

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3440/16

An Bord Pleanála Reference Number: PL 29S.247715

APPEAL by Denis Cadogan of 48 Slievebloom Park, Walkinstown, Dublin against the decision made on the 21st day of November, 2016 by Dublin City Council to grant subject to conditions a permission to Cosgrave Developments Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Revisions to the development previously permitted under planning register reference number 3636/04 (An Bord Pleanála reference number PL 29.212609) and planning register reference number 3965/09 comprising the change of use of the first floor accommodation and ground floor (part of) of Block K from vacant office/enterprise/light industrial units to a gym/fitness centre (area totalling circa 852 square metres). The first floor (area totalling circa 632 square metres) will comprise a gym space, gym studio, induction area, office/reception area and WC/shower facilities; and the ground floor (area totalling circa 220 square metres) a gym spare and induction area. No alterations, save minor signage and entrance details, are proposed to the exterior of the unit. Vehicular access arrangements, car parking provision, refuse storage provision, cycle parking provision, and all ancillary site development works as permitted under planning register reference number 3965/09 and 3636/04 (An Bord Pleanála reference number PL 29.212609) remain unchanged; all at Lansdowne Gate, Lansdowne Valley, Long Mile Road, 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 zoning objective, the nature and scale of the proposed development, the current use on the site and the policies of the planning authority as set out in the current Dublin City Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area, 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 as amended by the further plans and particulars submitted on the 25th day of October, 2016, 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. 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.

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

3. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed and 'private members', in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company of Lansdowne Gate and the proprietor of the gymnasium within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

4. (1) The three car parking facilities in the basement hereby permitted shall be reserved solely to serve the staff parking for the proposed development.
- (2) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure that adequate parking facilities are available to serve the proposed development.

5. The proposed opaque glazing for the first floor windows shall extend to the full height. Details, including samples, of the materials, colours and textures of all the external finishes, including the opaque windows, to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No advertisement shall be exhibited in these windows.

Reason: In the interest of the visual amenities of the area.

6. The noise level shall not exceed 55 dB(A) rated sound level, as measured at any point along the boundary of the site. 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.

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

7. The proposed signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity

8. Apart from the agreed signage under condition number 7 and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. All trees along the northern boundary of the site shall be retained and maintained, with the exception of the following:
- (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development, and
 - (b) trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Reason: In the interest of visual and residential amenity.

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

Dated this day of 2017.