



An  
Bord  
Pleanála

## Board Order ABP-316189-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** 3021/23

**Appeal** by Lauderdale Terrace Residents care of Fergal and Jai Bonner of 20 Lauderdale Terrace, New Row South, Dublin against the decision made on the 6<sup>th</sup> day of March, 2023 by Dublin City Council to grant, subject to conditions, a permission to BCP Fund Management DAC care of Avison Young of 4<sup>th</sup> Floor, 2-4 Merrion Row, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the following amendments to a previously granted development under planning authority register reference number 3752/19, appeal reference ABP-307062-20, for an enterprise centre building at the site:

1. Increase in gross total floor area to circa 5,325.6 square metres from circa 4,459 square metres (including a basement area change to circa 1,101.3 square metres from circa 1,129 square metres) from ground to fifth floor levels.
2. Increase in height of plant screen at roof level from circa 23.37 metres to circa 24.280 metres. No increase in roof parapet level from permitted.

3. Basement level reconfigured to relocate the cycle access stairs, accommodate one number disabled parking space, provide unisex toilets including disability accessible cubicles, male and female shower rooms, changing rooms, cycle parking and locker room/drying rooms, bin storage room, security/ storage room, relocation of smoke extract fans from external south-west corner at ground level to basement level and ancillary plant.
4. Ground floor extended by circa 91.7 square metres to the south adjacent to Fumbally Square, including a set back from eastern boundary at Cathedral Court Block, distance varies, reconfiguration of stair cores, lifts, escape route, provide unisex toilets, introduce reception desk and office, remove step in floor level, provide shallow ramp and steps and internal platform lift from lobby at employee's entrance doors and draft lobby to the east, provision of ventilation grille to plant room wall on the west elevation, provision of an external platform lift adjacent to main (west) entrance at junction with Fumbally Square.
5. First floor extended by 210.5 square metres to the north/northeast and south, including a set back from eastern boundary at Cathedral Court Block distance varies, an extended meeting area of circa 20.2 square metres to the south to abut the Fumbally Square building, reconfiguration of stair cores, lifts, provide unisex in place of male and female toilets, remove step in floor level at northern end of floor. Fenestration to Fumbally Square building removed and modified adjacent to extended meeting area and for minimum of 1.5 metres on both sides at both ground and first floor levels and replaced by fire resistant construction to comply with fire safety regulations.
6. Second floor extended by 144.1 square metres to the north/north-east and south, including a set back from eastern boundary at Cathedral Court Block distance varies, reconfiguration of stair cores, lifts, provide unisex in place of male and female toilets.
7. Third floor extended by 127.4 square metres to the northeast and south, including a set back from eastern boundary at Cathedral Court distance varies

and at northern elevation, reconfiguration of stair cores, lifts, provide unisex in place of male and female toilets.

8. Fourth floor extended by 88.2 square metres including a set back at Cathedral Court Block distance varies and at northern elevation, reconfiguration of stair cores, lifts, provide unisex in place of male and female toilets.
9. Fifth floor external terrace removed and floor extended to north, west and south by 244.4 square metres and reconfiguration of stair cores, lifts, provide unisex in place of male and female toilets.
10. Roof level plant area reconfigured and extended by 60.3 square metres including photovoltaic panels, two number automatic opening vents, mechanical plant, part covered, part open access stair for maintenance purposes and 2690 millimetres high metal screen

all on a site at New Street, off New Street South, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the site's planning history (planning authority register reference number 3752/19, appeal reference number ABP-307062-20), the site's location within a transitional zone in character area, the site's position within Strategic Development and Regeneration Area number 15 – Liberties and Newmarket Square and the pattern of development in a surrounding area which is undergoing significant transformation, it is considered that, subject to compliance with the conditions set out

below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would reverse this brownfields site vacant state, would be consistent with the Dublin City Development Plan 2022-2028, including provisions which seek to stimulate the economy and to provide employment opportunities in a manner that is respectful of the character of this inner city area. It is considered that the proposed development would not seriously injure the amenities of surrounding properties or the visual amenities of the area, that it would not give rise to any adverse or material impact on Protected Structure number 27 to 28 New Row South (Recorded Protected Structure reference number 5821) that occupies the adjoining site to the south west or any other built heritage or archaeological feature of merit and that the contemporary design and high quality palette of materials and landscaped setting would not be out of character with existing and permitted developments within its urban block, and would also be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be amended as follows:

A revised western boundary treatment shall be provided adjoining the rear boundary of adjoining Lauderdale Terrace properties. This boundary shall consist of a solid 2 metre in height boundary with a continuous belt of semi-mature tree/pleated tree planting including evergreen varieties and defensive planting to limit potential for trespass from this linear strip of planting along the western boundary of the site.

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

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

3. Apart from the amendments authorised in this permission, the development shall comply in full with the terms and conditions attached to planning permission reference ABP-307062-20 (planning authority reference number 3752/19) and the conditions of this permission.

**Reason:** In the interest of orderly planning.

4. The following requirements in relation to transport and site access shall be strictly adhered to:
  - (a) Prior to commencement of the development, the developer shall submit revised drawings clearly demonstrating unobstructed pedestrians access across the front entrance area at the northeast corner of the site whilst retaining the vehicular drop-off zone.
  - (b) The development shall provide one number motorcycle space and one number accessible parking space with electrical charging equipment at basement level. The drop off zone at surface level shall be noted as a

drop off area with line markings. 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) A minimum 71 number staff cycle parking spaces including 2 number cargo bike spaces, at basement level and 14 number visitor cycle parking spaces at ground floor level, shall be provided as part of the development. Staff cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Shower and changing facilities shall also be provided as part of the development. Key/fob access should be required to bicycle compounds. Visitor cycle parking design shall allow both wheel and frame to be locked.
- (d) The two car lifts shall be set to revert to ground floor level to prioritise incoming traffic and to minimise the potential for queuing at the vehicular access.
- (e) Details of the materials proposed in public areas are required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.
- (f) 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 interest of the proper planning and development of the area.

- 5. Prior to commencement of development the developer shall submit a Basement Impact Assessment (BIA) to the planning authority which shall have regard to the proximity of the basement works to the River Poddle Culvert and include appropriate measures that limit the potential for any adverse structural impacts on it.

**Reason:** It is a requirement of Section 15.18.4 of the Dublin City Development Plan, 2022-2028, to provide a Basement Impact Assessment for this type of development and in the interest of the proper planning and development of the area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

7. The developer shall pay to the planning authority a financial contribution in respect of the 'LUAS Cross City Scheme' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or,

in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

  
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**Stewart Logan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *15<sup>th</sup>* day of *September* 2024