

An
Bord
Pleanála

Board Direction
BD-009160-21
ABP-309546-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/09/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the pattern and character of existing development in the area, the planning history on the site and the provisions of the Dublin City Development Plan 2016-2022, it is considered that the proposed development, subject to compliance with the conditions set out below, would not detract from the mixed-use character of the area, would not detract from the residential amenity of adjoining properties, and would not detract from the character of the surrounding Protected Structures. 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. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

3. Noise from the kitchen extraction fan at the proposed rooftop amenity space shall be controlled in accordance with the mitigation measures contained in the ICAN Acoustics report dated 27th October 2020.

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

4. The operation of the proposed nightclub shall be limited to the ground floor area of 36 Strand Street Great only and no amplified music shall be played at the first-floor level of the property.

Reason: In the interests of clarity and protecting the residential amenity of properties in the vicinity of the site.

5. Detailed plans and particulars in respect of the following shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises:

- (a) Proposed opening hours;
- (b) Waste management and servicing;

Reason: In the interests of orderly development and to protect the residential amenities of properties in the vicinity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, and any statutory provision replacing or amending them, no additional plant, machinery or telecommunications structures shall be erected on the roof of the building nor shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

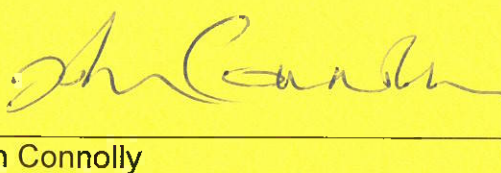
8. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. S.48 Specified (in the amount of €960.00)

Note: The Board noted that the area which falls to be considered for a section 48 development contribution is 30 square metres, being that area proposed for change of use from existing private open space to a smoking area.

Board Member



John Connolly

Date: 28/09/2021