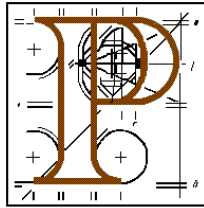


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3302/15

An Bord Pleanála Reference Number: PL 29S.245598

APPEAL by Yuichi Asada and Muireann Grogan of 4 Fumbally Lane, Dublin against the decision made on the 10th day of September, 2015 by Dublin City Council to grant subject to conditions a permission to The Fumbally Stables care of Shane Kelly, Fumbally Exchange, 5 Dame Lane, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of change of use of the 395 square metres of internal floor area from a photography studio to a multi-use cultural/recreational building and uses as highlighted in the Dublin City Development Plan 2011-2017 under the appointed Z6 zoning, development located at the rear of 46A New Street (Fumbally Lane), 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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dublin City Development Plan 2011 – 2017, to the previous use of the 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 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 said Development Plan. In addition, it is considered that the retention of the 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. The development shall be 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 and the development shall be completed in accordance with the agreed 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 interest of clarity.

3. The use of the building for the purposes set out in this permission shall be restricted to between 0730 hours and 2230 hours 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. (1) 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 shall be retained in situ as such for the duration of the use hereby permitted.

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

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

6.
 - (1) All entrance doors in the external envelope shall be tightly fitting and self-closing.
 - (2) All windows and roof lights shall be double-glazed and tightly fitting.
 - (3) 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 three months of the date of this order. Thereafter, the details shall be agreed in writing with the planning authority and fully implemented within three 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 three months of the date of this order. Thereafter, the measures shall be agreed in writing with the planning authority and fully implemented within three 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, 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 assess the impact of any such advertisement or structure on the amenities of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.