



Development	Amendments to Ref. ABP-311618-21 for a nine-storey building over basement providing additional office space, change of use from permitted café/restaurant to an event/entertainment space, refurbishment of 9no. apartments and all associated site works.
Location	Stokes Place, St. Stephen's Green South and Harcourt Street, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2910/25
Applicant(s)	KW Investment Funds ICAV
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	Philip O'Reilly
Date of Site Inspection	12 th May 2026
Inspector	Catherine Dillon

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	4
3.0	Planning Authority Decision	10
4.0	Planning History.....	13
5.0	Policy Context.....	15
6.0	EIA Screening.....	20
7.0	Grounds of Appeal.....	21
8.0	Assessment	29
9.0	AA Screening.....	49
10.0	Water Framework Directive.....	50
11.0	Recommendation.....	51
12.0	Reasons and Considerations	51
13.0	Conditions.....	53
14.0	Appendix 1: EIA Pre-Screening.....	61
15.0	Appendix 2: EIA Screening Determination	64
16.0	Appendix 3: AA Screening Determination	75

1.0 Site Location and Description

- 1.1. The subject site is located on a prominent corner to the south of St. Stephen's Green and east of Harcourt Street and includes Stokes Place to the east of Harcourt Street. The site wraps around the south (rear) of Nos. 94-100 St. Stephen's Green and includes a building attached to the rear of No.95 St. Stephen's Green. Its south and south eastern boundary abuts No.91 Harcourt Street and Iveagh Gardens respectively. It has a site area of 0.74 hectares.
- 1.2. The site is occupied by 4 office blocks built in the 1980s, ranging from 5-7 storeys in height. Block A is a 5 storey block that fronts onto St. Stephen's Green with a return onto Harcourt Street. It abuts No.100 St. Stephen's Green a four storey terraced Georgian building to its east.
- 1.3. To the south of Block A are 2 further office Blocks known as Blocks B and C. Block B is 5 storeys and fronts onto Harcourt Street and is separated from Block A by a gated vehicular entrance into Stokes Place off Harcourt Street, which serves the office blocks car park areas. Block B has a staggered frontage onto Harcourt Street and abuts No. 91 Harcourt Street, a four storey over a basement Georgian terrace property.
- 1.4. Block C to the east of Block B is a 5 and 7 storey high building and is located to the rear of Nos. 95-100 St. Stephen's Green. Block D is 7 storeys in height and located to the south of No 94 St. Stephen's Green. Both of these blocks are located to the south east of Stokes Place with Iveagh Gardens immediately to the south and south east.
- 1.5. The building connected to the rear of No.95 St.Stephen's Green, known as Russell Court, is a is a four storey building containing 10 apartments which is included within the subject site. An historic gated pedestrian and one way vehicular access known as Stoke's passage extends along the eastern end of this apartment building into the site from St.Stephen's Green South positioned between Nos. 94 and 95 St.

Stephen's Green. The site gradually falls towards the south east corner of the site from St. Stephen's Green south by c.1m.

- 1.6. St. Stephen's Green lies immediately to the north of the site and Iveagh Gardens to the south east, both substantial public amenity spaces. The city centre site is immediately to the west of the site with Grafton Street c.360m to the north.
- 1.7. There are a variety of building heights, styles and uses in close proximity to the site including residential, civic, recreational, hotels, offices and commercial.
- 1.8. This area is highly accessible by a range of transport modes, and the Luas Green Line extends along Harcourt Street to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development is for amendments to a previously granted permission by ABP Ref: 311618-21 (P.A Ref: 2062/21). The parent permission comprised the demolition of the office blocks A-D (c.17,550m² gfa) on site and erection of a 4 to 8 storey office development (c.39,932m² gfa) over a two level basement and all associated works. The proposed building had setbacks at 4th- 6th floor levels with roof terraces at 4th- 7th floor levels and inset terraces at 1st- 3rd levels.
- 2.2. The current proposal is seeking amendments to the aforementioned permission, and would include the following:
 - A newly added eighth floor;
 - Extension of floor plates from first to sixth floor levels;
 - Provision of office space at seventh floor;
 - Reconfiguration and reduction of the basement levels and repositioned vehicular ramp;
 - Revised ground floor layout including additional pedestrian entrance from St. Stephen's Green with the consolidation of the vehicular access from St. Stephen's Green only, additional office space, provision of an event/entertainment space (c. 483sqm) along Harcourt Street, and a retained structure in the south east corner of the site for a community/cafe use;
 - Revised car and bicycle parking arrangements, with a reduction in car parking and increase in cycle parking;

- Alterations to permitted facades and materials;
- Inset balconies at Levels 1-5 for office staff; and
- All associated and ancillary site development works and landscaping alterations including the removal of the permitted sunken garden and provision of new publicly accessible courtyards, hard and soft landscaping and boundary treatments.

2.3. The current development would comprise two blocks of primarily office space, referred to as Blocks A and B. Block A which would front onto St.Stephen’s Green south and Harcourt Street and would be 6 storeys in height with a setback at third floor level next to No.100 St. Stephen’s Green.

2.4. Block B would be located to the south of Block A and would be 9 storeys in height over a basement, positioned within Stokes Place.

2.5. The proposal also includes the refurbishment of 9 apartments at Russell Court with alterations to the elevations including new windows. It is stated that although Russell Court building contains 10 no. apartments, only 9 of are being refurbished as one of the units is outside of the ownership of the applicant. This element of the proposal did not form part of the appeal in ABP-311618-21.

2.6. For clarity I have included a breakdown of the proposed appeal development and that granted in ABP Ref: 311618 in the following table.

Table 1 Comparison between both applications

	Current appeal proposal	Permitted in ABP Ref: 311618
Development (GFA)	42,138m ²	39,932m ²
Height	6-9storeys	4-8storeys
Plot ratio	5.6	same
Site coverage	73.6%	69.6%
Event/Entertainment space & community cafe	538m ²	

Retail		465m ² included café & restaurant unit
Residential	747m ²	Did not form part of this development
Residential cycle parking	1 no. cargo space 10 no. bicycle spaces 6no. short stay bicycles spaces	
Car parking	34	40
Motorcycle	14	25
Bicycle parking	780 (long stay) 42 (short stay) 58 showers & 780 lockers Lift facilities to accommodate all users	600 (long stay) 36 (short stay)

Table 2 - Breakdown of uses on floors

Breakdown of uses per floor (GIA)	Current appeal proposal	Permitted in ABP Ref: 311618
-02 Basement		
Office		679m ²
Cores		3987m ²
Cycle Store		728m ²
Plantroom & bin store		1,993m ²
-01 Basement		
Office	1,355m ²	3,265m ²

Car parking	951m ²	1175m ²
Cores	776m ²	
Cycle Store	493m ²	
Plantroom & bin store	1,283m ²	
Ramp	174m ²	
Mezzanine Basement		
Cores	209m ²	
Cycle stores	668m ²	
00 Ground floor		
Office	2,995m ²	2,615m ²
Event/Community	326m ²	
Retail/café/restaurant		230m ²
Plantroom	56m ²	57m ²
Loading Bay	352m ²	502m ²
Ramp	112m ²	
00U Upper ground		
Office	2,323m ²	2,293m ²
Event/Community	212m ²	
Retail		152m ²
01 First		
Office	4,843m ²	3,990m ²
02		
Office	4,856m ²	4,501m ²
03		
Office	4,856m ²	4,501m ²

04		
Office	4,598m ²	4,061m ²
05		
Office	4,331m ²	3,663m ²
06		
Office	3,380m ²	2,306m ²
07		Roof
Office	2,086m ²	
Cores		168m ²
Plantroom		400m ²
08	Roof	
Cores	83	
Total office space	35623m²	31874m²

- 2.7. The proposed event/entertainment space is proposed as a Folk Club venue onto Harcourt Street for young and established folk musicians over two floors. It is proposed to retain an existing structure in a triangular area of land to the south east of the site as a small community use (55m²) in the form of a community coffee shop.

Table 3- Russell Court Apartments

	1 bed	Size	Dual Aspect	Private Amenity Space
Ground floor	2	54m ²	2	5.9m ²
First floor	1	54m ²	1	5.9m ²
2 nd floor	2	54m ²	2	5.9m ²
3 rd floor	2	54m ²	2	5.9m ²
4 th floor	2	54m ²	2	5.9m ²

Total	9		100%	
--------------	----------	--	-------------	--

2.8. The planning application was amended during the course of consideration by the P.A to include the following

(1) The parapet of the proposed third storey to Block A was set back 3m and lowered to align with the adjoining property to the east No.100 St. Stephens Green along part of this frontage.

(2) Revised views of the proposed development from the east along St. Stephen's Green south and St. Stephens Green west to provide winter time photomontages.

(3) A vehicular and emergency ingress only from St. Stephen's Green south to the car park. Vehicles would pass through the site and egress onto Harcourt Street.

(4) A loading bay to the south end of Harcourt Street for deliveries and waste collection with a turning area and a vehicular ingress/exit onto Harcourt Street.

(5) Bicycle stairway with integrated gutter channel and lift for bicycles within basement car park and bicycle storage area. This cycle lift would provide for people with larger bikes and disabilities. A cycle store for the residential element is proposed in the garden space to the west of Russell Court.

(6) The Harcourt Street access redesigned to accommodate emergency vehicles and one off deliveries.

These amendments are considered as part of this appeal.

2.9. The planning application was accompanied by the following:

- Planning Report and Statement of consistency
- Housing Quality Assessment & Schedule of accommodation
- Civil Engineering Infrastructure report
- Outline Construction Management Plan
- Traffic Assessment & Mobility Management Plan
- Architectural Design Statement
- Architectural Heritage Impact Assessment

- Landscape & Visual Impact Assessment
- Verified Photomontages
- Arboriculture Impacts Assessment
- Appropriate Assessment Screening
- Ecological Impact Assessment
- Energy & Climate Change Report
- Part L report
- Wind Microclimate Assessment
- Daylight & Sunlight Effects Report
- Archaeological Assessment Report
- Noise Impact Assessment Report
- Hydrology Risk Assessment Report,
- Resource Waste Management Plan
- Operational Waste Management Plan
- Telecommunications Report
- Building Lifecycle Report

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. On 7th January 2026, Dublin City Council issued a notification of their decision to grant planning permission for the proposed development subject to 11 conditions. A summary of these conditions are attached to the end of this report.

3.2. **Planning Authority Reports**

Initial planner's report dated 9th October 2025

- 3.2.1. The initial planner's report notes the principle of the proposal has been established by virtue of the parent permission, DCC Reg. Ref. 2062/21 & ABP-311618-21, and

that the development and the proposed uses are in keeping with the Z8 zoning objective for the site.

The Harcourt Street element of the proposal was considered acceptable from a visual aspect, and it was acknowledged that many of the neighbouring windows already fall significantly below the BRE targets for VSC and APSH, but overall it was considered the impacts were negligible having regard to the restricted nature of the site and its city centre location, the comprehensive redevelopment of the site, in addition to the enhancement of the urban design and streetscape.

The plot ratio (5.6) was the same as that previously granted permission and it was noted the site coverage had increased from 69.6%-73.6% but this was generally considered acceptable.

There were no concerns raised to the proposed refurbishment works to 9 of the 10 apartments in Russell Court.

There were concerns about the impact of Block A and its relationship next to No.100 St. Stephen's Green and impacts on the views of the northern element of the scheme in general, particularly when the trees would not be in foliage.

