



An
Coimisiún
Pleanála

Inspector's Report

ACP-322820-25

Development	Proposed extension of time to the temporary retention permission for previously approved reg. ref. 3264/21: Stretched Skin Structure, supported by steel columns, which accompanies silent fitness classes on the grounds of Dartry Health Club. Classes to take place Monday - Friday 7am - 8.15pm, Saturday 9am - 4pm, Sunday 10am – 1.20pm; and 3985/22 10ft Shipping container wrapped in artificial foliage to cater for gym classes; and all associated site and landscaping works
Location	Dartry Health Club, 31 Palmerston Gardens, Dartry, D06FX39
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1685/25
Applicant	Dartry Health Club Limited
Type of Application	Retention permission
Planning Authority Decision	To refuse retention permission
Type of Appeal	First Party
Appellant	Dartry Health Club Limited
Observers	Richview Residents Association Aidan Walsh Dylan Macauley Gabriel Gavigan and Eithne Fitzgerald Killian McGrogan
Date of Site Inspection	26 th August 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is in a suburban neighbourhood about 4 kilometres to the south of Dublin City Centre. It is situated immediately to the north of Palmerston Park and to the west of Palmerston Gardens. It comprises an outdoor lawn covered in artificial grass within the grounds of Dartry Health Club.
- 1.2. The site is occupied by an open-sided tent-like stretched-skin structure supported by steel columns, which has a maximum height of 4 metres and covers an area of about 15 metres by 13 metres. There is also a shipping container wrapped in artificial foliage, 2.4 metres long, 2.9 metres wide and 2.6 metres high. The container is 1.3 metres from the eastern boundary and 4.3 metres from the southern boundary.
- 1.3. Vehicular and pedestrian access to the site are via the health club entrance on Palmerston Gardens. A two-storey L-shaped building occupied by the health club lies immediately to the north of the site. To the west, the site is bounded by the clubhouse and grounds of Brookfield Tennis Club. Walls and trees separate the eastern and southern frontages of the site from the public footpath.
- 1.4. The surrounding area is predominantly residential and is characterised by redbrick Victorian-style buildings. There is an elliptical public park named Palmerston Park to the south east of the site, on the southern side of the road of the same name.

2.0 Proposed Development

- 2.1. It is proposed retain the stretched-skin structure to accommodate silent fitness classes, as well as the associated shipping container.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 23rd May 2025, Dublin City Council decided to refuse planning permission, giving the following reasons:
 1. *Having regard to the location of the site and the proposed removal of all existing car parking, with no supporting mobility strategy or provision of additional cycle parking, it is considered that the proposed development would give rise to*

unacceptable levels of overspill and haphazard parking on adjacent residential roads, which would seriously injure the amenities of the area and endanger public safety by reason of traffic hazard and obstruction of pedestrians and other road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the location of structures proposed for retention adjacent to a residential conservation area, with Z2 zoning, and to the nature and intensity of the use as outdoor gym classes, it is considered that the proposed retention of the structures would seriously injure the residential amenities of the area and would result in noise related disturbance to the surrounding residential area which would detract from the amenities of the adjacent Z2 residential conservation area. The proposed development, in itself and in the precedent it would set, would therefore result in serious injury to the residential amenities of the surrounding area, thus being contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planning Report

- 3.2.1. A planning officer's report dated 22nd May 2025 provided the reasoning for the authority's decision. The main points were as follows:

- The main building at Dartry Health Club provides a range of facilities to members, including a swimming pool, spa and indoor gym equipment. This building is in the applicant's ownership, but is not part of the site.
- It appears that the stretched-skin structure was permitted as a temporary measure to accommodate fitness classes during the Covid-19 pandemic when indoor activities were restricted, and was not intended as a permanent facility. The shipping container was subsequently permitted as a temporary structure. Both permissions have expired and a further temporary permission is sought.
- The closest houses to the site, at Palmerston Park, are redbrick two-storey houses with raised basements. The existing health club building is a two-storey building in a red brick. The stretched-skin structure is visible above the site boundary wall. It is black and subordinate in scale to the main building. While the structure does not appear unduly visually intrusive, it is a temporary

structure which could deteriorate over time. The shipping container is also a temporary structure, the top of which is visible above the wall. It is covered in green foliage to ensure it blends in with the landscaping at the site boundary.

