



## Board Direction

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**Ref: PL29S.245598**

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 21<sup>st</sup>, 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments to the Inspector's draft reasons, considerations and conditions set out below.

### REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan 2011 – 2017, to the previous use of the subject building, and to the planning history of the adjacent Fumbally Café, it is considered that, subject to compliance with the conditions set out below, the proposed retention of the cultural/recreational use would be acceptable in an area zoned 'Z6' and within a transitional zone between Z6 and Z2 uses as set out in the Development Plan. It is also considered that the retention of the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. Standard plan particulars.  
**Reason:** In the interest of clarity.
2. The subject premises shall be used for cultural and community uses, including training courses, with food production being ancillary to the use of the building and the adjoining cafe and limited to the ground floor rooms of the premises.  
**Reason:** In the interests of clarity.
3. The use of the building for the purposes set out in this permission shall be restricted to between the hours of 7.30am and 10.30pm on

any day unless otherwise authorised by a separate grant of planning permission.

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

4. The delivery door to the long room from Fumbally Lane shall remain closed at all times when this room is in use for a cultural/recreational activity.

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

5. (a) The outdoor area adjacent to the north western corner of the subject building and included within the site edged red shall be used as a smoking area and it shall be retained in situ as such for the duration of the use hereby permitted.

(b) When the building is in use, access to the said smoking area shall be available at all times.

**Reason:** In the interests of clarity and to protect the residential amenities of property in the vicinity.

6. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.

(b) All windows and roof lights shall be double-glazed and tightly fitting.

(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to the planning authority within 3 months of the date of this order. Thereafter, the details shall be agreed in writing by the planning authority and fully implemented within 3 months of the receipt of such agreement.

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

7. Noise levels from the subject building shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in BS 4142: 2014 "Methods for Rating and Assessing Industrial and Commercial Sound."

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

8. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to the planning authority within 3 months of the date of this order. Thereafter, the measures shall be agreed in writing by the planning authority and fully implemented within 3 months of the receipt of such agreement.

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

9. Water supply and drainage arrangements, including the 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.

10. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001 – 2013, or any statutory provision amending or replacing them, shall be displayed or erected on the building unless authorised by a further grant of planning permission.

**Reason:** In order to allow the planning authority to assesses the impact of any such advertisement or structure on the amenities of the area.

Note: The Board considered that subject to compliance with all other conditions attached to the permission that the restriction of operation hours to between 7.30am and 10.30pm on any day would be appropriate in this transitional zone and considered that to seek a cessation of use at 9.00pm, as recommended by the Inspector, would be overly restrictive on lands zoned Z6 in a town centre location.

Board Member: \_\_\_\_\_ Date: January 22<sup>nd</sup>, 2016  
Nicholas Mulcahy

*Please issue copy of direction with order.*