The planner's report concluded there would be no significant effects on Natura 2000 sites or the environment.

- 3.2.2. Further information was sought on 3 issues; namely requesting the omission of a portion of the third floor of Block A and stepping it in at this level next to No.100 St. Stephen's Green, winter photomontages of the proposed development, and to address concerns raised by the Transportation section as outlined in 3.3.3. below of this report.

Second planner's report dated 22nd December 2025

- 3.2.3. Following the receipt of the further information response which included lowering the parapet line of the third floor and stepping this floor back by 3m behind the chimney breast of No.100 St. Stephen's Green, that the visual impact of this block was reduced when viewed from St. Stephen's Green South. The additional photomontages which included wintertime views provided clarity that the development would not be detrimental to the wider streetscape and surrounding historical setting.

The concerns raised by the Transportation Division were adequately addressed by revised drawings and documentation in relation to access arrangements, servicing and basement bicycle parking.

This report concluded that the proposed development as revised would not have an adverse impact on the surrounding area and would not materially contravene the policies and objectives of the Development Plan.

3.2.4. Other Technical Reports

Archaeology Section: Report dated 23/9/25: No objections subject to conditions, requiring completion of AIA in advance of the development.

Drainage Division: Reports dated 3/9/25 & 12/12/25 on receipt of F.I. No objections subject to conditions.

Environmental Health Officer: Report dated 22/9/25. No objection subject to conditions relating to air quality, noise mitigation and air pollution measures.

Transportation Section: Report dated 29/9/25, requested further information on a number of issues concerning primarily limiting the ingress into St. Stephen's Green only, egress via Harcourt Street, an Operational Servicing & Delivery Access Plan to assess impacts on Luas Line, details of sightlines from Harcourt Street, and an access strategy for bicycles using the basement, cycle lift provision, and increase in cargo bike spaces.

On receipt of the further information response the Transportation Section's report dated 18/12/25 had no objections subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

3.4.1. A letter of objection was received to the planning application on the following grounds:

- Concerns in relation to the proposed design and additional floor height and massing and associated impact on neighbouring development.
- Loss of daylight and sunlight.

- Impact on amenity to neighbouring residential occupants.

4.0 Planning History

Subject site

4.1. **ABP Ref: 311618-21 & P.A Ref: 2062/21:** On 20th January 2023, the Commission granted planning permission for the demolition of an existing 4-8 storey office complex including basement, vehicular and pedestrian access and basement car park at the site, subject to 18 conditions. This permission included a new 4 to 8 storey office building on the site over double basement with associated landscaping and works. The proposed building had setbacks at 4th, 5th and 6th floors levels, insert terraces at 1st, 2nd and 3rd floor levels to St. Stephen's Green and Harcourt Street and roof terraces at 4th, 5th, 6th and 7th floor levels. The development included a retail/café/restaurant unit and all associated site works including landscaping.

On 23rd April 2023 the Commission extended the permission to 7 years, having regard to the nature and scale of the development.

4.2. **ABP Ref. PL29S.122087:** A split decision was issued (June 2001) which granted permission for the addition of 2,013m² of offices in a new six-storey over basement block behind Block A and linked to it by a six storey atrium, the addition of a two-storey link block of 220 square metres over open ground and first floor over Harcourt Street entrance to Stokes Place and the relocation of 20 car parking spaces from surface at rear of Block A to new basement car park of proposed addition to Block A and provision of eight additional car parking spaces.

Condition no. 2 stated as follows: The proposed office extension and atrium shall be reduced in height to include only five floors (including ground floor).

Reason: In the interest of visual amenity.

Permission was refused for the revised elevation and new windows to Block A, the new entrance to Block A, the addition of 538 square metres penthouse offices over Block A, the addition of a penthouse level of 444 square metres to Block B facing Harcourt Street, the addition of an infill office floor of 158 square metres to Block C at sixth floor level, the addition of a penthouse level of 865 square metres and 316 square metres over Blocks C and D respectively, the relocation of plantrooms

above the proposed penthouse level of Blocks A, B and C and the associated minor works.

The reasons for refusal were as follows:

1. The proposed addition of an extra floor onto Blocks A, B, C and D would be out of character with Saint Stephen's Green, Iveagh Gardens and Harcourt Street, which are designated as conservation areas in the current Dublin City Development Plan, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and development of the area.

2. The land use zoning objective for the site in the Development Plan is Z8, where it is the policy of the planning authority to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objectives of the Development Plan of primarily residential and compatible office and institutional uses. This objective is considered reasonable. The proposed development would not protect the existing character of the area, would conflict with the zoning objective for the area and would, therefore, be contrary to the proper planning and development of the area.

3. The site of the proposed development is adjacent to existing protected structures on Saint Stephen's Green, and would, by reason of its height and scale, detract from the setting of these important buildings, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and development of the area.

4. The proposed new windows in Block A would result in the loss of the existing vertical emphasis of the fenestration, which is compatible with the traditional Georgian streetscape in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.

4.3. Also of relevance:

Immediately to the south of the subject site at Stable Lane off Clonmel Street

4.4. ABP Ref:312444-22 & P.A Ref: 2474/21: Planning permission was granted on 25th April 2023 by the Commission for a 5 storey apartment building comprising 8 units to the south of the subject site at Stable Lane/Stokes Place. This permission was

subject to a condition requiring a set back of 2.5m at 1st-5th floor levels from the site boundary with Iveagh Gardens.

Nos. 92-93 St. Stephen's Green South to north east of subject site

- 4.5. **ABP Ref: 318822-24 & P.A Ref: 4648/23:** Planning permission was granted by the Commission on 19th September 2024, for amendment to P.A Ref. 5099/22 consisting of the extension of storeys 5, 6 and 7 to the southern elevation of the permitted hotel building replacing roof terraces at these floors and providing an additional 10 hotel rooms bringing the total number of hotel rooms to 133, to the rear of Nos. 92-93 St. Stephen's Green. This development is currently under construction.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028 (DCDP)

- 5.1.1. The Dublin City Development Plan 2022-2028, is the operative plan for the area and came into effect on 14th December 2022. There have been a number of variations made to the Plan since its adoption, but these variations are not specific to this appeal.

Zoning:

- 5.1.2. The subject site is zoned 'Z8- Georgian Conservation Area' within the Development Plan with an objective to, "To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective."

Lands zoned Z8 incorporate the main conservation areas in the city, primarily the Georgian squares and streets. The aim is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged.

A range of uses are permitted in such zones, as the aim is to maintain and enhance these areas as active residential streets and squares during the day and at night-time. Offices or the expansion of existing office use may be permitted where they do

not impact negatively on the architectural character and setting of the area, and do not result in an over concentration of offices within a Z8 zoned area. 'Permissible uses' include offices, open space, and residential uses, and 'open for consideration' include community facilities, cultural, creative and artistic enterprises uses under the Z8 objective.

- 5.1.3. The subject site is partially located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Historic City), which is listed on the Record of Monuments and Places (RMP) and is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. There are ten RMP Recorded Monuments within 150m of the subject site, including St Stephen's Green situated c.26m to the north, a National Monument (RMP Ref: DU018-020334).
- 5.1.4. Iveagh Gardens including a stone garden folly are protected as part of the Iveagh Garden House to the south east of the site, and it is a Recorded Protected Structure (RPS Ref: 7791) within a designated conservation area. The National Inventory of Architectural Heritage (NIAH) rates the Gardens as being of regional importance (NIAH Ref. 50920262) and that they are one of the city's 'secret' gardens, a rare survivor of mid-nineteenth century ornamental garden design.
- 5.1.5. Nos.87-91 Harcourt Street to the south of the site are recorded protected Structures (RPS Ref: 3557-3560), and Nos. 3-14 Harcourt Street to the west of the site (RPS Ref: 3515-3523), within the City Development Plan. Nos.92-100 St. Stephen's Green to the north and east of the site are also listed as Protected Structures (RPS Ref: 7806-7811) within the Plan.
- 5.1.6. The relevant chapters, policies and objectives in the assessment of this appeal include the following:

Chapter 2- Core Strategy

Section Economic & Employment Strategy

Section 2.7.2 Active Land management, Brownfield & Infill Lands

Objective CSO10- Support the Development of Brownfield, Vacant and Regeneration Sites

Chapter 3: Climate Action

CA6- Retrofitting & Reuse of existing buildings

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

CA7- Energy Efficiency in Existing Buildings

CA10-Climate Action Energy Statements for more than 1,000m² of commercial floor space

CA24- Waste management Plans for Construction & Demolition Projects.

CA25- Electric vehicles

CA28- Nature based solutions

Chapter 4- Shape & Structure of the City

SC1- Consolidation of the Inner City including Georgian Cores

SC2- City's Character including

- protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city;
- revitalising the north and south Georgian squares and their environs and realising their residential potential.

SC5: Urban Design and Architectural Principles

SC11: Compact Growth, including compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.

SC14: Building Height Strategy which accords with The Urban Development and Building Height Guidelines for Planning Authorities (2018) and in particular, SPPR 1 to 4.

SC15: Building Height Uses, to support the development of an adequate mix of uses in proposals for larger scale development which are increasing height or proposing a taller building in accordance with SPPR 2.

SC16: Building Height Locations

SC17: Building Height

SC19: High Quality Architecture

SC21: Architectural Design

SC22: Historical Architectural Character

Chapter 5- Quality Housing & Sustainable Neighbourhoods

QHSN6- Urban consolidation and adaption of existing housing stock.

QHSN11: 15 minute City.

Chapter 8: Sustainable Movement & Transport

Associated Appendix 5: Transport & Mobility Technical requirements

Chapter 11- Built Heritage & Archaeology

BHA2: Development of Protected Structures - That development will conserve and enhance protected structures and their curtilage and in particular:

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

BHA9- Conservation Areas-To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

BHA10- Presumption against demolition in a Conservation Area

BHA26: Archaeological Heritage- To protect and preserve Monuments and Places listed on the statutory Record of Monuments and Places (RMP), and archaeological material.

Chapter 12: Culture

Section 12.5.3: Supporting Cultural Vibrancy in the City

Chapter 15 Development Management Standards

Section 15.7.1 Reuse of Existing Buildings

Section 15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city. All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.

Further guidance on Conservation Areas is set out in Chapter 11 Section 11.5.2.

5.2. National Planning Framework (First revision)

NPO 14 : Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

NPO 89: Protect, conserve and enhance the rich qualities of natural, cultural and built heritage of Ireland in a manner appropriate to their cultural and environmental significance.

NPO 90: Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

5.3. Ministerial Guidelines

- Design Standards for Apartments, Guidelines for Planning Authorities (2025).
- Urban Development and Building Height Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.4. Natural Heritage Designations

The Grand Canal proposed Natural Heritage Area (002104) is located c.750m to the south and east of the site. The nearest Natura 2000 sites are South Dublin Bay and River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210), both located in Dublin Bay, approximately 3km east from the site.

6.0 EIA Screening

6.1. The EIA Screening Report within the planning application was submitted with reference to the criteria set out in Schedule 7A of the Planning and Development Regulations 2001 (as amended) and has informed the Determination attached. Please refer to Appendices 1 and 2 of this report.