- The ongoing use of the site for silent fitness classes and the frequency of the classes would appear to result in a more intensive use and a loss of amenity to surrounding residents, over and above that which would be expected from a public park. The open nature of the structure also allows the gym activities to be visible from surrounding houses. The applicant has not provided a justification for the proposed retention of the structures and has not addressed the impacts on visual and residential amenity, including noise.
- The structures proposed for retention are situated in a former surface car park associated with the building on the wider health club lands. There is currently no parking on the site and none is proposed. Having regard to the report of the Transportation Planning Division, permission should be refused.

Other Technical Reports

3.2.2. The Council's Drainage Planning, Policy and Development Control Section had no objection, subject to a standard condition.

3.2.3. The Council's Transportation Planning Division made the following comments:

- Submitted plans indicate that the tent structure and storage container have resulted in the loss of all 13 car-parking spaces on the site. The proposed development would result in no car-parking provision for staff or customers of the facility. No details of cycle parking have been provided, but it does not appear that there is adequate space to provide cycle parking in line with minimum standards. No mobility management plan has been submitted.
- It is stated on the application form that the main health club building has a gross floor area of 1,578 square metres and the total area proposed for retention is 182 square metres. To support reduced car parking for the club, cycle parking should be provided to minimum standards. The minimum requirement for cycle parking for the club as a whole, based on gross floor area, is 35 visitor spaces. Staff numbers have not been provided but conservatively 3 staff cycle spaces

should be provided. Five percent of cycle parking should be adaptable/cargo bike parking, which equates to 2 spaces.

- The Division cannot support the retention of the existing layout. It would welcome more space being allocated to cycle parking. It would not support the elimination of all car parking. Any proposal for reducing car parking should be supported by a robust and realistic mobility strategy and associated mobility management plan considering both staff and members/users of the health centre as well as any servicing requirement. The report recommended refusal of planning permission.

3.3. Prescribed Bodies

- 3.3.1. No comments were received from Uisce Éireann.

3.4. Third Party Submissions

- 3.4.1. The Council received seven submissions objecting to the application from local residents, six of whom later made observations to the Commission. The main points made in these submissions were included in the observations summarised below.

4.0 Planning History

- 4.1. **3264/21:** On 9th November 2021, retention permission was granted for the stretched-skin-roof structure to facilitate silent fitness classes.

Condition 3 limited the permission to a period of three years, so that the effect of the development might be reviewed having regard to the circumstances then prevailing.

Condition 4 stated that:

The use shall not be carried out other than between the hours of Monday to Friday 7am – 8:15pm, Saturday 9.00am to 4pm, Sunday 10am to 1.20pm. No music, musical instruments, or loudspeakers shall be played or used within the subject structure hereby permitted so as to be audible outside the structure.

Reason: *In the interests of residential amenity.*

Condition 5 required a minimum of 14 cycle parking spaces to be provided and also required the applicant to submit a mobility management plan for written agreement with the Council's Transportation Planning Division.

- 4.2. **3985/22:** On 17th August 2022, retention permission was granted for the shipping container to cater for the stretched tent gym class area. Condition 3 stated that the permission would cease to have effect on the date of the expiry of the permission 3264/21 for the tented gym class area. Condition 6 required a minimum of 14 cycle parking spaces to be provided and a mobility management plan to be submitted.
- 4.3. **3865/24:** On 24th September 2024, in a split decision, permission was granted for two lean-to bike shelter canopies for existing 11 Sheffield bike stands within the grounds of the health club. Permanent retention permission was refused for the stretched-skin and the shipping container for the following reason:

Having regard to the location and proximity of the support tent structure and the 10ft container, which are located adjacent to a Z2 residential conservation area, and in proximity to a number of protected structures, to the east on Palmerston Park, and also the nature and intensity of the use proposed, which is for outdoor gym classes, it is considered that the proposed development would seriously injure both the visual and residential amenities of the area, would result in noise related disturbance to the surrounding properties, and would furthermore detract from the character and setting of the adjacent Z2 conservation area. The proposed development would thereby set an undesirable precedent for similar uses of this nature in a Z9 Zoning, and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Map H of the Dublin City Development Plan 2022-2028 shows the Dartry Health Club lands, including the application site, together with Brookfield Tennis Club, within Primary Land Use Zoning Category Z9, Amenity / Open Space Lands / Green Network. The Z9 zoning objective, set out in Section 14.7.9 of the Plan, is to preserve, provide and improve recreational amenity, open space and ecosystem services. Open-for-consideration uses include sports facility and recreational uses.

