



An
Bord
Pleanála

Board Order ABP-319430-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4439/23

Appeal by Christopher O'Reilly care of Peter Keenahan of 3 High Road, Kilmainham Lane, Dublin against the decision made on the 4th day of March, 2024 by Dublin City Council to grant subject to conditions a permission to Blue Ant Limited care of O'Dea and Moore Architects of 9 Castlewood Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: 1,407-square-metre health spa (including ancillary cafe bar). Total area made up as follows: ground floor: change of use of existing 609-square-metre warehouse/workshop building, new 104-square-metre glazed extension (in existing west-facing courtyard), new 39 square-metre external sauna, first floor: new 580-square-metre floor area and west-facing external open terrace, second floor: new 75-square-metre floor area, also external open terrace area and green roof areas, ground floor pedestrian paved area with decorative pool and shelter for 12 bicycles, all at 177-179 James's Street, 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 provisions of the Dublin City Development Plan 2022-2028, including the Z1 zoning objective for the site, which permits 'sports facility and recreational uses' and 'cultural/recreational building and uses', it is considered that, subject to compliance with the conditions set out below, the proposed development, on a vacant and underutilised brownfield site, would be acceptable in terms of design and scale, would not seriously injure the residential amenities of the adjoining area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of February, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the amenities of property in the vicinity and the visual amenities of the area.

4. A 1.8-metre-high glazed opaque screen shall be provided along the southern boundary of the first-floor terrace.

Reason: In the interest of residential amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

6. (a) No construction or site preparation work shall be carried out on the site until all archaeological requirements of the planning authority are complied with.
- (b) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations (e.g., boreholes, engineering test pits, etc.) carried out for the site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues:
- i. The archaeological and historical background of the site, to include industrial heritage.
 - ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc.
 - iii. The nature, extent, and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden.
 - iv. The impact of the proposed development on such archaeological material.
- (c) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which shall include specific information on the location, form, size, and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

- (d) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the planning authority in advance regarding the procedure to be adopted in the assessment.
- (e) The developer shall comply in full with any further archaeological requirements, including archaeological monitoring, and, if necessary, archaeological excavation and/or the preservation in situ of archaeological remains.
- (f) Should archaeological excavation occur, the following shall be submitted to the planning authority:
- i. A bi-weekly report on the archaeological excavation during the excavation and post excavation period.
 - ii. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.
 - iii. A final report on the archaeological excavations not later than twelve months after the completion of the excavation.
- (g) Following submission of the final report to the planning authority, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

7. (a) Bicycle parking provision comprising a minimum of 32 spaces for staff and visitors shall be provided within separate shelters upon occupation of the development. Details of the bicycle parking spaces and layout shall be subject to the written agreement of the planning authority.
- (b) Details of the entrance gates on to James's Street and a layout for the upgrading of the access lane within the development to incorporate paving, lighting, SuDS and landscaping shall be submitted for the written agreement of the planning authority prior to commencement of development.
- (c) The existing dishing of the footpath and kerb to the front of the site on James's Street shall be removed and replaced with a new footpath and kerb at the developer's expense, prior to occupation of the site. Revised plans, drawings and particulars shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that there are adequate bicycle parking spaces to serve the development and to provide a satisfactory standard of development.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including traffic management, hours of working, off-site disposal of construction/demolition waste and noise and dust management measures, including details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.

Reason: In the interest of public safety and amenity.

9. During the operational phase of the proposed development the noise level shall not exceed:

- (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and
- (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location.

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

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

10. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

11. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

12. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. 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.



The image shows a handwritten signature in blue ink over a circular stamp. The stamp contains the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center. A horizontal line is drawn across the signature.

Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 7th day of February 2025.