6.2. Having regard to the criteria set out in Schedule 7 and 7A, in particular

- The nature and scale of the proposed housing development, which is below the thresholds set out in Class 10(b)(iv) and Class 13 of the Planning and Development Regulations, 2001, as amended,
- The location of the site on zoned brownfield lands served by public infrastructure,

- The pattern of existing and permitted development in the vicinity of the site,
- The absence of any significant environmental sensitivity in the vicinity, and
- The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

6.3. I am satisfied that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore be required.

7.0 Grounds of Appeal

7.1.1. A third party appeal has been received by An Taisce objecting to the development on the following summarised grounds:

Parent Application

- Considered previous development stepping up to 8 storeys was over scaled and would impact on the heritage setting, vistas and protected buildings.
- Although parapet height onto St. Stephens Green was 5 storeys they were large commercial storeys and the overall parapet height was 2 storeys above the adjacent 4 storey protected Georgian building at No.100 St. Stephen's Green.
- Office redevelopment on eastern end of St. Stephen's Green (Aercap) maintained the established historic parapet height of the Green
- The impact of new development along Harcourt Street has an excessive impact and overbearance to this street.
- More preferable option would be to reuse the existing building with upgraded thermal performance in the interest of sustainability.

Historically context & significance of St. Stephen's Green

- St. Stephen's Green is a National Monument that represents the Renaissance planning that took place in Dublin from the 1660's.
- Buildings around the Green comprised in the main of 3 and 4 storey over basement type brick faced houses.

- Largest and oldest of the city's Georgian squares, an excellent amenity resource and attraction for citizens and visitors.
- Whilst it is noted a portion of the historic fabric was demolished during the 1960's & 1970's the new commercial buildings constructed maintained the established historic parapet heights around the Green.
- St. Stephen's Green South and Harcourt Street is one of the most prominent corners in the city, from the western end of St. Stephen's Green, north from Grafton Street and along Harcourt Street.

Application overview

- Outlines the proposed amendments, and that the building will be 9 storeys at Stokes Place.

Grounds of Appeal

- Contrary to Z8 zoning for the site which seeks to protect the existing architectural and civic character and to allow for limited expansion.
- The amendments to previous permission would impact on the character, setting and amenity of protected structures; Nos. 92-100 St. Stephens Green to the north and east, Harcourt Street to the west, Clonmel Street to the south, and Iveagh Gardens to the south east.
- Contrary to Policies BHA2 and BHA9 of the City Development Plan which seek to conserve and enhance protected structures and conservation areas.
- P.A failed to properly address the compatibility of the development which is confirmed by the limited nature of the further information requested.
- The amendments to the development would have an injurious impact on Nos.92-100 St. Stephen's Green and Nos.87-91 Harcourt Street.
- Contend that the additional views submitted in the F.I response confirm the multiple adverse effects of the proposed development.
- Proposal is increasing the scale and impact from what was already permitted on the surrounding views including Cuffe Street to the east, Iveagh Gardens and wider views from and around St. Stephen's Green.

- Planner's report does not reference the Dept., of Heritage's Architectural Heritage Protection Guidelines, and references section 13.8.2 and 18.8.3 of the said guidelines.
- The parapet heights along the eastern side of St. Stephen's Green South have been generally been maintained to respect the established parapet heights.
- This is in contrast to the proposed development on the western end which would produce a substantial jump in scale with the prevailing heights.
- The elevational drawings submitted by the applicant A (00)-P200P03 has included the large blocks to the rear of the applicant's landholding but these are set back from St. Stephen's Green South and have little or no presence in the streetscape.
- Parapet of No.100 St. Stephen's Green is contiguous with the mid-point of the 6th storey elevation of the proposed development and represents an increase in height of 100% in the elevation to this block over the established parapet height, notwithstanding the proposed setback.

Conclusion

- Materially contravenes policies and objectives of the Dublin City Development Plan and Department of Heritage's Architectural Heritage Protection Guidelines for Planning Authorities.
- Do not consider there is a basis to remedy the proposal by revised plans or condition.

7.2. Applicant's Response

7.2.1. The applicant's response included an Addendum Heritage Report and Visual Assessment, and their response is summarised as follows:

Introduction

- An Taisce did not appeal previous parent permission decision by Dublin City Council.

- Commission's decision was made in the context of the City Development Plan 2022-2028 and Architectural Heritage Protection Guidelines for Planning Authorities 2011 as stated in the reasons and considerations.
- Current development amounts to an amendment to the permitted scheme whereby there is an element of the scheme that is a single storey above that which is already permitted.
- Current application seeks to make improvements to the extant development permitted through enhanced public realm, climate action and sustainability measures and the modest increase in floor area.
- Development consistent with the need to provide for a compact core of the city, in close proximity to multi modes of public transport and assist in the achievement of climate goals and proper planning and sustainable development of the city.
- Applicant has not challenged or acknowledged the findings of the various assessments prepared by experts including the Landscape Visual Impact Assessment.
- An Taisce's appeal relates to 2 issues as follows

1. Compliance with Development Plan and Z8 zoning objective

- Already been determined by the P.A and ACP that the redevelopment of the site to office is acceptable within Z8 zoning objective.
- Current proposal is a minor amendment to the previous decision.
- Although amendments are proposed to form and quantum, the scheme provides qualitative improvements, including mixed uses, enhanced permeability, uplift in Urban Greening Factor, improved sustainability performance and a verified reduction in carbon.
- Office-led mixed-use development within this location remains consistent with Z8 objective.
- Inclusion of community/event floorspace and the refurbishment and upgrade of the residential units at Russell Court broaden the functional mix of the

scheme and reinforce the DP objective of maintaining vibrant and active city centre areas.

- Commission requested to consider the proposal as an enhanced iteration of an already permitted redevelopment under the same planning context, rather than the seeking to establish the acceptability in principle of redevelopment or intensified use at this location.
- Contend that the applicant's claim that any development that is of a significant scale within Z8 zoned would contravene the zoning objective is not supported in the Development Plan when it is read holistically.
- The proposed amendments to the extant permission remains within the scope of limited expansion envisaged by the Z8 zoning objective.
- Policy BHA9 supports contemporary design of exceptional quality and does not require replication of historic form or parapet levels and seeks a contextually responsive architectural approach.
- No legal basis for the restrictive interpretation of Z8 zoning.
- Height is not restricted on Z8 zoned lands.

2. Application of Architectural Heritage Protection Guidelines and Heritage Impact

- Building Height Guidelines requires the positive consideration of increased heights at appropriate locations, at centrally located sites served by high quality public transport, subject to the development having regard to the character of the area and good quality design.
- Dublin City Council on receipt of the F.I request concluded that the additional storey which is contained within part of the extant permission footprint would not adversely impact protected structures and would not materially injure the character of the area and the massing and scale was in accordance with national and local policy and the Building Height Guidelines.
- The increased height of the proposed development must be considered against the established baseline and its overall composition, articulation and contextual integration.

- The appellants two dimensional analysis of the proposed development does not capture the depth, articulation and setback along the street and is overly simplified and incorrectly indicates a dramatic increase in height.
- Additional photomontages were submitted, including wintertime views from the east side of St. Stephen's Green by way of F.I, which indicates the proposal would remain visually recessive when viewed from this viewpoint and would not impact on Nos.94-100 St. Stephen's Green.
- The proposed development reinforces a hierarchy of base, middle and upper levels and avoids a monolithic development.
- The basement has been reduced in size from the previous approval on site which reduces excavation and use of concrete, reduced car parking, increased cycle facilities, improved public realm, residential refurbishment and community uses which strengthens the schemes alignment with compact growth and sustainable transport.
- The alignment of the parapet and set back of the third floor façade with No. 100 St. Stephen's Green, ensures the established Georgian roofline remains legible at street level and reinforces the architectural integrity of the terrace.
- Sections 13.8.2 and 13.8.3 of the Architectural Protection Guidelines do not impose quantitative limits on height or scale but rather place an emphasis that development in proximity to Protected Structures should be assessed having regard to scale, form, massing, materials and spatial relationships and whether they have an adverse effect to the special character of a structure.
- The appeal does not identify any specific character-defining element that would be harmed and equates the increase in height with non-compliance with the Guidelines.

Conclusion

- Amended scheme delivers clear and measurable planning gains.
- Improvements strengthen the Development Plan's objectives relating to compact growth, sustainability, place making and climate change.

- Development is not only an increase in quantum but a qualitative advancement of the permitted scheme.

7.3. Planning Authority Response

7.3.1. Requests the Commission upholds their decision and would request if permission is granted that the following conditions be applied:

- Section 48 development contribution.
- Section 49 Luas C1 development contribution.
- Payment of a bond.
- Planner's report for any additional conditions.

7.4. Observations

7.4.1. An observation was received from Phillip O'Reilly on the following summarised grounds:

- Supports An Taisce's submission.
- Considers a number of planning decisions in recent years has had a damaging effect on the city and the trend needs to stop.
- Refers to development in general at Hawkins Street/Townsend Street, Tara Street area, southern end of Harcourt Street and elsewhere in St. Stephen's Green.
- Proposal would impact on the setting of some of the oldest buildings in the city.
- Disenfranchises areas of architectural merit.
- Does not want to go into detail in respect of the proposal but the drawings and photomontages indicate how the development on the historical and architectural environment on St. Stephen's Green, Iveagh Gardens, Harcourt Street and other important surrounding historical and architectural significant areas of the city.

7.5 Further Responses

7.5.1 A further response was received from An Taisce to the applicant's submission on the following summarised grounds:

- Applicant is seeking another 'bite of the cherry', for a substantive increase in the overall height of the development from the extant permission.
- Applicant has not addressed the central issue of concern and the impact of the development on the protected structures at Nos. 95-100 St. Stephen's Green and the rise in parapet heights.
- These buildings are of great significance as they represent the original scale, grain and building type of St. Stephen's Green stretching over 250 years.
- St. Stephen's Green is one of the most hallowed parts of Georgian Dublin, and it generally retains its coherent building heights and historic vistas and has not been damaged by inappropriate development or overbearing modern development.
- The proposed development would produce an overblown redevelopment of the site and is inappropriate and does not respect the conservation or historic aspects of St. Stephen's Green.

7.5.2 An extensive further response was also received from the observer to the applicant's response on the following summarised grounds:

- Development is a significant departure from the approved development.
- Development compromises the rear of Nos.95 & 96 St. Stephen's Green.
- Contravenes the Z8 zoning and mixes quantum with quality.
- Conservation area and protected structures have not been respected.
- Extra storey constitutes overdevelopment.
- Increase in heights by way of amendments have been refused on Merrion Rd/Ballsbridge Avenue & No.73 Lower Baggott Street, in a similar historical context and brownfield sites close to public transport.

- There is no high-quality public transport in the area as the Luas is already at capacity.
- This development is not appropriate and is not in accordance with the Building Height Guidelines.
- Does not accept that the development is acceptable in terms of height or scale and represents a 100% increase compared to the local Georgian terraces.
- Setbacks add clutter to the skyline and do not mitigate the height and will be visually intrusive.
- Proposal is too high and has no regard to Iveagh Gardens.
- The proposed development exceeds the 'limited expansion' as stated in the Z8 zoning, is a material intensification on the site and will have a detrimental effect on the surrounding conservation area and protected structures, St.Stephen's Green, Harcourt Street and Iveagh Gardens.
- Proposal will dominate the protected structures.
- Development does not accord with the Architectural Heritage Guidelines.
- If the development is allowed it will further destroy yet another historical part of the city.