- 5.1.2. Section 14.6 of the Development Plan states that while zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties
- 5.1.3. Map H of the Plan shows lands to the east of the application site, on the opposite side of Palmerston Gardens, within Zoning Category Z2, Residential Neighbourhoods (Conservation Areas). The Z2 zoning objective, set out in Section 14.7.2 of the Plan, is to protect and/or improve the amenities of residential conservation areas. Map H indicates that, within this zoned area, 22 properties fronting Palmerston Park are protected structures.
- 5.1.4. Policy GI45 of the Plan is to improve the health and well-being of communities by increasing access to participation in sports, recreation and healthy activity. Policy GI47 is to support the development of private recreational lands for recreational purposes. Policy GI49 is to protect existing and established sport and recreation facilities, including pitches, unless there is clear evidence that there is no long term need for the facility; unless the loss would be replaced by equivalent or better provision in terms of quantity or quality in an accessible and suitable location; or the development is for alternative sports and recreational provision, or required to meet other open space deficiencies, the benefits of which would clearly outweigh the loss of the former or current use.
- 5.1.5. Policy BH2 of the Plan is to ensure, among other things that that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials. Policy BH9 is to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a Conservation Area must contribute positively to its character and

distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

- 5.1.6. Objective SMT01 of the Plan is to achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the Development Plan.
- 5.1.7. It is stated in Appendix 5 to the Development Plan, Section 2.3, that the Council regards mobility management as an important element in the promotion of sustainability and in the achievement of a substantial increase in the modal share of public transport, walking and cycling during peak and off-peak travel times. Mobility management and travel plans will be required for developments of different types and scales, to be determined at pre-application stage in consultation with the Council.
- 5.1.8. Table 1 of Appendix 5 to the Plan sets out bicycle parking standards for various land uses. For clubhouses and gymnasiums, including leisure and recreation centres, the standard is 1 space per 5 staff plus 1 space per 50 square metres of gross floor area.
- 5.1.9. Table 2 in Appendix 5 specifies the requisite level of on-site parking to be provided for various types of development. These standards are generally regarded as the maximum parking provision and provision in excess of these standards is permitted only in exceptional circumstances. Map J of the Plan shows the application site in Parking Zone 2, which occurs alongside key public transport corridors. Table 2 indicates that in Zone 2 for uses in the sports and recreation category, maximum parking provision is dependent on nature and location of the use.

5.2. Natural Heritage Designations

- 5.2.1. The application site is not in any Natura 2000 site of European nature conservation importance. The nearest Natura 2000 sites are:
- South Dublin Bay and River Tolka Estuary Special Protection Area (SPA), about 4 kilometres to the east, designated for various bird species;
 - North Bull Island SPA, about 7 kilometres to the north east, also designated for various bird species;
 - South Dublin Bay Special Area of Conservation (SAC), about 4 kilometres to the east, designated for mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud and embryonic shifting dunes; and

- North Dublin Bay SAC, about 7 kilometres to the north east, designated for tidal mudflats and sandflats, annual vegetation of drift lines, annuals colonising sand and mud, salt meadows, shifting and fixed dunes, dune slacks and petalwort.

5.2.2. Table 10-2 of the Development Plan lists two other sites of international nature conservation importance in Dublin Bay, namely North Bull Island Ramsar Wetland Site; and Sandymount Strand / Tolka Estuary Ramsar Wetland Site. It also lists North Bull Island National Special Amenity Area and North Bull Island National Nature Reserve.

