

An
Bord
Pleanála

Board Order
ABP-321759-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3861/24

Appeal by Conor McGarry of 29 Boyne Street, Dublin against the decision made on the 18th day of December, 2024 by Dublin City Council to grant subject to conditions a permission to Gold Run Properties Limited care of SSA Architects of 42 Haddington Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for a revision to the previously granted register reference number 3164/23 including: extending the application site from circa 0.183 hectares to circa 0.190 hectares, which now includes for the demolition of 11 Bass Place, an end of terrace two-storey house, in addition to those previously granted permission for demolition and replacing the previously granted three-storey, Block 2 aspect, which incorporated a gym/yoga studio, with a larger footprint three-storey residential block providing eight one bed apartments with balconies facing north west, west and south and a ground floor garden/balcony to the east. Accordingly, omission of condition 5 referring to the yoga/gym use of this block is also sought. Modifications are sought to the ground, basement, 6th floor and roof terrace of Block 1 to include the relocation of the bin store serving all blocks to the

basement/lower ground (19.5 square metres), together with a new backup generator room (20 square metres) for the life safety systems, provision at ground floor of a gym facility facing Bass Place and a coffee/retail outlet to the south west corner facing Fenian Street, provision of an additional one bedroom apartment at ground floor facing Bass Place with a western facing balcony and relocation of the ESB substation and switch room from the western façade at Bass Place to the eastern façade laneway, including minor layout alterations to the previously granted one bedroom ground floor apartment and eastern facing balcony on the eastern façade. Proposed minor increase to the 6th floor area (additional 12 square metres) to facilitate provision of a three bedroom and one bedroom apartment in the area previously proposing two two-bedroom apartments. Accordingly, the omission of condition 4 is also sought. Minor revision to the roof terrace of Block 1 to include a cold water storage tank and ancillary plant. Modifications and minor extension at ground (7.65 square metres.) first floor (5.4 square metres) and second floor (2.5 square metres) to Block 3 together with replacement of the ground floor bin and bicycle store with a new one bedroom apartment with a south facing balcony. A new total of 82 apartments is proposed, consisting of 65 units in Block 1 (consisting of 27 one bedroom, 37 two bedroom and one three bedroom units), eight one bedroom apartments in Block 2 and nine apartments in Block 3 (consisting of four one bedroom, three two bedroom and two three bedroom units), together with minor modifications to the public and communal open space areas, all at 62-64 Fenian Street, Numbers 2, 3, 4, 9, 10 and 11 Bass Place and Numbers 1-3 Sandwith Street Upper, 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 location and character of the site and surrounding area in an urban area together with the provisions of the Dublin City Development Plan 2022-2028 including the Z1 and Z2 zoning of the site and the design and layout of development permitted under Dublin City Council reference number 3164/23, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the modifications to the permitted development on an extended site footprint is acceptable. The proposed modifications to the permitted development are consistent with the Dublin City Development Plan 2022-2028, would alleviate the flood risk to the proposed development and would not seriously injure the visual or residential amenities of the area. The 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, as amended by the further plans and particulars received by the planning authority on the 24th day of September 2024 and the 25th day of November 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference Number 3164/23 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

4. The mitigation measures contained in the submitted Site Specific Flood Risk Assessment, shall be fully implemented.

Reason: In the interest of residential amenity.

5. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

6. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation by record of places, caves, sites, features or other objects of archaeological interest.

7. A Liaison Officer shall be appointed as a point of contact between the construction contractor and the local residents. Details of this Liaison Officer shall be provided to local residents.

Reason: In the interest of clarity.

8. During construction, artificial lighting shall not overspill onto adjoining areas.

Reason: In the interest of protecting the amenities of property.

9. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

10. Prior to commencement of works, 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 development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

11. The gym within Block 1 shall be made available to all residents of the proposed scheme.

Reason: In the interest of residential amenity.

12. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the adjoining structures) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These works shall be carried out under the supervision of a chartered structural engineer.

Reason: In the interest of preserving the stability of adjoining structures.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.


Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

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.

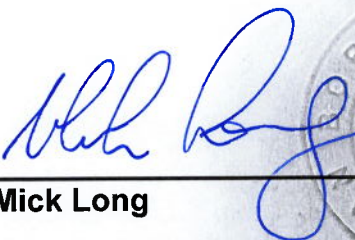
15. The developer shall pay to the planning authority a financial contribution in lieu of the shortfall of public space provided in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. Details of the application of 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.



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



Mick Long

Member of An Bord Pleanála

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

Dated this

28th day of *May*

2025