8.0 **Assessment**

8.1. **Introduction**

Having examined the application details and all documentation on file, including the extant permission, reports of the planning authority, the submissions on file, inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Principle of the development and planning context
- Height and Scale
- Visual Impact on surrounding area.

8.2. Principle of the development and planning policy context

8.2.1. The demolition and redevelopment of this site have been established by virtue of the parent planning permission granted by the Commission in ABP Ref: 311618 in January 2023. The Inspector in the parent permission considered the development in accordance with the 2016-2022 City Development Plan and the Commission following the adoption of the current Dublin City Development Plan 2022-2028, and therefore under the same planning policies and zoning objectives as the current appeal.

Zoning

- 8.2.2. The third party and observer consider that the proposed development would be contrary to the Z8 zoning objective. However, the applicant considers that the proposal remains within the scope of 'limited expansion' envisaged by the Z8 zoning objective and that the conservation objective is respected through design quality, and is an enhanced iteration of an already permitted redevelopment of the site.
- 8.2.3. The subject site is located within lands zoned Z8: Georgian Conservation Areas, which seeks 'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective'. The aim of this zoning is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development in the Georgian areas of the city. However, I note according to the zoning map, although the subject site is located within the Z8 zoning objective, it is not included within the Conservation Area. I will therefore consider the proposed uses with regards to the Z8 zoning.
- 8.2.4. The current development would increase the office floor area from the permitted development by 3,749m². Office uses are considered as permissible uses in Z8 zoning within the City Development Plan.
- 8.2.5. The retail element of the permitted scheme along Harcourt Street would be replaced by an event/entertainment space in the current scheme. Cultural and recreational uses are permitted uses within the Z8 zoning.
- 8.2.6. The proposed 'community coffee shop' would be located in an existing building in the south east corner of the site. This is described in the supporting planning report

with the application as an ancillary element to the office use. I consider given the location of this structure, it would not be readily accessible by members of the public and would be more accessible to the users of the office buildings. Nevertheless, a café is a permissible use within the Z8 zoning for the site, and a community facility is 'open for consideration'.

- 8.2.7. The refurbishment and external alterations of the 9 apartments within Russell Court, would generally improve the current internal arrangement to these apartments. Residential use is a permissible use within the Z8 zoning of the site.
- 8.2.8. I therefore consider the proposed uses would comply with the Z8 zoning for this site. The third party considers the development contravenes the Z8 zoning with regards to exceeding the 'limited expansion'. The current proposal would increase the size of the development by c.10% in floorspace from the extant permission which I consider to be a relatively small increase, given the overall extant permission quantum, and would not therefore contravene this zoning in this regard.

Reuse of existing buildings

- 8.2.9. The third party considers the existing buildings on the site should be retrofitted and reused. The demolition of the existing buildings on site was considered by the Inspector in the parent permission with reference to Section 16.10.17 of the Dublin City Development Plan 2016-2022 which supported the retention and reuse of older buildings of significance which were not protected. The Inspector in their report was of the opinion that there would be considerable challenges in achieving an appropriately increased quantum of development on the site while also retaining the existing buildings.
- 8.2.10. The P.A considered the current appeal proposal in the context of the existing extant permission and raised no objections to the demolition of the existing buildings on site. Nevertheless Policy CA6 of the current Development Plan 2022-2028, promotes and supports the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, and in accordance with Section 15.7.1 of the Plan, where demolition is proposed the applicant must submit a demolition justification report setting out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition such as refurbishment, extension or retrofitting are not possible.

- 8.2.11. There is no demolition justification report submitted with the current appeal documentation. A number of reports accompanied the appeal application including a Planning Report and statement of consistency, Climate Action Energy Statement, Building Life Cycle Report for the apartment building, a Construction and Environmental Management Plan, a Waste and Operational Management Plan and a Resource & Waste Management Plan. None of these reports contain or make reference to the justification for demolition of the existing buildings. The Climate Action Energy Statement submitted with the application outlines how the new development would be designed in line with the EU Taxonomy Classification System (Under Regulation 2020/852), with regards to the new buildings' energy demand, best practice in the reuse of construction and demolition waste etc., but does not present a comparison with the existing buildings on site.
- 8.2.12. The Part L Compliance Report submitted concludes the proposed office development achieves the NZEB performance specification for energy and carbon dioxide emissions, and although Part L is under a separate code to planning, the development would be in compliance with the performance criteria of Part L of the Building Regulations. I note the Building Lifecycle report for the proposed refurbishment of the existing residential development at Russell Court indicates the proposed works would improve the energy performance of this building.
- 8.2.13. The applicant in their response to the appeal outlines that the current proposal would achieve a reduction in embodied carbon relative to the permitted scheme through the use of revised materials, supports the circular economy with regards to waste materials, provision of photovoltaic panels, that the enhanced urban greening measures achieves an uplift in Urban Greening Factor from 0.27 to 0.31, improved building performance standards, basement and structural grid reduction, increased bin storage and a reduction in car parking and an increase in cycle parking.
- 8.2.14. Policy CA6 promotes and supports the reuse of existing buildings where possible, but it is stated in Section 15.7.1 of the Plan, where demolition is proposed the applicant must submit a demolition justification report. However, the proposed development is seeking amendments to an extant permission which has permission to demolish the existing buildings on the site. I would also be of the opinion, on the basis of proportionality, the current development under consideration would not lead

to a disproportionate increase in floorspace to the extant permission, and Section 15.7.1 of the Plan, in this instance would not be applicable.

- 8.2.15. Policy BHA 9 and 10 of the Development Plan states there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit. As stated elsewhere within this report, the existing buildings on the subject site lies outside the Conservation Area, and the buildings themselves which were constructed in the 1980's have no significant architectural merit.
- 8.2.16. I therefore would not consider the development as presented is a material contravention to Section 15.7.1, BHA9, BHA10 or to the Z8 zoning for the site with regards to the current Development Plan.

Conclusion

- 8.2.17. The mix of uses proposed for the subject lands being primarily office, residential, event/entertainment space and community/coffee shop are suitable uses on this site according to the Z8 zoning of the lands.
- 8.2.18. This is a brownfield site adjacent to the City Centre, and I consider its redevelopment would align with the zoning objectives and compact growth targets in the City Development Plan. I do not consider the 10% increase in floorspace from that previously permitted could be considered as a significant expansion to that of the parent permission.
- 8.2.19. However, I am cognisant that the Z8 zoning within the CDP seeks to protect the existing architectural character/design and overall setting of Conservation Areas, particularly the Georgian Squares and Streets while facilitating regeneration, and limited expansion. Furthermore, as stated in the zoning objective insensitive or inappropriate backland development in Z8 areas will therefore be strongly discouraged. The creation of attractive and well-designed urban places are an important aspect of the development of these lands and the increase in the height of the development from the parent permission will be considered in the following section.

8.3. Height and Scale

- 8.3.1. The third party considers the height of the proposed development would have an overbearing impact on the adjoining Georgian buildings along St. Stephen's Green and Harcourt Street, and that the increase in scale from that previously granted would impact on the surrounding views from Cuffe Street, Iveagh Gardens and the wider views from and around St. Stephen's Green. The first party contend that the proposed development is amendments to an extant permission and that there is no restrictive interpretation of Z8 zoning in terms of height or scale.
- 8.3.2. However, I consider the height, scale and massing, of the proposed development are key considerations in assessing whether the development is acceptable in terms of enhancing the character of the area and providing a quality development for the future occupiers and users of the development.

Plot ratio and Site Coverage

- 8.3.3. As stated in the Development Plan plot ratio and site coverage can be used as part of a suite of measures to ensure higher density schemes are appropriately developed to a high standard, and control bulk and mass. Indicative plot ratio and site coverage within Table 2 of the Plan for conservation areas are as follows.

	Development Plan standard for conservation areas	Proposed Development	Extant permission
Indicative Plot ratio	1.5-2.0	5.6	4.67
Indicative Site coverage	40-50%	73.6%	69.6%

- 8.3.4. Both the extant and current development would exceed the plot ratio and site coverage as outlined above. However these standards are indicative only within the Plan which states higher plot ratios and site coverage maybe permitted in certain circumstances including inter alia; where the site adjoins major public transport corridors, where an appropriate mix of residential and commercial uses are proposed, where the existing street profiles are maintained or where the site already

has the benefit of a higher plot ratio. However, any development with a plot ratio over 3 must be accompanied by a compelling case.

Height and Scale

- 8.3.5. The existing buildings on the subject site, are 5 storeys in height (Blocks A & B) along the St. Stephen's Green and Harcourt Street frontage, rising to 7 storeys in height within Stokes Place (Blocks C & D). Blocks A & B provide a strong corner building within this urban context due to their height, scale and corner position along St. Stephen's Green and Harcourt Street. Blocks C & D due to their setback from the rear of the properties along St. Stephen's Green and Harcourt Street do not form part of the streetscape.
- 8.3.6. The extant development on the site (ABP- 311618-21) permitted a 4/5 storey building along the site's perimeter increasing in height to 8 storeys to the rear with setbacks in the form of terraces. The maximum height of the building was c.35m above ground measured from St. Stephen's Green with a setback at 6th floor level with a height of c.38m. The overall height of Block B extended to a height of c.43m.
- 8.3.7. The current proposal is seeking to increase the height from 5 to 6 storeys at the St. Stephen's Green and Harcourt Street corner (Block A) with setbacks on the 7th and 8th floors and an increase in height to the rear Block (B) from to 7 to 9 storeys with setbacks. Block A would increase in height from the extant permission by 3.8m to a maximum height of c39m, along the St.Stephen's Green frontage and on the return onto Harcourt Street. The building would then drop down to 5 and 4 storeys along the remainder of Harcourt Street.
- 8.3.8. Block B would be set back between c.26.5m and 29m from the rear of No. 99 St.Stephen's Green, and c. 47 from the frontage of St.Stephen's Green South with an overall height of c.39m. This building would then step back at the 7th and 8th floors with an overall height of c.47m (excluding a louvered enclosure on the roof). This block would bound the south eastern boundary with Iveagh Gardens with set backs at 6th-8th floor levels.
- 8.3.9. Following a response to the P.A's further information request the interface between Block A and No.100 St. Stephen's Green South was revised and the third floor parapet was lowered and set back to align with the neighbouring parapet. I consider

this amendment to this elevation is similar to the extant permission and would not impact on the setting of No.100 St. Stephens Green.

