail core designation & policy
- Area of Special Planning Control Grafton Street and Environs (2019-2025)
- Appendix 2 (Retail Strategy) supporting the city centre retail core
- Conservation matters
- Outdoor seating area as proposed
- Signage
- Other Matters

- 8.2 The substantive matter of this appeal is the change of use of the ground and first floor of nos. 6 & 7 St. Stephens Green from retail use to an office based use with ancillary café on the street frontage.

### **Zoning / Land-Use Mix**

- 8.3 The site comprising nos. 6 & 7 St. Stephens Green, protected structures, has a Z5 city centre zoning objective providing for a broad range of permissible uses including retail, offices and café / tearoom. It is also noted that the subject building(s) has a longstanding office use at upper floor level (above first floor).

The primary purpose of the Z5 zoning objective is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.

- 8.4 The office use to be retained is a niche offering comprising 'hot desking' workspaces. The appellant claims in the matter of the office use that it *inter alia* supports economic activity, employment, street activation - with 80 patrons on site who access / egress the building and, reduces carbon by reason of sustainable commuting given the proximity of the Luas stop adjoining the premises on St. Stephens Green West.

In summary the applicant claims that this relatively new concept of co-working space is very successful and sustainable and brings a much-increased level of vibrancy to the building and its environs while ensuring the preservation and enhancement of the historic fabric *inter alia* by reason of continuous use.

In support of the current use mix, the appellant notes that the entire building is in use. The appellant claims the current innovative use mix of co-working space / café is an adaptive reuse of the building, which would otherwise be vacant due to a lack of market demand for retail floorspace, in particular, the subject premises given the location, size and format of the retail floor plates on three levels.

Furthermore, the building is not part vacant at upper floor level, which is the characteristic use mix of retail premises in the city centre exhibiting active ground floor street frontage and vacant upper floors.



I note that the co-working spaces are not entered directly rather access is via a café anti-chamber occupying the transparent street frontage of the premises. An office reception desk is located to the rear of the café with a controlled access separating the front-of-house café and ground floor office area. The premises at basement, ground and first floor is organised into a co-working configuration.

8.5 Section 15.14.5 (co-working) of the Dublin City Development Plan 2022-2028 provides development standards for co-working spaces including the requirement for central locations in the city centre or at accessible urban hubs (15 minute city concept). I consider that the central location of the co-working spaces within the city core accessible to the radial public transport network would be consistent with development plan policy.

8.6 The appellant claims in the matter of café use that the café and proposed outdoor seating area accommodate a high quality hospitality experience – “exceptional café experience that will enhance the public realm along St. Stephen’s Green” - delivering in combination with the offices a vibrant mixed-use development that contributes positively to the streetscape. The café use also permits public access to the ground floor of the protected structures.

The applicant claims that coffee shop, restaurant and café uses have filled the vacuum in the city centre created by the retreat of bricks and mortar retail operators. Thus maintaining streetscape activity and vibrancy in the absence of demand for retail premises following the covid pandemic and a long-term trend toward on-line shopping.

Section 15.14.7.2 (Restaurants/Cafes) of the Dublin City Development Plan 2022-2028 recognises the positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city.

I note on the day of my initial site visit at approximately 4pm that the café – advertised on the street frontage glazing as “Little Geno’s Sandwich Deli” was closing for business. There was limited ground floor activity to the St. Stephen’s Green frontage of nos. 6 & 7 St. Stephen’s Green – please see photographic record. The building(s) was not accessible to the public but to office users only.



The current opening hours of the café are posted on the window frontage. They comprise as follows: Mon-Fri: 8.30-4pm; Saturday 10am-4.30pm and Sunday 10am-3.30pm.

I note an extension of the café opening hours would appear to be proposed, as outlined in the further information response statement prepared by Manahan planning consultants and reiterated in the appeal statement. The Café would also have a dedicated out-door seating area, which is part of the subject appeal.

The applicant claims that the ground floor café provides “exceptional street activation”, including open hours (7am-6pm) versus typical retail (10am-6pm) and external seating (10 sqm) creating a continental café atmosphere. The appellant commits to an all-day activation through breakfast, lunch and afternoon service.

I returned to the premises one week after my initial site visit within the current advertised opening times (Mon-Fri 8.30-4pm) – please see photographic record. I can confirm that the café was operational on my second visit with activity spilling out onto St. Stephen’s Green north. I note temporary external black metal tables and chairs hugging the glazing within the private landing area to the front of the premises.

