

An  
Bord  
Pleanála

**Board Direction**  
**BD-012451-23**  
**ABP-315781-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/06/2023.

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**

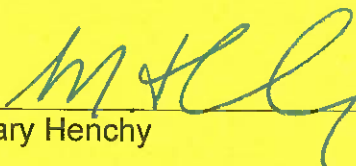
Having regard to the established use on these lands zoned for mixed services facilities, the nature and scale of development and the mitigation proposed in order to address noise emissions from plant to be retained, it is considered that subject to compliance with the conditions set out below, the proposed development would not negatively impact on the visual amenities of the area, would not have significant negative effects on adjoining residential amenities by reason of noise disturbance and would not be prejudicial to public health. It is therefore considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) The Mitigation measures set out in Section 6.0 of the Plant Noise Assessment report shall be implemented in full and shall be maintained throughout the operation of the gym.</p> <p>b) Following installation of the proposed acoustic enclosing screen, the results of further noise monitoring undertaken at the site shall be submitted to the planning authority for their written agreement, confirming the effectiveness of the noise mitigation measures.</p> <p>c) A maintenance programme for the plant shall be implemented to ensure any defects to plant are identified and items fixed or replaced as necessary.</p> <p>d) Details regarding the specification and performance characteristics of the proposed acoustic screening measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to protect adjoining residential amenity</p>
3.	<p>(a) The LAeq level measured over 15 minutes (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.</p> <p>(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such</p>

	<p>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 B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.</p> <p><b>Reason:</b> In order to protect adjoining residential amenity</p>
4.	<p>The external finishes of the proposed acoustic enclosure shall be similar to those of the existing buildings on site in respect of colour and materials.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>No further condenser units or similar commercial plant shall be erected on the roofs of the gym building without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interests of residential and visual amenity</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

Board Member

  
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 Mary Henchy

Date: 14/06/2023