- 8.3.10. The proposed Block A building would step down to 5 and 4 storeys along the Harcourt Street elevation adjoining No. 91 Harcourt Street. The Harcourt Street façade of the proposed building would have a narrower plot grain and window size at the upper levels to reflect the rhythm of the adjoining Georgian properties to its immediate south.
- 8.3.11. The Urban Development and Building Heights Guidelines (2018) notes that maximum building heights in city and town centre areas tend towards the range of 6-8 storeys, which have been exceeded in only a limited number of locations. These Guidelines, however, consider it is appropriate in areas such as the canal ring in Dublin to support the consideration of building heights of at least 6 storeys at street level as the default objective, with the scope to consider greater building heights identified in suitably configured sites with significant public transport capacity.
- 8.3.12. Policy SC14 of the City Plan reiterates this approach and in accordance with national policy and the aforementioned guidelines seeks to promote more intensive forms of development, including increased height close to high frequency public transport, whilst ensuring that high quality places and a good quality of life is achieved.
- 8.3.13. In general the Plan in accordance with the Building Height Guidelines states a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics, including heritage/ environmental considerations and where a development abuts a lower density development, appropriate transitions of scale and separation distances must be provided in order to protect existing amenities. Proposals for increased height within key sensitive areas of the city including the city centre and historic Georgian core and squares must demonstrate that they do not have an adverse impact on these sensitive environments and make a positive contribution to the historic context.
- 8.3.14. Heights greater than 6 storeys within the Canal Ring of the City within the Dublin City Plan are considered on a case by case basis subject to 10 performance criteria outlined in Table 3 of Appendix 3 of the DCDP which are required to be used in

assessing urban schemes of enhanced height, density and scale. I have considered the proposed development with regards to the 10 criteria as follows:

1. To promote development with a sense of place and character

- 8.3.15. The prevailing character of the immediate surrounding area to the subject site is mixed, in both height, scale and architectural form and design. Within the conservation area to the immediate east along St. Stephen's Green, and south and west of the subject site along Harcourt Street generally comprise protected structures characterised by Georgian 4 storey over basement properties. St. Stephen's Green and Iveagh Gardens provide two significant open space areas within this urban context, although the latter is screened from the immediate streets to a large extent by the buildings around its perimeter.
- 8.3.16. The buildings on the corner of Cuffe Street and west of St. Stephen's Green are more modern in style, taller and on wider plots than the Georgian properties. The applicant in their Architectural Statement highlight a number of recent contemporary and taller developments in the vicinity of the subject site including The Royal College of Surgeons Building, Harcourt Square and Camden yard developments. I also note 2 developments were recently granted in close proximity to the site which are referenced in Section 4 of this report, which includes a 5-7 storey rear extension at Nos. 92-93 St. Stephen's Green currently under construction, and a 5 storey development to the south of the site in Stable Lane.
- 8.3.17. The Architectural Heritage Impact Assessment submitted with the planning application provides a detailed history of the properties surrounding the subject site, and the subject site itself which was formerly occupied by the Russell Hotel, Wesley College and chapel to the rear of Nos. 94-99 St. Stephens Green, and 10 houses on the east of Harcourt Street, and the evolving character of the general area since the 1800s. Although there are no protected structures within the subject site almost every building south and west of the site along Harcourt Street are Protected Structures and to the east of the site along St. Stephen's Green South.
- 8.3.18. The third party considers the development should reflect the height of the buildings along St. Stephen's Green South and references the 5 storey AerCap building on the east side of this street. I consider there are a variety of developments in close proximity to the site of varying styles and heights, and the area is experiencing a

transition. The existing blocks C and D to the rear of the subject site are 7 storeys high, but do not in my opinion impact on the setting of the Georgian properties along St. Stephen's Green. Although the proposed Block B would be higher than these existing blocks I consider due to its setback it would not impact on the streetscape.

8.3.19. The proposed building fronting St. Stephen's Green would comprise a number of external materials, including a pale stone cube on the corner of St Stephen's Green and Harcourt Street and would have a similar material palette to the AerCap building (referenced by the appellant) and would be similar to the former Russell hotel that occupied the site.

8.3.20. The green cladding of the proposed building would replace the brick on the extant permission façade and would provide an integration with St. Stephen's Green to an extent and with Block B to the rear. I consider the breakup of materials along the façade of the development with the use of stone, green profiling and vertical planting would provide a contrast with the adjoining red brick Georgian properties, prevent a monolithic appearance and enhance a sense of place at this location.

2. To provide appropriate legibility

8.3.21. The proposed development would provide an active frontage along St. Stephen's Green South which is currently not provided in the existing building and promote an element of street activity at this corner site and enhance the public realm along the street frontage.

8.3.22. I note the proposed hard and soft landscaping proposed within the central area of the proposed new buildings. The existing accesses off St. Stephen's Green and Harcourt Street allows for movement between the two areas and the proposed event centre at Harcourt Street, community café and refurbishment of Russell Court would promote a level of legibility through the site.

3. To provide appropriate continuity and enclosure of streets and spaces

8.3.23. The proposed layout of the development addresses the street frontages of St. Stephen's Green and Harcourt Street and it is proposed to improve the hard landscaping along the proposed building on these two streets for pedestrians. The development allows for pedestrians and cyclists to travel through the site. The courtyard area within the rear of the site would be overlooked by the proposed office

uses and the refurbishment of Russell Court would provide 24 hour surveillance to this area.

4. To provide well connected, high quality and active public and community spaces

8.3.24. The replacement of the retail element of the extant permission with an entertainment/event use, would enliven this area of Harcourt Street at night. The proposed community/café use could avail of the courtyard areas as users would pass through this area to access the café building. A new pedestrian access from St. Stephen's Green south through Block A would connect visitors to the courtyard area.

5. To provide high quality, attractive and useable private spaces

8.3.25. The architectural statement submitted with the proposal places a strong emphasis on the connection of the site with both St. Stephen's Green and Iveagh Gardens, through the use of walled garden spaces, green facades and roof gardens. Whilst I consider the proposed terraces that form part of the development would be for the users of the development only, they do provide an element of visual relief in the development.

8.3.26. The results of the wind impact statement study indicate the proposed development would not cause unsafe wind speeds or negative impacts on surrounding buildings and adjacent roads, and wind conditions would remain suitable for pedestrian routes and future users of the balcony areas without any adverse effects.

6. To promote mix of use and diversity of activities

8.3.27. The development would include an event/entertainment space onto Harcourt Street which I consider would provide for a degree of activity which is currently absent along this stretch of the street. I note the proposed community/café building to the south east of the site, which as stated previously would be more accessible for the users of the office space, would nevertheless provide for a mix of uses other than offices. The development further proposes to incorporate the refurbishment of Russell Court apartment buildings which although existing, would enhance the amenity for future occupiers of this development by providing dual aspect units.

8.3.28. I consider the incorporation of the residential, event and community elements into the amended development provides for a mixed office style campus and would increase pedestrian permeability through the site.

7. To ensure high quality and environmentally sustainable buildings

8.3.29. The Climate Action Statement submitted with the planning application outlines the proposed development has been designed to minimise embodied carbon and that this played a significant role in informing structural and material choices, to ensure that the most efficient and low impact solutions were selected. It is estimated the carbon associated with the pre-construction, and construction works, waste and associated waste management account for 14.57% of the overall embodied carbon. The overall embodied footprint of the development is stated as being close to the RIAI aspirational 2030 build target. The whole life carbon performance of the proposed development is projected to be significantly lower than current industry benchmarks.

8.3.30. The Daylight & Sunlight Assessment submitted with the planning application notes a reduction in natural daylight and sunlight to some neighbouring buildings due to increased building massing. Residential impacts are limited, primarily affecting bedrooms. The daylight and sunlight impact is similar to the extant development, with a few additional losses to isolated windows, mostly in commercial properties. A terrace at No.99 St. Stephen's Green will receive less sunlight than BRE guidelines recommend, but this was considered as being acceptable in the previous development. The central location of the site does pose some challenges in terms of meeting the BRE standards, however the BRE standards do allow for flexibility in certain circumstances.

8.3.31. All of the apartments within Russell Court following refurbishment would be dual aspect. The refurbishment of the apartments in Russell Court has optimised for a balance of light and solar overheating with openable windows for future proofing and natural ventilation for future occupiers. The current scheme includes two vertical gardens facing onto Harcourt Street and St. Stephen's Green and one onto Iveagh Gardens.

8.3.32. Overall, I am satisfied the proposed development would be of a sufficiently high quality and in line with environmental sustainability planning requirements.

8. To secure sustainable density, intensity at locations of high accessibility

- 8.3.33. The site is located next to the Green Line Luas stop at Harcourt Street. The area is well served by public transport with high-capacity frequent services with good links to other modes of public transport.
- 8.3.34. The amended plan has reduced the number of car parking spaces from that of the extant permission and increased the cycle provision, which would further promote sustainable forms of travel for future occupiers of the development.

9. To protect historic environments from insensitive development

- 8.3.35. The planning application was accompanied by a Heritage Impact Assessment, which outlines the receiving environment and historical development of St. Stephen's Green and its immediate surroundings including Iveagh Gardens and Harcourt Street. It notes that significant demolition occurred between the 1960s-1980s which resulted in a substantial loss of historical buildings around the Green to accommodate road widening and commercial development. The existing buildings on the subject site were constructed in the 1980's and are not included within the conservation zoning. The site adjoins a Conservation Area and although the existing structures on the site are not protected structures the site immediately adjoins 10 protected structures and borders protected structures at Nos. 94-100 St. Stephen's Green and No.91 Harcourt Street.
- 8.3.36. Both the extant and proposed development would replace an undistinguished building that currently adjoins the conservation area and protected structures. However, I do not consider the proposed development is of a lesser quality in terms of design or materials than the existing buildings on the site or the extant permission. The use of grey limestone on the corner of the building and the green cladding of the core would provide for a distinct building next to the protected Georgian structures along St. Stephen's Green South and Harcourt Street and the adjoining conservation area.
- 8.3.37. The proposed development would result in a change on the site; however, I consider the overall heritage of the immediate area would largely remain intact and would be consistent with the pattern of change that has occurred and is already occurring in the area. There would be no direct physical effects on the protected structures within St. Stephen's Green or Harcourt Street, and the use of secant pile

foundations are proposed to prevent damage to these structures during the construction of the development. The amended scheme currently before the Commission provides for the existing car park areas to the rear of the protected structures in Stokes Place to be replaced by green spaces which would provide for an improvement to the current outlook to these properties.

10. To ensure appropriate management and maintenance

- 8.3.38. A life cycle report was submitted with the proposed development for the residential element of the development in accordance with the Apartment Guidelines. The proposal was accompanied by an Operational Waste Management Plan (OWMP), which aims to ensure maximum recycling and minimise waste with designated Waste Storage Areas for both the commercial and residential element of the development, operated by a facilities manager for the development.

Conclusion

- 8.3.39. National Policy recognises that increasing prevailing building heights has a critical role in addressing the delivery of more compact growth in urban areas, particularly in cities through enhancing both the scale and density of development and that the planning process must actively address how this objective will be secured.
- 8.3.40. The current buildings on the site, are of no particular merit, and the site does not impact on key views or landmarks within the city, is located within walking distance to the city centre and is well served by a high frequency public transport network. Although the proposed development would be higher than the existing buildings on site and one storey higher overall than the extant permission, I consider in line with national and local policy it optimises the regeneration of an existing brownfield site. The development would become a new feature in the area, however, it would be seen against the backdrop of a developed and developing city centre area. I do not consider a 6 storey building with setbacks at 8th and 9th floors in this location within the canal ring of the city could be considered a tall building, particularly having regard to the prevailing character of building heights in the area.
- 8.3.41. Furthermore, I consider the proposed development would be in accordance with the NPF, Dublin City Development Plan and the Building Heights Guidelines which seek to optimise compact forms of development and consolidate and strengthen built up areas where there is good public infrastructure already in place.