In conclusion, the existing café is a sandwich bar / deli with limited opening hours on both weekdays and weekends, which I have evidenced provides no street activation of the frontage of the subject premises after 4pm on weekdays. I do not consider that the existing ground floor use of nos. 6 & 7 St. Stephen’s Green, located within the transparent front of premises, is a higher value use with “exceptional street activation”.

- 8.7 The planning authority noted that the signage to the front of the premises indicated a private members club. The membership signage was not evident at the time of my site visit.

The applicant clarifies by way of further information response that the premises at nos. 6 & 7 St. Stephens Green is not now and is not intended to be a ‘private members’ club. The applicant further clarifies that the sub-text of the “Grafter” name as indicated on the application drawings, which states “members’ house”, is

to signify that the host company permits tenants of one building certain privileges in other locations with the group.

8.8 I note on the day of my site visit that the “Grafter” logo was removed from the facade of the subject building. The appellant claims that there are no club facilities and that the building functions as an office with a café open to the public. I consider that the clarifications provided by the appellant align with my general site visit observations.

8.9 In conclusion, the existing land-use mix on site comprising office and Café are permissible uses under the Z5 city centre zoning objective, which provides for a broad range of uses to support a sustainable mixed-use city centre. However, the permissibility of the development to be retained is subject to the overall policies and objectives of the development plan and the fine grain land-use objectives of the Scheme of Special Planning control for Grafton Street and environs.

Finally, I note that there is no independent access to the office element of the development, which must be accessed through the ground floor sandwich bar. Office is the substantive land-use on site. I consider that the existing sandwich bar / deli cafe, with restricted opening hours, albeit a stand-alone-use is not divisible from the substantive office use of the building(s).

### **City Centre Retail Core Designation & Retail Policy**

8.10 The authorised use of the ground, first and basement levels of the building is retail or part retail. The building(s) were repurposed in the 1980s, as a retail arcade providing a “Galleria” of small shops between St. Stephen’s Green and Anne’s Lane to the rear of the premises. A larger format retail store on 3-levels was facilitated circa.1995 (which accommodated Habitat in 1996).

“Topshop” is the most recent retail incarnation before the current internal reconfiguration for office use. The submitted floor plans show the extensive aggregate retail floor area on 3 levels, including ancillary accommodation. The gross retail floor area exceeds 1500 sqm.

The interior schedule of works, dated 12/08/2022, submitted by way of further information response shows that the ground floor, first floor and basement levels



were purposed as a large format comparison store – “Top Shop” - before office use was facilitated by interior works.

I note that the interior works are relatively minor in nature and are reversible.

8.11 The planning authority expressed concern at the loss of retail floor space principally at ground and basement level within the south city retail core. These concerns were addressed to the applicant by way of further information. The applicant did not consider by response a retail element within the overall building use mix.

8.12 A retail hierarchy for the city, in descending order, comprising the city centre, key urban villages, urban village, neighbourhood centres and local shops underpins the Dublin City Development plan 2022-2028 retail strategy.

I note that Grafton Street is a Category 1 shopping street. Chapter 7 (The City Centre Urban Villages & Retail) of the Dublin City Development Plan 2022-2028, Figure 7.2, illustrates category 1 & 2 retail streets (principal shopping streets) and the boundaries of the city centre core retail area.

St. Stephen's Green north is not a Category 1 or Category 2 shopping street. The Retail Strategy identifies the street frontages along St. Stephen's Green north, extending eastward to include Merrion Row / Baggot Street, as a key route from office and cultural clusters to retail, as shown in Appendix 2 (Retail Strategy) of the development plan - Figure 3 (key routes from office and cultural clusters to retail).

However, St. Stephen's Green north extending from Kildare Street to Grafton Street, including Nos. 6 & 7 St. Stephen's Green, is located within the geographically defined “City Centre Retail Core” at the southern extremity of the designation, as illustrated in Figure 7.2

Policy CCUV15 affirms and maintains the status of the city centre retail core as the premier shopping area in the State, affording a variety of shopping, cultural and leisure attractions. The Policy confirms the city centre should be the main focus for higher order comparison retail in the city to protect its retailing role and primacy.