5.2.3. The application site is not in or near any Natural Heritage Area (NHA). There are five proposed NHAs in the area served by Dublin City Council – North Dublin Bay; South Dublin Bay; Dolphins, Dublin Docks near Pigeon House Harbour; Grand Canal and Royal Canal.

6.0 Environmental Impact Assessment Screening

6.1. The proposed development does not come within the definition of a “project” for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal may be summarised as follows:

- The health club is a significant recreation facility, serving the local area of Dartry. The development to which the application relates is a modest expansion which enhances the existing facility without negatively affecting the surrounding area and which therefore accords with the Development Plan.
- The application site is in Area 2, where parking provision is restricted on account of the proximity of public transport. A map was produced showing public transport within 1.5 kilometres of the site. The site is within walking distance of several high-frequency bus routes including 140, 142 and S4. It is a 10-minute walk from the Cowper Luas stop on the Green Line, which provides

access to the city centre. Therefore, parking provision is not required at this facility. The Council previously granted temporary planning permissions for the development without such provision.

- When consulted on the first application for the stretched-skin structure (3264/21), the Council's Transportation Planning Division noted that the development could generate overspill parking and servicing activity on adjacent streets. However, it found the development acceptable due to its relatively small size, the on-street car parking and other control measures in place, and its proximity to public transport. There has been no material change in circumstances since that permission was granted.
- The planning officer's report on the first application for the shipping container (3985/22) noted that its purpose is to provide gym equipment storage for the stretched-tent gym-class area granted temporary retention permission under 3264/21. It was therefore considered that temporary permission should be granted for retention of the storage container linked to the expiry date of the permission granted for the gym-class structure, having regard to the visual and residential amenity of the adjoining residential area. Therefore, the container is still acceptable as the circumstances have remained the same.
- The permission for lean-to bike shelter canopies within the grounds of the health club (3865/24) has not been implemented but the appellants are willing to do so if the Commission sees fit to make it a condition of the retention permission being sought.
- The retention of two structures which have been present for more than three years and do not require further works, would not materially impact on protected structures located 20 metres to the east and across the road from the site.
- The application site is not directly adjacent to any dwellings. The fitness classes which take place inside the stretched-skin structure are silent and cause little to no noise disturbance. The classes run to 8.15pm at the latest. Any noise generated is minor and insignificant in the context of the surrounding area.
- Palmerston Park is a busy street with consistent vehicular and pedestrian activity. A public park lies diagonally across from the site and there is a bus stop directly outside with an average service frequency of one bus every 10

minutes. Dartry Health Club operates six tennis courts, which generate considerably more noise than silent fitness classes. It is reasonable to conclude that if retention permission is granted, noise from the development would not be audible at neighbouring residences above the ambient noise level.

7.2. Planning Authority Response

7.2.1. None

7.3. Observations

7.3.1. The observations of **Richview Residents Association** may be summarised as follows. This application should be refused as the open structure has caused great nuisance and noise to the neighbours. A temporary retention permission should not be allowed to become a permanent permission. The area which houses the structure and container used to provide 13 parking spaces for members of the Dartry Club. The removal of these spaces has consequences for the neighbours on Palmerston Park who do not have residents' parking.

7.3.2. The observations of **Aidan Walsh** of Temple Villas, Palmerston Road may be summarised as follows:

- The application should have been rejected for invalidity. By the time it was made the temporary permission had expired and there was no permission to extend. The retention application is seeking to avoid or evade enforcement proceedings.
- The temporary permission was granted during the Covid pandemic. The pandemic has passed and so has the need for the temporary permission.
- The application site is in a busy urban area, close to traffic lights, close to a partially concealed, curving road round a public park, and beside a tennis club. On Palmerston Park there is no off-street parking for residents and visitors. There is extensive cycling and pedestrian traffic in the area. The grounds of the Dartry Health Club are confined with poor road access. The two-way access road from Palmerston Park is narrow. A narrow, heavily used footpath on one side of the road with parked cars restricts the passage of all traffic.

- The conversion of 14 parking spaces into the tented exercise area has caused massive overspill parking into the adjoining residential area and created dangers and havoc. It has resulted in increased traffic movements and frequent attempts to use a one-lane portion of Palmerston Gardens for entry and exit and for parking searches. The parking situation is causing unacceptable nuisance and loss of amenity.
- The design of the structure and the presence of the shipping container are not appropriate. For half the year, when the trees are not in leaf, they are visible from the public roads and an eyesore.

