



An
Bord
Pleanála

Board Order
ABP-301645-18

Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2393/18.

Appeal by Navitas CrossFit care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 23rd day of April, 2018 by Dublin City Council to refuse permission to the said Navitas CrossFit for the proposed development.

Proposed Development: The proposed development seeks the retention of the overall training studio (196.5 square metres) and ancillary accommodation comprising at ground floor level (175 square metres) reception, male changing room with ancillary WC/shower facilities, three number training rooms and a courtyard (12.3 square metres); at mezzanine level (21.5 square metres) female changing room with ancillary WC/showers facilities. Retention permission is also sought for one number projecting sign on front elevation onto Camden Street Lower (4000 millimetres by 900 millimetres), all at 64 Camden Street Lower, 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 Z1 zoning provision, as set out in the Dublin City Development Plan 2016 - 2022, where a gymnasium use is permitted as a cultural/recreational use, and to the mix of existing uses comprising commercial/retail and residential at upper levels in the Camden Street area, the Board considered that, subject to compliance with the conditions set out below, the proposed development for retention would be in accordance with the zoning provisions, would not seriously injure the residential amenities of properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board took into consideration the mixed uses in the Camden Street area and considered that any residential amenity issues, particularly in relation to noise and vibration, could be addressed by way of a condition.

Conditions

1. The development to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 21st day of May, 2018, 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. (a) Amplified music or other specific noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0600 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeqT.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.

- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.

- (d) When measuring the specific noise, the time (T) shall be any five-minute period during which the sound emission from the premises is at its maximum level.

- (e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures including a suitably designed acoustic floor, to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours

3. The gymnasium shall only be used between the hours of 0600 and 2200 on Mondays to Fridays inclusive and only between the hours of 0900 and 1800 hours on Saturdays/Sundays and public holidays.

Reason: In the interest of residential amenity.

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

Dated this day of 2018.