8.13 Section 7.5.2 (Primacy of the City Centre and the Retail Core Area) of the Dublin City Development Plan 2022-2028 *inter alia* recognises that Dublin City Centre



serves as the pre-eminent shopping, business, cultural and leisure destination in the State. Furthermore, Dublin City Council acknowledges that in order to ensure the long-term sustainability, viability and vitality of the city centre, it is important that it can adapt to changing consumer demands and behaviour, changing work patterns and the challenges posed by online retailing.

The appellant claims that the current use mix of the building to be retained is a response to changing consumer demands and behaviours. The conservation method statement (cover letter) submitted with the planning application argues that St. Stephen's Green north, albeit an extension of Grafton Street shopping district, is not a Category 1 or 2 shopping street and is a peripheral retail location.

The statement provides a chronology of retail ventures to date and contextualises the dynamics that have made Stephen's Green north a marginal retail location in the past.

The planning authority cited retail Policy CCUV28 in the reason for refusal. The policy supports and promotes the development of retail service development at all levels of the retail hierarchy in the city.

Policy CCUV2 (Retail Hierarchy) retail development within the hierarchy of centres will be of a scale, type, and nature that reflects and enhances the role and function of the city centre within which it is proposed as per the Retail Strategy, Appendix 2.

I consider that retail services in definition is a broad and adaptive categorisation, which includes both comparison (Grafton Street is characterised by comparison shops including flagship fashion retailers) and convenience goods stores (supermarkets etc) accommodating a wide range of potential retailer operators as appropriate end users for nos. 6 & 7 St. Stephen's Green that would support Dublin City centre as the premiere retail destination in the State (CCUV15) and would also support its primary status in the retail hierarchy (CCUV2).

Appendix 2 (Retail Strategy) of the Dublin City Development Plan 2022-2028, Section 10.1 (convivence) *inter alia* states that a number of convenience stores have opened in the inner city and around the city. It is notable that a number of

operators have adapted their store model to suit urban / city centre sites with limited or no car parking in some cases.

I consider that the application of Policy CCUV28 is an appropriate land-use policy goal targeted within the spatially designated “City Centre Retail Core”. The application of the policy to the appeal site is supported by Policy CCUV2 (Retail Hierarchy) and Policy CCUV15 (city centre retail core as premiere shopping destination in the State), which *inter alia* acknowledges that retail development within the hierarchy of centres in the city will be of a scale, type, and nature that reflects and enhances the role and function of the city centre as the primary retail location in terms of scale and function.

- 8.14 The appellant claims that the overall policy to support and promote the development of retail services at all levels of the retail hierarchy in the city is admirable but has been overtaken by events post covid.

It is claimed that it is accepted that the quantum of retail floor space required today has reduced due to the growth in on-line shopping. I will interrogate this matter below in the context of the Scheme for Special Planning Control for Grafton Street and Environs 2019-2025 and the Dublin City Development Plan Retail Strategy.

#### **Special Planning Control Grafton Street & Environs**

- 8.14 I consider that the significant planning matter under appeal is the change of use of the basement (410 sqm), ground floor (570 sqm) and first floor (600 sqm) from retail use or part retail use to office use with an ancillary public access café.
- 8.15 The development site is located within the spatial boundary of the special planning control scheme for Grafton Street. The Scheme includes granular land use objectives, including for higher order comparison outlets.

Key Objective 2 of the Scheme is in place to ensure that any incoming use will respect and enhance the multi-faceted character of the area. There will be a strong presumption in favour of granting planning permission for higher order comparison retail outlets including fashion outlets both independent and multiple stores.

In response to the requirements of Key Objective 2, the appellant claims that the building(s) are not located on Grafton Street and due consideration must be given



to the satellite location of the development. Furthermore, the proposal provides an appropriate mix and balance of uses aligned with the objectives of the Scheme operating as a “high order” quality premises.

I note that the adoption date of the Scheme for Special Planning Control for Grafton Street and Environs is 2<sup>nd</sup> of September 2019. The Scheme has at the time of writing exceeded the 6 calendar year timeline. I consider that the Scheme has expired.

I acknowledge that review of the provisions of the scheme are required and that such a review is expedient given the evolution of the retail environment universally and in the city. However, I do not consider that the objectives of the scheme are without merit and are irrelevant post covid.

The appellant states that the ground floor and basement were used for retail purposes and a number of retail operators such as “Habitat” and “Topshop” have attempted to trade from this location. The appellant claims that all previous efforts at retailing from this building have failed. The conclusion is that the unit would be vacant without the existing unauthorised office use mix.

