

An
Coimisiún
Pleanála

**Commission Order
PL-501318-DN-26**

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2990/25

Appeal by Peter McCarthy against the decision made on the 17th day of April, 2026 by Dublin City Council to grant, subject to conditions, a permission to Aidan Roche in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from workshop to a GYM with reception area, the erection of new signage to the front of building and all other ancillary site development works, all at Number 117b Church Road, East Wall Dublin, which also backs onto the adjacent Shelmalier Road.

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 provisions of the Dublin City Development Plan 2022–2028, the previous established use of the premises, the nature, scale, and location of the development, the measures and conditions to ensure noise mitigation, and to the measures and conditions to prevent overlooking, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought would be acceptable in terms of residential amenity, would be acceptable in terms of drainage and noise, and would constitute an acceptable form of development at this serviced urban location. The development for which retention permission is sought, 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 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 within three months of the date of this Order and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The applicant shall ensure that the three number southern elevation windows of the gym which face residential dwelling Number 63 Shelmalier Road remain closed during operational hours.
- (b) The three number southern elevation windows of the gym which face residential dwelling Number 63 Shelmalier Road shall be fitted with obscure glazing within six months of the grant of this planning permission.

Reason: In order to safeguard the amenities of adjoining occupiers.

3. The development shall comply with the following:
 - (a) There shall be no speakers located externally or in such a way that amplified music played on the premises is audible outside the premises;
 - (b) the noise levels from the site, during the operational phase, measured as an LAeq (five minutes at night, 15 minutes in day) when all proposed HVAC plant is operating, shall not exceed the LAeq when no plant is running by 3dB(A) or more;
 - (c) a floating floor or equivalent flooring system shall be installed in all areas where weights are to be used. The floor must provide an adequate level of isolation at frequencies below 50Hz for weights up to 200 kilogrammes;
 - (d) anti vibration flooring must be fitted within the gym floor where free weights are to be used;
 - (e) All music played within the premises shall be controlled through a limiter system; and

- (f) Noise levels emanating from the facility 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.

Reason: In order to safeguard the amenities of adjoining occupiers.

4. The applicant shall submit the following for the written agreement of the planning authority:
- (a) Revised detailed dimensioned drawings to indicate all as constructed elevational features (including external ventilation/air-conditioning units, and window opes);
 - (b) Revised detailed architectural drawings and specifications of proposed dedicated bin storage area, servicing strategy and details in respect of an operational waste management strategy for waste collection, storage and recycling associated with the commercial use.

Reason: In the interest of orderly development and to clarify the scope of the permission.

5. The signage hereby permitted to be retained relates only to signage as indicated on elevation Drawing Number P-010 submitted as part of the Further Information received on the 25th day of March, 2026. No awnings, canopies or projecting signs or any other signs shall be retained or erected on the premises without a prior grant of planning permission.

Reason: To clarify the scope of the permission

6. The retained signage shall be backlit only and illuminated only during the permitted hours of operation, where necessary.

Reason: In the interests of residential and visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interest of visual amenity.

8. The use hereby approved shall operate only between the hours of 0600 and 2200 from Mondays to Thursdays inclusive, between the hours of 0600 and 2100 on Fridays, between the hours of 0700 and 1800 on Saturdays and between the hours of 0900 and 1600 on Sundays. No operation outside of these hours shall occur without prior written approval from the planning authority.

Reason: To protect the residential amenities of the area.

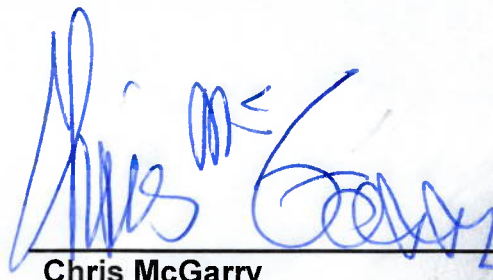
9. The proposed development shall comply with the following requirements:
 - (a) Prior to commencement of development, the applicant shall submit revised drawings and documentation for written agreement of the planning authority showing the following changes:

- (i) Physical infrastructure (for example, temporary bollards) and appropriate traffic signs in accordance with the Traffic Signs Manual shall be provided to prevent informal, unscheduled vehicle access but to facilitate access for the accessible spaces and emergency vehicles only shall be provided.
 - (ii) The off-street car parking spaces along Shelmalier Road indicated on the submitted site layout map (drawing number 2023-P-000) shall be omitted.
 - (iii) The two number car parking spaces shall be replaced with one number accessible space in accordance with Volume 2, Appendix 5, Section 4.2 of the Dublin City Development Plan 2022-2028. Appropriate signage and line markings in accordance with the Traffic Signs Manual shall be provided.
 - (iv) Details of the proposed bicycle parking spaces including type of bicycle parking space, the type of shelter utilised and details on the space for cargo bicycle parking all in accordance with the Cycle Design Manual 2023, published by the National Transport Authority.
- (b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of pedestrian and traffic safety and Volume 2, Appendix 5 of the Dublin City Council Development Plan 2022-2028.

10. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interests of traffic safety and to prevent flooding or pollution.



Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this

3rd

day of

August

2026.