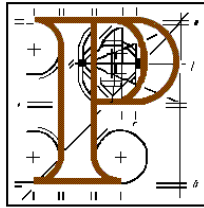


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3667/15

An Bord Pleanála Reference Number: PL 29S.245872

APPEAL by Pearse Square Residents Association care of Barbara Dawson of 51 Pearse Square, Dublin against the decision made on the 13th day of November, 2015 by Dublin City Council to grant subject to conditions a permission to Rosebud Sport Limited care of O'Mahony Pike Architects Limited of The Chapel, Mount Saint Anne's, Milltown, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Amendment of the opening hours as follows: (i) 0700 hours-2300 hours as normal hours, (ii) 2300 hours-0700 hours as extended hours, subject to implementation of management and operational mitigation measures within previously approved gym facility (planning register reference number 3587/12) at 32F Macken Street and 18 Hanover Street East, 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 current Dublin City Development Plan, the planning history of the site, the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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. The developer shall comply with the terms and conditions of the planning permission granted under planning register reference number 3587/12, save as amended by any of the following conditions.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. The following requirements shall be strictly complied with:
 - (a) A floating floor or equivalent flooring system shall be installed in all areas where weights are to be used. The floor must provide an adequate level of isolation at frequencies below 50Hz for weights up to 200 kilogrammes. The extended opening hours shall not come into operation until all of these works have been completed. This floor shall not be overlaid with any other material that would inhibit the noise and vibration absorbing capacity of the floor.
 - (b) Classes shall only be held between the hours of 0700 to 2100. All music played within the premises shall be controlled through a limiter system. Details of this system shall be submitted for the written agreement of the planning authority before development commences and the system shall be installed and functioning before the extended opening hours become operational.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

4. The proposed extension of operation of hours to 24 hour operation shall be restricted to a period of two years only.

Reason: To allow for an appraisal of any potential negative impacts on both adjoining properties and on the immediate area.

5. 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.

Reason: In the interest of public health.

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

Dated this day of 2016.