The appellant clarifies that the rationale for market failure is (a) the building is outside the core Grafton Street retail area and (b) the ground floor footprint is too large for most retailers but too small for major operators. The latter statement is not supported by documentary evidence.

I note on the day of my site visit that there is very limited vacancy on Grafton Street and environs generally, which is welcome given that the city centre retail core, including Grafton Street and environs, was characterised by a relatively high level of vacancy post covid.

Notwithstanding a regeneration within the Grafton Street retail core, I note that there are 3 vacant units on the upper east side of Grafton Street. These units exhibit single-plot frontages with modest retail floor plates. There are also 3 vacant units between the subject site and Grafton Street. There were no larger double-plot frontage vacant units, similar to the appeal site, in evidence on the day of my site visit in Grafton Street or environs albeit my observation of vacancy is not exhaustive.



## **Appendix 2 (Retail Strategy) supporting the city centre**

- 8.16 Appendix 2 (Retail Strategy), Section 8.2 (Diversifying the City Centre Offering) that a key objective of the strategy is to diversify the city centre as a place to shop, work and spend leisure time without compromising the importance of retaining a strong retail function, as it is recognised internationally that the retail sector has become one element of a wider leisure and cultural city experience.

A vibrant mix of shopping and leisure and cultural uses such as cafes, restaurants, exhibition spaces, cultural and leisure uses and family friendly attractions, can support the future success of the city centre. Such uses are an important part of a shopping experience and will attract people to the city centre and encourage them to stay longer.

I note the significance of a vibrant mix of shopping and leisure and cultural uses such as cafes, restaurants, exhibition spaces in order to create a destination and sustainable city centre. However, I also acknowledge the planning authority concern at the loss of retail floor space and opportunity within the core retail area.

I concur with the planning authority that the moribund retail floor area of nos. 6 & 7 St. Stephen's Green is an opportunity location for a comparison or convenience retail competitor or innovator given that the premises is a purpose-built retail store on three levels located within the "City Centre Retail Core" (Figure 7.2).

Policy CCUV8 of the Dublin City Development Plan promotes and facilitates competition and innovation in the retail sector to the benefit of the consumer, as an integral part of the proper planning and sustainable development of the city.

Nos. 6 & 7 St. Stephen's Green comprises a double-plot frontage accommodating a purpose built multi-level comparison retail store. The aggregate retail area is greater than 1500 sqm.

I note that in the last 6-12 months 2 new larger format comparison stores on upper Grafton Street and Lower Grafton Street have opened in double-plot frontage units at 62/63 Grafton Street - "Alo Yoga" – and at 112/113 Grafton Street - "Mango", respectively.

It is acknowledged that these stores are located on Grafton Street - a category 1 retail street. However, a larger format comparison store - "Artek"- is

accommodated in a satellite retail location partly on Nassau Street, at ground and first floor level, within a new development at the corner of Dawson Street and Nassau Street at no. 60 Dawson Street.

I note that Dawson Street is a Category 2 shopping street but that Nassau Street is neither a Category 1 or Category 2 shopping street.

The “Artek” retail mix includes a ground floor café configured internally and visible along the transparent Nassau Street glazed frontage.

I consider consistent with Policy CCUV8, that Nos. 6 & 7 St. Stephen's Green is an opportunity retail location, either in a comparison or convenience store format, with complementary use(s) such as café, given the level of activity in new store activation within Grafton Street and environs presently.

- 8.17 I note the vacancy between Grafton Street and nos. 6 & 7 St. Stephen's Green. Nos. 2, 4 & 5 St. Stephen's Green north are presently vacant. The vacant units exhibit single-plot frontages.

Nos. 6 & 7 St. Stephen's Green is historically denoted as a shopping centre on older maps of the area. I consider a destination retail operator at nos. 6 & 7 between Grafton Street and Dawson Street would significantly enhance footfall along St. Stephen's Green north.

- 8.20 There is a lack of up-to-date evidence in the appeal statement to support the premise that the appeal site is not a viable retail location. The opinion of the appellant is that the ground floor footprint of nos. 6 & 7 St. Stephen's Green is too small for a major retail operator.

I consider that the activation of the overall retail floor area on all 3 levels comprising a floor area greater than 1500 sqm would have a positive impact on footfall between Grafton Street and a retail destination at Nos. 6 7 & St. Stephen's Green.

Alternatively, the activation of the ground floor and basement of the premises would provide a destination retail floor plate of approximately 1000 sqm.