7.3.3. The observations of **Dylan Macauley** of Palmerston Gardens may be summarised as follows:

- He received a letter from Planning Enforcement dated 4th March 2025 stating that enforcement procedures had been initiated in relation to the appellants' continuing failure to remove the offending structure. He was at a loss to understand how they can hope to circumvent their legal obligations by way of the current application.
- Dartry Health Club current provides no car parking for its members, yet the membership is increasing, putting more pressure on parking for local residents and their guests/invitees. Residents require this parking for the amenity of access to their homes, particularly when carrying shopping bags and employing contractors for home maintenance. The lack of parking at the Club has increased traffic flow on Palmerston Gardens, with drivers using the road to perform U-turns in search of spaces. This creates a hazard for other road users and increases the risk of damage to parked vehicles given the tight space to perform such manoeuvres.
- Pay-and-display parking operates on the majority of the surrounding roads from 7am to 7pm, Monday to Friday. On Palmerston Gardens, a number of newly constructed family homes, with one or two cars each, do not have designated spaces. It is increasingly difficult to find a space, including at weekends. It is not unusual to queue for a space on the surrounding roads or to have to do a lap of the area until a space becomes available.

- Dartry Health Club members who are under pressure to get to their classes on time are increasingly parking on double yellow lines, on corners, in front of residential garages that require 24/7 access, and across residential driveways. There seems to be little or no traffic enforcement in the vicinity.
- Allowing this appeal would potentially create a precedent for sports clubs in the area to convert car-parking spaces into recreational use, with increased pressure on public parking and similar disruption. For example, Brookfield Tennis Club has a number of parking spaces for the use of members.

7.3.4. The observations of **Gabriel Gavigan** and **Eithne Fitzgerald**, each with an address in Palmerston Park, may be summarised as follows:

- The Council should have returned the application as invalid. The temporary permissions which it seeks to extend had expired by the time the application was made on 31st March 2025.
- In accordance with Section 37(1)(b) of the Planning and Development Act 2000, the Commission must determine the appeal as if it had been made to it in the first instance. In *O’Keefe v An Bord Pleanála* [1993] 1 IR 39, Costello J said he should construe this statute as meaning that no defect in the proceedings before the planning authority should have any bearing, or impose any legal constraints, on the proceedings before the Board.
- The tent structure was originally a response to operational restrictions associated with Covid. The pandemic was an exceptional circumstance to which the Council responded pragmatically. As this is an application for retention permission, there is empirical evidence of the operation of the use for the purpose of assessing the appeal.
- The principal concern relates to the public transport accessibility of the site. The 140 bus service will be decommissioned following commencement of the Templeogue Bus Connects route.
- The observers live a short distance from the appeal site. They have been seriously inconvenienced by the limited on-site car parking for health club members, which has resulted in indiscriminate parking on the surrounding streets. The removal of spaces to accommodate the “temporary” use has

exacerbated the situation. Photographs taken on Saturday morning, 28th June 2025 were submitted. They illustrate significant lengths of surrounding streets where roadside parking is prohibited by double yellow lines. The available on-street spaces are fully occupied at busy health club times – typically over weekends and also during weekdays before mid-morning and between 1600 and 2000 hours.

- Indiscriminate roadside parking makes it impossible for residents to find a space and impedes safe vehicular movements to and from properties that benefit from in-curtilage parking. Residents are hesitant to use their cars and forego a parking space, since on their return it is almost inevitably occupied. Tradesmen frequently cannot find a place to park. This has a significant adverse effect on road safety for drivers, pedestrians and cyclists alike.
- The former ancillary car park now occupied by the temporary structures is the only space available to the health club. The surface car park accessed off Palmerston Park serves Brookfield Tennis Club, which has no relationship with the health club, being an entirely separate entity.
- The planning officer's report on the first application for the structure (3264/21) stated that the tent covering and steel supports, which give rise to a temporary appearance, are not appropriate to the local area which is largely zoned as Z2, Residential Conservation Area. The report went on to say that despite the investment in headphones, the submissions received indicated that noise still arises from the use of weights during classes.
- One of the lasting effects of the pandemic is the change in working patterns, with a significant proportion of the workforce now working remotely. As a result, there is heightened potential for residential amenity impacts.
- Prior to Covid, gym classes were hosted within the building, limiting the potential for noise breakout. There is no acoustic barrier to mitigate noise impacts from the open-air application site. During classes, noise disturbances arise from shouted instructions and weights and from gym members congregating on the site before and after scheduled activities. The use of the tennis courts occurs at a much lower intensity than the outdoor gym activities.