8.4. **Visual Impact on Conservation Area and Protected Structures**

- 8.4.1. The third party considers the proposed development is contrary to the Architectural Heritage Protected Guidelines for planning authorities. The purpose of these guidelines is to provide P.As with regards to inter alia maintaining and identifying protected structures or parts of structures of special architectural or historic interest, and to preserve the character of architectural conservation area (ACAs). It does not however, preclude new development in ACAs, and recommends where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged, and the scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. It recommends the palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.
- 8.4.2. Both the third party and observer consider the proposed development would be contrary to Policies BHA2 and BHA9 of the Development Plan. Policy BHA2 relates to the development of protected structures and BHA9 relates the protection of Conservation Areas. The third parties consider the development would have an adverse impact on No. 100 St. Stephen's Green and Nos.92-99 Harcourt Street and the views from along the southern side of St. Stephen's Green from the east, the view towards Harcourt Street from the west side of St. Stephen's Green, easterly views from Cuffe Street, as well as the rear impact view from Iveagh Gardens and the wider views from around St. Stephen's Green. The third party considers the additional views submitted by way of further information of wintertime views confirm the developments adverse effect.
- 8.4.3. The Landscape Visual Impact Assessment (LVIA), submitted with the planning application analyses the impact of the extant and proposed development on the surrounding area from 17 viewpoints and is accompanied by photomontages of the view points of the existing environment, and superimposes the extant permission and proposed development within the viewpoints. The dates of when the photographs were taken is not specified but the trees were in full leaf.
- 8.4.4. The following table provides a summary assessment of the likely visual impact from the 17 selected viewpoints arising from the proposed development as outlined in the LVIA.

View No.	Location	Potential Visual Impact from extant scheme	Potential Visual Impact proposed scheme
1.	From the north west corner of St.Stephen's Green at Grafton St.	Slight	Slight
2.	From the west St.Stephen's Green at York St.	Moderate	Moderate
3.	From the s.e corner of St.Stephens Green at Leeson St/Earlsford Terrace	Imperceptible to slight	Slight
4.	From the south side of St.Stephen's Green facing west	Moderate	Moderate
5.	Centre of St.Stephen's Green	Slight to moderate in winter	Slight to Moderate in winter
6.	Near the south west gate of St.Stephen's Green	Slight to Moderate in winter	Slight to Moderate in winter
7.	From the south end of Harcourt St	None	None
8.	From the centre of Harcourt St	None	None
9.	From Harcourt St. at Montague St.	Moderate	Moderate
10.	From Harcourt St. at the corner of Cuffe St.	Moderate	Moderate
11.	From Earlsfort Terrace	Slight	Slight
12.	From Iveagh Gardens at the east end of the 'Dip'	Moderate	Moderate
13.	From centre of Iveagh Gardens	Slight to moderate in winter	Slight to moderate in winter
14.	From Cuffe St at Mercer St.	Slight to moderate in winter	Slight to moderate in winter
15.	From Cuffe St/Kevin St at Wexford St.	Imperceptible	Imperceptible
16	From Kevin St	None	Imperceptible
17	From Montague St	Slight	Slight

8.4.5. There would be perceived changes to a number of views primarily from within St. Stephen's Green, Iveagh Gardens, along certain sections of Harcourt Street, and St. Stephen's Green South. These views would relate primarily to the upper storeys of the development beyond the 6th floor level. Further photomontages were submitted following the further information request from the P.A. to provide wintertime photomontages when the foliage would not be so prominent and views of the northern elevation of the scheme and how it would interact with Nos.94-100 St. Stephen's Green South. The photomontages provided wintertime views and further views along the north elevation on St. Stephen's Green South, and the P.A considered that the development would not have a detrimental impact to the wider streetscape along St. Stephen's Green South or the general area.

St. Stephen's Green West (viewpoints Nos 1 & 2)

8.4.6. I note the amended proposal from viewpoint no.1 from the northwest corner of St. Stephen's Green at Grafton Street would have a slight impact and viewpoint no. 2 along the same street at York Street would have a moderate impact on the surrounding area. However, I consider these impacts would be intermittent and could not be considered exceptional when viewed against the backdrop of the existing and more modern buildings along the western side of St. Stephen's Green, and at the southern end of Harcourt Street, in addition to the existing trees along this street, and the level of activity on this street including the Luas and overhead wiring. I therefore consider the amendments to the extant development would not be seen across a large part of the city from either of these viewpoints.

St. Stephen's Green South (viewpoint nos. 3 &4)

8.4.7. At viewpoint 3 to the east of St. Stephen's Green South at the junction with Earlsfort Terrace is the recently constructed AerCap House referred to in the appellant's submission, which is 5 storeys in height with a 6th floor setback. This building is on the most eastern end of St. Stephen's Green South and reflects the height of the glazed and modern building immediately to its west. Given the length of this stretch of the street (c.377m east to west) the subject building is not visible from this viewpoint and only becomes more visible at viewpoint No.4, the mid way point along the street. I do not therefore consider the AerCap House building is seen in the

context of the subject site. Nevertheless, I note it has a similar style to the proposed development albeit 5/6 storeys in height onto St. Stephen's Green South.

- 8.4.8. The existing building on the site is visible from viewpoint no.4, although not to a large or significant extent. The proposed development would have a moderate impact from viewpoint No.4 mid way along St. Stephen's Green South. Although the existing buildings along this stretch of St. Stephen's Green South have an element of conformity, there are breaks in the established line, varying heights, plot widths, fenestration styles and materials along the street.
- 8.4.9. The proposed amended development would be more visible from viewpoint no.4, this location than the extant permission, with the upper floors being visible above and behind the existing houses at Nos. 95 to 100 St. Stephen's Green. However, the development would maintain the existing building line and the revised set back at third floor level with glazing next to No.100 St. Stephen's Green does not impact on the existing rhythm of the street.

St. Stephen's Green (viewpoints nos. 5&6)

- 8.4.10. I consider the impacts from within St. Stephen's Green would not be significant and the development would not impact on the character of St. Stephen's Green itself. I acknowledge the building maybe be visible from viewpoint No.6 at the south western gate during the wintertime but it would have a slight to moderate impact in the wintertime in particular. The most visible elements of the amended scheme would be the trees and planting on the roof and terraces, which would blend with the canopies of trees within the Green itself. I consider the existing landscape within St. Stephen's Green and the intervening structures and the 26m wide throughfare between the subject site and St. Stephen's Green boundary would limit the change when viewed from inside St. Stephen's Green.

Corner of Cuffe Street and views along Cuffe Street to the west of site (viewpoint nos. 10,14,15 &16)

- 8.4.11. Regarding the viewpoints at these locations, the proposed building would be more visible at viewpoint 10 on the corner with Harcourt Steet and Cuffe Street. There are two relatively large buildings located on the corner of Cuffe Street and Harcourt Street ranging from 4-5 storeys in height, and although the impact of the new development would be moderate at this viewpoint, the development would not

appear out of keeping in terms of height or scale with these two corner buildings. Further west along Cuffe Street the impact of the proposed development would be slight when the trees along the centre of Cuffe Street would not be in leaf.

- 8.4.12. Cuffe Street close to the junction Wexford Street is book ended by a 5 storey building with a larger 8/9 storey building adjoining currently under construction. Overall, I consider the appeal building, although not visible from viewpoint no.15, would not be out of character with the established building heights in Cuffe Street.

Harcourt Street (viewpoint nos. 7, 8, 9, 10 & 17)

- 8.4.13. Harcourt Street is a significant street in terms of its Georgian architecture. However, due to the curvature of the street, the subject site and existing buildings on it are only visible along Harcourt Street as it approaches St.Stephen's Green at Montague Street (viewpoint No.9), from the south where the proposed development would have a moderate visual impact.

- 8.4.14. The proposed building would step down along the Harcourt elevation from 6 storeys to 4 storeys next to No. 91 Harcourt Street immediately to its south. I consider the amendments in the current proposal refines the design of the development compared to the extant permission, by changing the brick to green glazed terracotta, and the setback higher elements to cladding to match the stone cube elements of the corner of the development from that of green profiled concrete. I consider the amended development by way of the materials proposed provides for a better juxtaposition with No.91 Harcourt Street.

- 8.4.15. Furthermore within this view the new Royal of Surgeons building is visible to the west of St.Stephen's Green and the 10 storey building at Tara Street in the distance, and therefore I consider the overall impact of the proposed development when viewed from along Harcourt Street would be seen in the context of these buildings, rather than impacting the properties on Harcourt Street.

- 8.4.16. Viewpoint no.17 looks east along Montague Lane towards the back of buildings to the west of Harcourt Street. The upper floors of the extant and amended scheme would be visible from this view, however given the separation distances and intervening buildings it would not appear overly dominant.

From Earlsfort terrace (viewpoint no 11)

8.4.17. Viewpoint no. 11 assessed the visual impact of the proposed development when viewed to the rear of the AerCap Building and next to the former UCD Earlsfort Terrace building. I would agree that the impact of the proposed development would be slight due to its setback from this viewpoint.

Iveagh Gardens (viewpoints nos. 12 & 13)

8.4.18. I consider the most sensitive viewpoint to be No.12 from within Iveagh Gardens, particularly during the wintertime. On the day of my site inspection, I noted that the development to the rear of Nos.92-93 St. Stephen's Green was under construction which comprises a 5, 6 and 7 storey rear extension (ABP Ref:318822). This development is 7 storeys high, however, from the planning history it is stepped in from the boundary with Iveagh Gardens. Nevertheless, although this building was visible from the north west end of Iveagh Gardens, the overall mass of this development provides an indicator of how the proposed development would impact on the Gardens, and it did not appear excessive in the context of the existing buildings in this location. I consider this is due largely by its setback from the boundary wall with Iveagh Gardens.

8.4.19. The extant parent permission was also set in from its southern boundary with Iveagh Gardens by 2.4m, whereas the current proposal abuts the boundary along this elevation. I consider this set back from the Gardens should be retained in the current proposal to reduce its impact from Iveagh Gardens, maintain the setting of the boundary wall along Iveagh Gardens and allow for circulation around the proposed building. I note the tree survey indicates that the proposed development will not adversely affect existing trees in Iveagh Gardens, but that it may be necessary to trim a number of trees in Iveagh Gardens which currently overhang the existing south eastern boundary of the site.

8.4.20. If the Commission are minded to grant permission, I would recommend the development is set back at all levels a minimum distance of 2.4m from the southern boundary with Iveagh Gardens. Such revisions would be agreed with the P.A prior to commencement of the development.

Conclusion

8.4.21. I consider the immediate area to the subject site is evolving and that there have been a number of taller developments constructed recently along Cuffe Street,

Harcourt Street and along the western and southern side of St. Stephen's Green, in line with national policy which seeks denser developments within the city close to public transport links.

- 8.4.22. The buildings that currently occupy the subject site are not protected and are not within the conservation area and the principle of their demolition has been established by virtue of the extant permission. The variety of materials, including the stone cube along the St. Stephen's Green and Harcourt Street elevation, would make the building distinctive and given its corner location prominent.
- 8.4.23. However, I consider the increase in proximity of the amendment scheme to the southern boundary to Iveagh Gardens would appear overly dominant when compared to the extant permission, especially in the wintertime. I consider with the exception of viewpoint no.12 in Iveagh Gardens the visibility of the new building will be limited to within the immediate surrounding area and would not impact on the protected structures or the character of the adjoining conservation area.

9.0 **AA Screening**

- 9.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act as amended.
- 9.1.2. The subject site is located c.3km from South Dublin Bay Special Area of Conservation (SAC) and from the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA). There are no direct pathways between the subject site and these Natura 2000 sites, although there would be indirect connections via the River Liffey via surface water and foul water connections.
- 9.1.3. Having regard to the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment and that no mitigation measures have been relied upon for this assessment, and the development would not have any effect on a European Site.
- 9.1.4. The reason for this conclusion is as follows:
- The development is an amendment to an existing permission on a brownfield site.

