



An
Bord
Pleanála

Board Order
ABP-315781-23

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 5226/22

Appeal by All Hallows Square OMC CLG care of Downey, Chartered Town Planners of 29 Merrion Square, Dublin against the decision made on the 17th day of January, 2023 by Dublin City Council to grant subject to conditions a permission to Flyefit care of O'Mahony Pike Architects Limited of The Chapel, Mount Saint Annes, Milltown, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of existing rooftop plant (including 16 number condenser units) and the erection of a solid 2.5 metre high acoustic enclosing screen on the single storey part of existing Gym at Units 1, 2 and 3B Whitehall Works, Drumcondra Road Upper, 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.

Reasons and Considerations

Having regard to the established use on these lands zoned for mixed services facilities, the nature and scale of development and the mitigation proposed in order to address noise emissions from plant to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development would not negatively impact on the visual amenities of the area, would not have significant negative effects on adjoining residential amenities by reason of noise disturbance and would not be prejudicial to public health. It is considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The mitigation measures set out in Section 6.0 of the Plant Noise Assessment report shall be implemented in full and shall be maintained throughout the operation of the gym.
- (b) Following installation of the proposed acoustic enclosing screen, the results of further noise monitoring undertaken at the site shall be submitted to the planning authority for their written agreement, confirming the effectiveness of the noise mitigation measures.



- (c) A maintenance programme for the plant shall be implemented to ensure any defects to plant are identified and items fixed or replaced as necessary.
- (d) Details regarding the specification and performance characteristics of the proposed acoustic screening measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect adjoining residential amenity.

- 3. (a) The LAeq level measured over 15 minutes (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.
- (b) Noise levels from the proposed development 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 Industrial and Commercial Noise - method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to protect adjoining residential amenity.

- 4. The external finishes of the proposed acoustic enclosure shall be similar to those of the existing buildings on site in respect of colour and materials.

Reason: In the interest of visual amenity.



5. No further condenser units or similar commercial plant shall be erected on the roofs of the gym building without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity.

6. 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.



Mary Henchy

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



Dated this 16 day of June 2023.