- The stretched black plastic pointed open tented structure is visible from the street, several feet above the perimeter wall of the health club, as is the shipping container, albeit to a lesser extent. From the front steps of 1 Palmerston Park, a protected structure, exercise bikes, weights and people exercising on them are clearly visible. These activities appear highly intrusive and detrimental.
- The observers have no confidence that the operators of the facility would comply with any conditions that the Commission might decide to attach should it grant permission. They therefore request that permission is refused.

7.3.5. The observations of **Killian McGrogan** of Palmerston Gardens may be summarised as follows:

- These unauthorised structures are inappropriate and intrusive in a residential area and immediately adjacent to a Z2 residential conservation area. They were only temporarily justifiable during severe Covid restrictions when gym and exercise classes could not be conducted indoors. In pre-Covid times, planning permission for such structures would never have been granted.
- Prior to the grant of temporary retention permission concerns were raised with the health club and the Council in relation to noise. Whilst it is helpful that participants use Bluetooth headphones during classes, they are not silent. Shouted instructions can be heard inside and outside the observer's house. There is often noise when participants are gathering and dispersing at the open-air tent and at outside tables and benches, and when equipment is being moved. This constitutes a real nuisance and adversely affects the quiet enjoyment of neighbouring properties. The observer's back garden is particularly impacted. Classes take place over a lengthy period seven days a week, including early in the morning and into the evening.
- It is crucial that it is a condition of any time extension permission that all exercise classes are conducted in a silent manner and without noise projection that it audible outside the perimeter of the health club premises.
- The removal of all car parking from the health club has put significant pressure on parking in the area as a substantial number of members drive to the club. The situation is likely to get worse with the opening of the recently completed

tea rooms in [the nearby public park]. If cycle lanes are introduced in the medium term, as proposed, this will further reduce available parking facilities.

8.0 Assessment

8.1. Issues

8.1.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the main planning issues are:

- the validity of the application;
- the acceptability in principle of the development at this location;
- the effect of the development on car parking in the area; and
- the effect of the development on the amenity of adjacent residential properties.

8.2. Validity of the Application

8.2.1. The application seeks an “extension of time” to the temporary retention permission. This is inaccurate as the temporary permission expired before the application was submitted. However, the underlying purpose of the application is not in doubt. It seeks to retain the stretched-skin structure and container for an unspecified period of time. The Council, in exercise of its power under Article 26 of the Planning and Development Regulations 2001, accepted the application as valid. The *O’Keefe* judgment confirms that, regardless of the concerns expressed about the planning authority’s acceptance of the application, the Commission’s task now is to determine the appeal as if it had been made to it in the first instance.

8.3 Acceptability in Principle

8.3.1. The ongoing use of the former car-parking area for outdoor fitness classes is consistent with the recreational use of the health club premises in whose grounds the site is located. The Council granted retention permission for the stretched-skin structure in November 2021 as a temporary measure to accommodate fitness classes during the Covid-19 pandemic. It has since become apparent that by that date the worst of the pandemic was already over. An important factor which justified the temporary permissions for the stretched-skin structure and the container no longer pertains. It is therefore necessary to consider whether in the absence of a pandemic, the structure and container should continue to have planning permission.