- The assimilative capacity due to the separation distance between the site and the closest European site.
- The existing connection to the public wastewater and water network,
- The distance of the site from the nearest European sites, built up urban nature of the intervening lands, and the absence of any significant ecological pathways to the European Sites, and
- Taking into account screening report/determination by Dublin City Council.

9.1.5. 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.

9.1.6. I am therefore satisfied that no Appropriate Assessment issues arise with the development, and a Stage 2 Appropriate Assessment is not required.

10.0 **Water Framework Directive**

10.1. The subject site is located within Dublin City Centre and is c.1km to the south of the River Liffey. There are no watercourses within the appeal site and no direct hydrological link between the River Liffey and the subject site. The nearest surface water receptors are South Dublin Bay Coastal Water Body (WFD code:IE_EA_090_0000), which is located c. 3.4 Km to the east of the site. The River Liffey (Lower Transitional Waterbody code IE_EA_090_0300) also discharges into South Dublin Bay. The Liffey Estuary Lower Waterbody has a WFD status (2016-2021) of 'Moderate' and a WFD risk score of 'At risk of not achieving good status'. The Coastal Waterbody Dublin Bay has a WFD status (2016-2021) of 'Good' and a WFD risk score of 'Not at risk'.

10.2. 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.

10.3. The reason for this conclusion is as follows:

- The nature of the development and proposed designed SuDs elements.
- Locational distance between the site and waterbodies.
- The existing connection to the public wastewater network.

10.4. 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.

11.0 **Recommendation**

11.1. I recommend planning permission be granted.

12.0 **Reasons and Considerations**

12.1. Having regard to the location of this brownfield site within the canal ring of the city, in an area well served by public transport and within walking distance from the city centre, the planning history of the site, and the provisions of the Dublin City Development Plan 2022-2028, including in particular policies SC1 (consolidation of Inner City), SC2 (City Character), SC11 (Compact growth), SC14 (Building Height), QHSN11 (15 minute city), BHA2 (Protected Structures), BHA9 (Conservation Areas) and Appendix 3, the Urban Development and Building Heights Guidelines for Planning Authorities, the National Planning Framework, the pattern and character of development in the area, and the height and scale of the proposed development, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the visual amenities of the area, would not detract from the architectural heritage of the area, and would comply with the

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

12.2. Planning Authority conditions

The P.A attached 11 conditions to their decision to grant planning permission some of which are bespoke to the development. In the interest of clarity, the following table sets out where the P.A conditions are contained within the standard conditions of the Commission.

P.A Condition No.	Conditions specification (summarised)	ACP Condition
1.	Plans & particulars & F.I received 2/12/25	Condition 1
2.	Section 48 Development Contribution €4,060,208.80	Condition 15
3.	Section 49 Development Contribution €1,264,655.20 towards LUAS C1 Line scheme	Condition 16
4.	Bond	Condition 14
5.	Terms & conditions of parent permission Reg. Reg:2062/21 to be carried out in full unless amended by this permission.	Condition 1
6.	Transportation Division conditions (a-e) a) required the development to be carried out in accordance with the parent permission. b) cycle parking c) 34 car parking spaces d) vehicular access on St.Stephen's Green for entry only & no egress except for emergency vehicles e) cost of road repairs at applicant's expense.	Condition 9
7	Archaeological condition	Condition 7
8.	Air Quality Monitoring, Noise & Pollution Control during construction & operational phase. This condition included restriction on music during the operational phase.	Construction phase --12& 13 Operational phase condition 11 regarding noise

9.	Drainage conditions a-l, including compliance with greater Dublin compliance Regional code of Practice.	Standard ACP condition 4.
10.	Construction hours	Covered in condition 12
11.	Compliance with codes of practice from Drainage, Transportation & Noise & Air Pollution sections of the Council.	Conditions 11,12 & 13

13.0 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 received by the planning authority dated 2nd day of December 2025, and in accordance with the parent permission ABP Ref: 311618-21, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The southern elevation of Block B shall be set back 2.4m from the southern boundary of the site with Iveagh Gardens.

A set of detailed drawings shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of visual amenity and protecting the amenity value of the adjacent Iveagh Gardens including the mature trees in proximity to the site boundary and the protected wall and to provide for circulation space around the proposed development.

3. Details of the materials, colours and textures of external finishes to the proposed development shall be as submitted for the written agreement of the planning authority prior to commencement of development. The development thereafter shall be carried out strictly in accordance with the agreed details.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health.

6. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless otherwise authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall under licence to the National Monuments Service, assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the archaeological and historical background of the site,
- (ii) the nature and location of archaeological material on the site established through archaeological testing, and
- (iii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and arising from this assessment, the developer shall agree in

writing with the planning authority, in consultation with the National Monuments Service, details regarding any further archaeological requirements (including if necessary, any necessary archaeological monitoring and/or excavation/s to be programmed and funded by the developer prior to commencement of construction works). In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any archaeological remains that may exist within the site.

8. The developer, in consultation with Transport Infrastructure Ireland, shall ensure that the surrounding LUAS rail infrastructure is suitably protected during the construction and operational phases of the development. Detailed plans and proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect key transport infrastructure and ensure a satisfactory standard of development.

9.
 - a) Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked. Ebike charging facilities shall be provided.
 - b) A maximum of 34 no. car parking spaces are permitted. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.
 - c) The vehicular access on St Stephens Green shall be for entry only. No egress from the site onto St Stephens Green, aside from emergency vehicles is permitted.
 - d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of clarity, public safety and amenity.

10. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

11. (a) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is lesser (as measured from the facade of the nearest Noise Sensitive Locations).

i) Daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval EPA NG4)

ii) Evening (1900- 2300)- 50 dB LAr, T

iii) Night-time (2300- 0700)- 45 dB LAr, T. As measured from the facade of the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

(b) There shall be no outbreak of amplified music from any activities, at these premises.

(c) There shall be no speakers located externally or in such a way that music played on the premises is audible outside the premises.

(d) All early morning deliveries shall take place after 07.00 hours.

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

12. Site development and building works shall be carried out between the hours of 07.00 to 18.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority

Reason: In the interest of public safety and amenity.

14. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank.

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains. or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces, street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof. In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter

shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross C1 Line 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.

Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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 (as amended) 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Catherine Dillon
Planning Inspector

28th May 2026

14.0 Appendix 1: EIA Pre-Screening

Case Reference	ACP-R500719-26
Proposed Development Summary	Amendments to Ref: ABP-311618-21 for a 6-9 storey building over basement providing additional office space, change of use from permitted café/restaurant to an event/entertainment space and a community building, refurbishment of 9no. apartments and all associated site works.
Development Address	Stokes Place, St.Stephen's Green South and Harcourt Street, Dublin 2.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (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 Q.2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required.	State the Class here

<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Class 10(b)(i) (b)(i) Construction of more than 500no. dwelling units.</p> <p>(b)(iv) Urban development, which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.</p> <p>‘business district’ means a district within a city or town in which the predominant land use is retail or commercial use.</p> <p>The subject site is 0.7 hectares.</p> <p>Class 13 - Changes, Extensions, Development and Testing refers to: -</p> <p>(a) Any change or extension of development already authorised, executed or in the process of being executed</p>

	<p>(not being a change or extension referred to in Part 1) which would:-</p> <p>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and</p> <p>(ii) result in an increase in size greater than –</p> <ul style="list-style-type: none"> - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater. <p>The amended scheme provides for a gross floor area of of c.42,138m², an increase of c. 2,206m² from the permitted scheme on site, equating to below 10% increase. This is below the 25% threshold.</p>
--	--

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)?

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

Inspector: _____

Date: _____

15.0 Appendix 2: EIA Screening Determination

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	ACP-R500719-DS-26	
Development Summary	Demolition of an existing 5-7 storey office building including basement (c.17,550m ² gfa) and construction of a new office building up to 9 storeys with ancillary uses including basement (c. 42,138m ² gfa). Further details are contained within Section 2 of this report.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Determination – EIAR Not Required
2. Has Schedule 7A information been submitted?	Yes	EIA screening report, prepared by Stephen Little Associates (August 2025)
3. Has an AA screening report or NIS been submitted?	Yes	Stage 1 Screening for Appropriate Assessment Screening Report prepared by Altemar Ltd. (29 th July 2025).
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been	Yes	SEA has been undertaken for the Dublin City Development Plan 2022-2028 Operational Waste Management Plan,

carried out pursuant to other relevant Directives – for example SEA		Resource Waste Management Plan, Site specific Flood Risk Assessment, Hydrological & Hydrogeological Risk Assessment, Ecological Impact Assessment, Architectural heritage Impact Assessment, and Archaeological Assessment.	
B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Development comprises the demolition of an existing vacant 5-7 storey office building and construction of a new 5-9 storey building on zoned Z8 lands. Although the site lies within zoned Z8 -Georgian Conservation Area, it is located immediately adjoining but outside a Conservation designation. The height of the development would generally be in scale and character with the buildings in the immediate vicinity.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The development would replace an existing group of modern 5-7 storey office buildings with two 5-9 storey buildings. The surrounding character comprises a general mix of development heights, styles and uses. The proposed development would be a more intensive form of development on the site to the current use.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials would be typical of such development in an urban environment. Some excavation and site clearance will be required. The loss of natural resources or local biodiversity are not considered to be significant on this brownfield urban site.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Demolition and construction activities will require the use of potentially harmful materials, such as fuel oils and other substances. Any impacts would be local and temporary in nature and the implementation of the CEMP and OWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities would require the use of potentially harmful materials, such as fuel oils and other substances, and will give rise to waste for disposal. Dust emissions during demolition & construction are likely. Such impacts would be local and temporary in nature and the implementation of the CEMP would satisfactorily mitigate potential impacts. Operational waste would be managed via a</p>	<p>No</p>

		Waste Management Plan. No significant operational impacts in this regard are anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	<p>Typical construction management practices as set out in the CEMP to mitigate against contamination. Application contains robust surface water and nature based SuDS strategy.</p> <p>The operational development would connect to mains services. The development would incorporate SuDs features.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>Construction activity would give rise to noise and vibration emissions. Such emissions would be localised and short-term in nature and impacts would be suitably mitigated via the proposed CEMP and standard construction mitigation measures. Significant operational emissions are not anticipated- noise from event use would be conditioned.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	<p>Construction activity is likely to give rise to dust and noise emissions. Such typical construction impacts would be temporary and localised in nature and application of the proposed CEMP would satisfactorily mitigate potential impacts on human health.</p> <p>Potential for air pollution from noise, traffic etc. once operational. However, noting traffic levels generated, in the existing urban environment this is not considered significant.</p>	No

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk is anticipated having regard to the nature and scale of development. The site is not at risk of flooding and there are no COMAH sites in the vicinity of the site.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Having regard to the scale of development the effect is not regarded as significant.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The project relates to the development of zoned lands as set out in the development plan. Permitted development in the area has already been subject to separate assessments and the development is not part of a larger project.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>The site is not within or adjacent to any designated European site.</p> <p>The closest European Sites are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC which are c.3.2 km and North Dublin Bay SAC and North Dublin Bay SPA are 5.9km from the site.</p> <p>The Grand Canal pNHA is 600m from the site.</p> <p>The closest RAMSAR Site is Sandymount Strand/Tolka Estuary at 3.2km.</p>	<p>No</p>