In conclusion, the subject premises represents a strategic retail location, between Dawson street and Grafton Street, within the city centre retail core, I consider that



the development to be retained and permitted would be inconsistent with Policy CCUV8 and Policy CCUV28 of the Dublin City Development Plan 2022-2028.

### **Conservation**

- 8.21 The submitted documentation highlights that the internal works to facilitate the uses to be retained are not extensive and are in nature minor given that the works are to a concrete structure dating from the 1980s and repurposed circa.1995.

It is evidenced by the applicant that the lower floors of the building(s), to the rear of the façade range of historic buildings, were reconstructed in concrete in their current configuration circa.1995.

The Conservation Method Statement submitted with the original planning application dated 07/11/2024 notes that both the use and the alterations to facilitate the current use are reversible.

Further to the above, the applicant submitted *inter alia* a response, dated 23/12/24, to further information, as requested by the Conservation Division of the planning authority.

I have reviewed the submitted documentation prepared by conservation architects, Cathal O'Neill & Company, Architects, 33 Pembroke Road, Dublin 4. The submitted response provides a clear record of the building's internal arrangement, configured as a multi-level retail store circa. 2022, and the internal arrangement at present to facilitate office configuration for "hot desking".

I note that the conservation architects engaged, Cathal O'Neill & Company, cannot confirm that works were carried out in accordance with the 'Advice Series' guidelines as works were discharged before the engagement of the conservation architect. However, the Conservation Division of the planning authority are satisfied that with the submitted further information clarifications albeit that it is regrettable that no qualified conservation expert supervised the works at the time of change of use conversion.

- 8.22 I do not consider that there is a significant building conservation issue arising from the retention of the change of use.



### **Outdoor Seating area as proposed**

- 8.23 The proposed out-door seating area would comprise an oblong enclosed area measuring 4.3m x 2.3m located immediately external to the glazed frontage of no. 7 St. Stephen's Green located on the private landing.

The Scheme for Special Planning Control for Grafton Street and Environs 2019-2025, Section 5.5.7, acknowledges that In general, given the relatively narrow width of Grafton Street and the high pedestrian footfall the provision of certain elements of street furniture on the public footpath or private landings will not be favourably considered. However, these constraints do not apply to the subject premises, which has a private landing setback from the main pedestrian throughfare.

I consider the location of the proposed external seating area between the main entrance to nos. 6 & 7 St. Stephen's Green and the secondary entrance to the upper floors of no. 7 St. Stephen's Green, which abuts the projecting side elevation of the external bifurcated stairway to no. 8 St. Stephen's Green, is the optimal location for external seating to facilitate a café within the subject premises.

- 8.24 The Scheme for Special Planning Control for Grafton Street and Environs 2019-2025, Section 5.5.2, Key Objective (10) requires a high quality range of street furniture that will enhance the public realm. I consider that the proposed outdoor seating area would be consistent with Objective 10 and would in general satisfy the development standard criteria for out-door seating, as listed in Section 15.17.4 (Out-Door Seating and Street Furniture) of the Dublin City Development Plan 2022-2028.

- 8.25 Finally. I note that the out-door seating area is not divisible from the café use at ground floor level, which is ancillary to the substantive office use at ground floor, first floor and basement levels. The office use is inconsistent with development plan objectives and the objectives of the Scheme for Special Planning Control for Grafton Street and Environs 2019-2025.

Therefore, I would not recommend a split decision to grant permission for the out-door seating area while refusing the substantive uses within the building.

### **Signage**

- 8.26 The submitted drawings show existing cut-out pin mounted brass lettering (2mm thick / 300mm high) on the fascia advertising “Grafter” in 3 separate locations. I note that the 3 locations where the “Grafter” individually mounted letters are affixed to the fascia, as shown on the drawings, are the same locations that accommodated the previous “Topshop” signage.

The fascia signage was removed on the day of my site visit. A modest neon sign advertising “Little Geno’s Sandwich Deli” was attached to the glazing of the front façade of the building – please see photographic record.

- 8.27 The applicant has clarified by way of further information response that there is a commitment from the applicant to remove all signage not shown in the application drawings. All additional signage will be subject to a further application. I note the green neon “Little Geno’s Sandwich Deli” sign is not shown in the application drawings.

