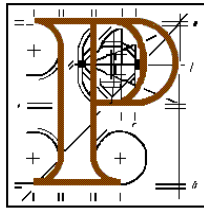


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2737/16

An Bord Pleanála Reference Number: PL 29N.246897

APPEAL by Barry Walsh care of Joe Bonner Town Planning Consultant of 127 Lower Baggot Street, Dublin and by Pure Gym Limited care of The Building Consultancy of 14 Whitefriars, Peter Row, Dublin against the decision made on the 15th day of June, 2016 by Dublin City Council to grant subject to conditions a permission to the said Pure Gym Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (a) Change of use from retail/commercial/cultural use to assembly and leisure use comprising a 24 hour, 7 day a week gymnasium; (b) the erection of new illuminated signage to the front elevation, (c) the installation of a new front entrance door and (d) all associated site works at part ground floor and first floor, Block B, Smithfield Market, Smithfield, 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 nature, scale and location of the proposed development and to the 'Z5' zoning objective for the site as set out in the Dublin City Council Development Plan 2011–2017, which objective aims 'to consolidate and facilitate development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity', it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential 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 interests of clarity.

2. All glazing on the frontage on the Haymarket Way and the rear elevation shall be kept free of all stickers, posters, manifestations and advertisements.

Reason: To avoid dead street frontages and to animate the streetscape along Haymarket Way.

3. All signage fascias shall be no more than 1800 millimetres in width and 780 millimetres in height. Lettering shall be individually mounted and backlit. No additional signage, advertising structure/advertisements or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. No classes shall be held and no background music shall be played within the premises between the hours of 2300 and 0700 and the facility shall otherwise operate with all mitigation measures proposed within the Acoustic Review received by the planning authority on the 22nd day of April, 2016.

Reason: To protect the amenities of residential property in the vicinity.

5. The noise level shall not exceed 55 dB(A) (corrected for any tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall provide any additional noise mitigation measures to comply with these noise levels as may be specified by the planning authority.

Reason: To protect the amenities of residential property 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 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Dated this day of 2016.