		AA screening concludes the development would not affect the integrity of the European Sites.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	<p>The site comprises a commercial premises on a brownfield urban area. The proposed development would not result in significant impacts to protected, important or sensitive species.</p> <p>No flora or terrestrial fauna species of National or international conservation importance were noted in the documentation.</p> <p>No bats or evidence of bat presence/use of the building/structures was noted. No bats were noted flying or foraging within the development site. However, a Leisler bat and Common pipistrelle bat were noted foraging along treelines bordering the subject site within Iveagh Gardens.</p> <p>Mitigation measures would be in place during construction to limit light spill.</p> <p>No rare birds or bird species of conservation value were noted during the field assessment.</p> <p>Herring gull, black-backed gulls and lesser black-backed gulls were present on the building roofs, territorial behaviour was observed but no nesting was observed. Given that the development is located within an urban area, it is unlikely that any wintering bird habitat would be impacted.</p>	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	<p>The site is located adjacent to a Georgian Conservation area and immediately adjoins and faces onto Conservation Areas at Harcourt Street, St, Stephen's Green and Iveagh Gardens.</p> <p>The site is bounded by Nos. 92-100 St Stephen's Green (Protected Structures) to the north / east;</p>	No

		<p>Harcourt Street to the west; Nos. 87-91 Harcourt Street (Protected Structures) to the south and buildings on Clonmel Street further south; and Iveagh Gardens (Protected Structure) to the south-east.</p> <p>The site has been subject to development but is partially situated within the zone of archaeological potential for the historic town of Dublin (RMP DU018-020) and there are a further ten recorded archaeological sites within the study area (c. 150m). Archaeological conditions are proposed to mitigate any impacts.</p>	
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No	<p>The site is in an urban brownfield site and does not contain any important or significant resources.</p> <p>The development would result in the removal of 10no. trees within Stoke Place to accommodate the development. The loss of these trees is not considered significant as all of the trees are within the moderate to low categories with one tree recommended for removal based on its impact on a structural wall. The landscape drawings indicate extensive planting for the proposed development and there would be a net gain in terms of tree cover.</p>	No
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which</p>	No	<p>There are no surface water features on the site which could be impacted by the development. There is no surface hydrological pathway to sensitive sites. A</p>	No

could be affected by the project, particularly in terms of their volume and flood risk?		SSFRA accompanied the application, and the subject site is not at risk of flooding and would not give rise to any increased risk elsewhere.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No information on file indicates that the site is susceptible to subsidence. The application was accompanied by a Basement Impact Assessment. The proposed excavation for the basement would be 5.1m in depth approx. Any buildings within the vicinity of the excavation which fall within the zone of influence have been adequately assessed and temporary works designed to avoid unacceptable movements or subsidence related structural damage. The provision of secant piled wall and temporary propping would ensure that no stability issues would arise.	No
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The Luas tram line stops at both Stephen's Green and Harcourt Street close to the site. The site is well serviced by a significant number of public transport and cycling routes. Construction traffic may impact the area which is susceptible to congestion, but this would be temporary in nature and subject to an agreed traffic management plan. Once operational following the revised ingress/egress route from St. Stephen's Green and onto Harcourt Street, these routes would not be significantly impacted.	No

		The Luas Overhead Catenary System (OCS) which is connected to the existing buildings on the site, would be supported during demolition and construction works. Once the development is completed the OCS lines would be connected to the new buildings.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	None likely to be affected.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified that could give rise to significant cumulative effects. Some cumulative traffic effects may arise during the construction period, but this would be subject to a traffic management plan and would be temporary in nature.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary effects arise.	No
3.3 Are there any other relevant considerations?	No	No matters identified.	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. The criteria set out in Schedules 7 and 7A, in particular
 - a) The nature and scale of the proposed housing development, which is below the thresholds set out in Class 10(b)(iv) and Class 13 of the Planning and Development Regulations, 2001, as amended,
 - b) The location of the site on zoned brownfield lands served by public infrastructure,
 - c) The pattern of existing and permitted development in the vicinity of the site,
 - d) The absence of any significant environmental sensitivity in the vicinity, and
 - e) The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. The results of other relevant assessments of the effects on the environment submitted by the applicant, including the AA Screening Report, and screening for Appropriate Assessment undertaken by the planning authority, as well as the SEA of the Dublin City Development Plan 2022-2028.
3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those set out in the Environmental and Construction Management Plan, the Hydrological & Hydrogeological Risk Assessment, Resource & Operational Waste Management Plans, Site Specific Flood Risk Assessment, Civil Engineering Report including Surface Water Management, Traffic Impact Assessment and Mobility Report, Ecological Impact Assessment, Archaeological Assessment, Architectural Design Statement, Arboricultural Report & Assessment, and Climate Action Energy Statement.,

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____

16.0 **Appendix 3: AA Screening Determination**

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: R500719-DS-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The proposed development comprises amendments to a development permitted under ABP-311618- 21 (P.A Ref: 2062/21) and would comprise a 6-9 storey office block, cultural / community uses and basement car parking. The scheme incorporates a residential refurbishment of the Russell Court building for 9 no. apartment units. (Refer to Section 2.0 for a detailed description of the project).</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site is a brownfield site and has a site area of c.0.74 hectares. It is currently occupied by 4 office blocks ranging from 5-7 storeys in height.</p> <p>The proposed development site is not within a European site. During construction and operational phases of the proposed project, both surface and foul water drainage will discharge to the existing wastewater network via the existing combined sewers located within Harcourt Street to the west of the site. This network ultimately outfalls to Ringsend WwTP, where wastewater is treated under license prior to discharge at Dublin Bay.</p> <p>There is an indirect pathway to Natura 2000 sites at Dublin Bay including South Dublin Bay SAC</p>

	(3.2km), North Dublin Bay SAC (5.9km), South Dublin Bay and River Tolka Estuary SPA (3.2km), and North Bull Island SPA (5.9km).			
Screening report	Yes Appropriate Assessment Screening Report, prepared by Altemar Ltd. (29 th July 2025). A field survey was carried out by the same consultants on 19 th April 2025 to identify habitat types and flora and fauna species on the subject site as part of the ecological assessment.			
Natura Impact Statement	No			
Relevant submissions	None			
The development is located within a highly urbanised area with no direct hydrological pathway from the site to any European site. Foul and surface water for the proposed development will discharge to an existing combined sewer network which is treated at the Ringsend WWTP. Treatment of the effluent will take place at this facility.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
I note the applicant's list of designated sites in Table 1 of the AA screening report identified 10 SACs and 9 SPA within a 15m zone of influence from the site. In Table 2 of the same report, all the European sites were screened out as having no significant effects. I have only included those sites with any possible ecological connection or pathway in this screening determination.				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Special Areas of Conservation (SAC)				

<p>South Dublin Bay SAC (000210)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand {1310}</p> <p>Embryonic shifting dunes [2110]</p> <p><u>Conservation Objective</u></p> <p>ConservationObjectives.rdl</p>	<p>3.2km</p>	<p>Indirect pathway via groundwater, surface water, foul & wastewater connections.</p>	<p>Yes</p>
<p>North Dublin Bay SAC (000206)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows [1330]</p> <p>Mediterranean salt meadows [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with (white dunes) [2120]</p>	<p>5.9km</p>	<p>As above</p>	<p>Yes</p>

	<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort [1395]</p> <p><u>Conservation Objectives</u></p> <p>ConservationObjectives.rdl</p>			
Special Protection Areas				
<p>North Bull Island SPA (0004006)</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Shelduck [A048]</p> <p>Teal [A052]</p> <p>Pintail [A054]</p> <p>Shoveler [A056]</p> <p>Oystercatcher [A130]</p> <p>Golden Plover [A140]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling[A144]</p> <p>Dunlin [A149]</p> <p>Black-tailed Godwit [A156]</p> <p>Bar-tailed Godwit [A157]</p> <p>Curlew [A160]</p> <p>Redshank [A162]</p> <p>Turnstone[A169]</p> <p>Black-headed Gull [A179]</p>	5.9m	<p>Indirect:</p> <p>Lesser & Great Black headed Gull was noted in the vicinity of the site. Brent geese move inland to feed in large managed greenfield sites.</p>	Yes

	Wetlands[A999] <u>Conservation Objectives</u> ConservationObjectives.rdl			
South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Bar-tailed Godwit [A157] Redshank [A162] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland & Waterbirds [A999] <u>Conservation Objectives</u> ConservationObjectives.rdl	3.2km	As above	Yes

¹ Summary description

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development would not result in any direct effects on any of the identified European Sites, however there is an indirect pathway from the site to the SAC via combined public water (foul and surface water) networks where foul and surface water are treated at the Ringsend WWTP. In the absence of any mitigation on site, all water from the site will be treated in Ringsend WWTP. Standard construction techniques and best practice measures would be employed to prevent discharge of dust and contaminants to the ground and surface water network. The operation of the proposed development would employ standard on site infrastructure to prevent discharge of contaminants including a SuDS regime. Foul water from the proposed development would be directed to the existing sewer network and onward to Ringsend WWTP for treatment.

The site is in a heavily altered urban environment with associated noise, light disturbance, and existing potential for bird collisions. The site does not comprise any suitable habitat of importance to the qualifying interests of the European Sites identified and I consider it extremely unlikely that there would be effects beyond the immediate area of the subject site. In the very unlikely event of a release of contaminants from the site, the distance to the nearest European Sites, the intervening urban environment, the minimum 3.2km groundwater pathway, and the significant dilution effects of Dublin Bay and the transitional environment itself are such that I am satisfied the likelihood of significant effects can be ruled out. Even in the absence of mitigation and best practice measures, no significant effects on European sites are anticipated.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: South Dublin Bay SAC (000210) QIs as listed above	Direct: None identified Indirect : Indirect impacts during construction would be minor, temporary, low	Significant effects can be ruled out having regard to the city centre location, the absence of watercourses on or immediately adjacent to the site, the distance

	magnitude and limited to the immediate site environs.	from the SAC, the nature of the intervening urban environment, lack of a hydrological connection, the existing drainage network and the dilution effects of Dublin Bay.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: North Dublin Bay SAC (000206) QIs as listed above	As above for Site 1	As above for Site 1
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 3: North Bull Island SPA (0004006) QIs as listed above	Direct: None identified Indirect: Indirect impacts from temporary noise and disturbance during construction.	This SPA and its qualifying interests are marine based. The site is not an important foraging or roosting area for these species. No significant effects are foreseen from noise and vibration from the proposed

		development given that the site is located within an urban centre and is an adequate distance from this SPA and would not be an important habitat of the qualifying interests of SPA's.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 4: South Dublin Bay and River Tolka Estuary SPA (004024) QIs as listed above	As above for Site 3	As above for Site 3
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
<p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p> <p>Having regard to the information contained within the Applicant's Screening Assessment, including combination effects with existing and proposed developments in the vicinity, my site inspection, a review of the conservation objectives and supporting documents, and adopting a precautionary principle, I conclude that the proposed development would not result in any significant effects alone or in combination on the European sites of Dublin Bay as set out above. No mitigation measures have been relied on in coming to this conclusion.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European sites of Dublin Bay in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature of the site and its location in an urban area served by mains drainage.
- The distance to any European Sites, the urban nature of intervening habitats, the absence of meaningful hydrological or ecological connections to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.