- 8.28 I consider that an assessment of appropriate signage is not divisible from the authorisation of an appropriate use mix for the building. The current unauthorised use mix is inappropriate as discussed above given the strategic location of nos. 6 & 7 St. Stephen’s Green within the city centre retail core.

### **Other Matters**

- 8.29 The applicant proposes to provide cycle parking for the office use within a dedicated internal room accessed from Anne’s Lane to the rear of the premises. The applicant has confirmed by further information response that the bicycle storage area has a capacity to exceed the development plan standard requirement.

Finally, I note the Conservation Division do not consider the proposed Sheffield stands (shown as DRG. 772.2 PP18 submitted in response to FI), accommodating short term bicycle parking, visually appropriate given their proposed location within the front curtilage of protected structures. I would concur with the recommendation of the Conservation Division. If a positive recommendation is recorded this matter can be dealt with by way of condition.



## **Conclusion**

8.30 I acknowledge the bona fides of the appellant in providing for the maintenance and repair of the protected structure(s) in their care. The appellant premise that a building in continuous use rather than a vacant premises is aligned with planning policy for the protection of the built heritage is undisputed.

I conclude that the appellant's claim that the sole adaptive viable use mix for the protected structure(s) at nos. 6 & 7 St. Stephen's Green is the present use mix of offices / café is unfounded without interrogation of retail use-mix alternatives, especially given the present evident rejuvenation of the Grafton Street and environs retail area.

Nos.6 & 7 St. Stephen's Green is a purpose-built larger format retail store on 3 levels where works to facilitate office use are reversible. I conclude that the development to be retained and permitted would be inconsistent with development plan policy CCUV8, which promotes and facilitates competition and innovation in the retail sector to the benefit of the consumer, and development plan policy CCUV28, which promotes the development of retail service at all levels of the retail hierarchy in the city.

In the matter of café use at ground floor level and the associated external out-door seating area proposed, these elements of the development are not divisible from the substantive office use at ground floor, first floor and basement level and should be refused planning permission.

## **9.0 AA Screening**

9.1. 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 located within an established urban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises a change of use of an existing constructed building.

No significant nature conservation concerns were raised in the planning appeal.



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 given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Frame Directive**

10.1. The site is located in Dublin City Centre at a distance greater than 1 km south of the river Liffey.

The proposed development comprises a change of use of an existing building.

No water deterioration concerns were raised in the planning appeal.

I have assessed the 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 the small scale and nature of the development.

I conclude based on objective information, the proposed development will not result in a risk of deterioration of 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.

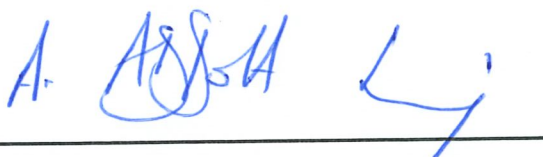
## 11.0 Recommendation

11.1. I recommend refusal of planning permission for the reasons and considerations set out below.

## 12.0 Reasons and Considerations.

Having regard to the city centre zoning objective (Z5), the location of the development within the geographically defined “City Centre Retail Core” (Figure 7.2 of the Development Plan 2022-2028) and the overall policy framework provided by the Dublin City Development Plan 2022-2028, including the primary status of Dublin City centre in the retail hierarchy, it is considered that the loss of retail floorspace and the creation of office floorspace is contrary to retail policy CCUV8 (promotes and facilitates competition and innovation) and retail policy CCUV28 (supports and promotes the development of retail service at all levels of the retail hierarchy) of the Dublin City Development Plan 2022-2028. The existing premises is a purpose-built larger format retail premises on 3 levels where works to facilitate office use is reversible. The proposed change of use removes this opportunity. The proposed development would therefore be inconsistent with the provisions of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

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



Anthony Abbott King  
Planning Inspector

28 October 2025



## Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP323188-25
<b>Proposed Development Summary</b>	Outdoor seating and retention of change of use office / café and development works to facilitate change of use.
<b>Development Address</b>	6 & St. Stephen's Green north
<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>  <hr/> (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)	<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> No, No further action required. <div style="border: 1px solid black; height: 200px; margin-top: 10px; position: relative;"> <div style="position: absolute; top: 10px; left: 10px;">yes</div> </div>
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<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 <u>Part 2</u>, 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 development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	No / class N/A
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	N/A
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	N/A
<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>	
Yes <input type="checkbox"/>	N/A
No <input type="checkbox"/>	N/A

Inspector:

*A. ASHA Ly*

Date:

*28/10/2025*