

An
Bord
Pleanála

Board Order
ABP-318243-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4220/23

Appeal by Quirke Lynch Holdings Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 18th day of September, 2023 by Dublin City Council to grant permission, subject to conditions, to District One Gyms Limited care of Tony Mullen Architects of 10-11 Marine Terrace, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain of the change of use of a 75 square metres ground floor room from educational to gymnasium/fitness studio (class 11) and all associated site works at the Acropolis Building, 43 Rathmines Road Lower, Dublin. Protected Structure (Recorded Protected Structure number 7181).

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 zoning objective relative to the site 'Z1 Sustainable Neighbourhoods' the objective for which is 'to protect, provide and improve residential amenity', the planning policies and objectives of the Dublin City Development Plan 2022-2028, the nature, limited scale and siting of the gym, the sites close proximity and accessibility to the city centre and the Rathmines urban core, the availability of high frequency public transport and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of the proposed development would not impact negatively on the character and setting of the Protected Structure, would not unduly impact on the residential amenities or the commercial activities of property in the immediate vicinity, and would be acceptable in terms of pedestrian and cycle convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the planning 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within six months of the date of this Order, the developer shall submit to the planning authority, for their written agreement, proposals to provide bicycle parking to serve the gym on the subject site or the surrounding road network, such works shall be provided at the developers expense.

Reason: In the interest of orderly development.

3. The hours of operation of the gym shall be between the hours of 0630 and 2000 Monday to Friday and between 0830 and 1700 hours on Saturdays, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity.

4. Within six months of the date of this Order, the developer shall submit a vibration monitoring assessment and a photographic survey to assess the impacts of the use of the gym on the primary structural fabric of the building which is a protected structure. Should remediation measures be required in order to address any issues associated with vibration identified in the assessment, the developer shall submit for the approval and written agreement of the planning authority, a specification and method statement covering all works to be carried out (including a timeframe for the implementation of such works), to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained Protected Structure.

5. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the boundary of the site, shall not exceed:-
- (i) An Leq,1h value of 55 dB(A) during the period 0630 to 2000 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.
- (c) Procedures for the purpose of determining compliance with the set limits shall be submitted to, and agreed in writing with the planning authority, within three months of this Order.

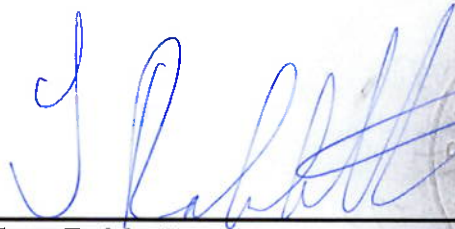
Reason: To protect the residential amenities of property in the vicinity of the site.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior/within the curtilage of the site without a prior grant of planning permission.

Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and the impact on the Protected Structure.

7. 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.



Tom Rabbette

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

Dated this

1st

day of

Oct.

2024.