



An
Bord
Pleanála

Board Direction
BD-017621-24
ABP-318243-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/09/2024.

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 zoning objective relative to the site 'Z1 Sustainable Neighbourhoods' the objective for which is 'to protect, provide and improve residential amenity', the planning policies and objectives of the Dublin City Development Plan 2022-2028, the nature, limited scale and siting of the gym, the sites close proximity and accessibility to the city centre and the Rathmines urban core, the availability of high frequency public transport and the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the retention of the proposed development would not impact negatively on the character and setting of the protected structure, would not unduly impact on the residential amenities or the commercial activities of property in the immediate vicinity, and would be acceptable in terms of pedestrian and cycle convenience. The retention of the gym is, therefore, in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the planning 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>Reason: In the interest of clarity.</p>
2.	<p>Within 6 months of the date of this Order, the applicant shall submit to, and agree in writing with, the planning authority, proposals to provide bicycle parking to serve the gym on the subject site or the surrounding road network, such works shall be at the applicant's expense.</p> <p>Reason: In the interests of orderly development.</p>
3.	<p>The hours of operation of the gym shall be between 0630 hours and 2000 hours Monday to Friday and between 0830 and 1700 hours on Saturdays, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Within 6 months of the date of this Order, the applicant shall submit a vibration monitoring assessment and a photographic survey to assess the impacts of the use of the gym on the primary structural fabric of the building which is a protected structure. Should remediation measures be required in order to address any issues associated with vibration identified in the assessment, the applicant shall submit for the approval and written agreement of the planning authority, a specification and method statement covering all works to be carried out (including a timeframe for the implementation of such works), to ensure the development is carried out in accordance with good conservation practice.</p> <p>Reason: In the interest of preserving the architectural integrity and heritage value of the retained Protected Structure.</p>

5.	<p>a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the boundary of the site, shall not exceed:-</p> <p>(i) An Leq,1h value of 55 dB(A) during the period 06:30 to 20:00 hours from Monday to Saturday inclusive.</p> <p>(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>(c) Procedures for the purpose of determining compliance with the set limits shall be submitted to, and agreed in writing with the planning authority, within 3 months of the grant of permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
6.	<p>No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior/within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and the impact on the protected structure.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

Board Member



Tom Rabbette

Date: 26/09/2024