8.4. Car Parking

- 8.4.1. In seeking to achieve a transition to more sustainable travel modes including walking, cycling and public transport, the Dublin City Development Plan specifies maximum parking standards. It says that for uses in the sports and recreation category in identified areas located alongside key public transport corridors, parking provision is dependent on nature and location of the use. In my opinion, this does not mean that no car parking is required in conjunction with such uses; it means that individual car-parking requirements are to be assessed on a case-by-case basis.
- 8.4.2. As a result of the introduction of the outdoor recreational facilities, there is now no provision for car parking in the grounds of the health club. The appellants have not disputed the evidence that this has led to overspill parking on neighbouring streets and caused significant inconvenience to residents and danger to road users.
- 8.4.3. I counted 20 bicycle stands adjacent to the health club entrance. I agree with the Council's Transportation Planning Division that this provision falls short of Development Plan standards. However, it seems to me that even if more cycle parking were provided, that would not necessarily overcome the concerns expressed about the absence of provision for car parking and servicing.
- 8.4.4. The Development Plan highlights the role of mobility management in achieving modal shift. Although submission and agreement on a mobility plan was a condition of the 2021 permission for the stretched-skin structure, no such plan has been produced. A mobility plan which provided comprehensive information on numbers of staff and members, the distances they travel to and from the health club, and the mode, timing and frequency of travel, would help to identify the need for spaces for car and cycle parking. Full information on such matters as the frequency of deliveries of equipment and other supplies, and of maintenance works to the building and grounds, would help to identify the need for spaces for service vehicles. It is my opinion that, in the absence of such information, it can only be concluded that the development would continue to give rise to unacceptable overspill parking.

8.5. Residential Amenity

- 8.5.1. I am not persuaded that the stretched-skin structure and the container have a significant adverse effect on the adjacent protected structures or on the Z2 residential conservation area. In my opinion, it is an exaggeration to describe them as an

eyesore. They are reasonably well enclosed by the boundary wall and by vegetation, both live and artificial. I appreciate that the stretched-skin structure would be more visible when the trees are not in leaf, but the view would still be filtered. I do not accept that the ability to see people exercising in the open is in itself detrimental to the residential amenities of nearby properties.

8.5.2. Condition 4 of the temporary permission 3264/21 contained significant safeguards to prevent undue noise breakout, namely restricted hours of operation and a ban on music, musical instruments and loudspeakers audible outside the structure. There is no evidence of any breach of this condition. It is acknowledged that participants use headphones during classes. The complaints about noise relate to shouted instructions, participants gathering and dispersing, and equipment being moved.

8.5.3. The nearest residential properties are separated from the application site by a public road, Palmerston Gardens. The site also abuts Palmerston Park, a busy thoroughfare used by buses, and a tennis club where outdoor sport takes place. It seems to me that background noise in the adjacent residential area is likely to be dominated by noise from sources other than the outdoor fitness classes.

8.5.4. I accept that the classes are not completely silent. It would be unrealistic to expect that they ever could be. However, the movement of equipment, the congregating of people and even occasional shouting would be likely to take place within the health club grounds regardless of whether the application site were used for outdoor fitness classes or for parking. In my opinion, if noise breakout were the only concern about the continued use, it would not be justifiable to withhold planning permission.

8.6. **Conclusion**

8.6.1. I do not accept that there has been no material change in circumstances since the temporary permissions were granted. The ending of the pandemic which justified the permissions was a very important change. The current application must be assessed in the light of current circumstances. It is not disputed that the development has contributed to unacceptable parking congestion in the neighbourhood. This leads me to conclude that retention of the structures should not be permitted.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, location and modest scale of the proposed development, the nature of the receiving environment as a built-up urban area, the nature of the foreseeable emissions therefrom, the availability of public piped services to accommodate the foul effluent arising therefrom, the distance from the nearest European site and the absence of any known hydrological link between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Recommendation

- 10.1. I recommend to the Commission that planning permission be refused.

11.0 Reasons and Considerations

- 11.1. Having regard to the Dublin City Development Plan 2022-2028, and in particular to Appendix 5, Section 2.3 and Tables 1 and 2; to the removal of all existing car parking from the grounds of the health club as a result of the development; to the evidence that the development has given rise to overspill parking on adjacent roads, thereby seriously injuring residential amenity and endangering road users; and to the absence of a supporting mobility plan, it is considered that the retention of the development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



TREVOR A RUE

Planning Inspector

29th August 2025

Appendix 1 – Form 1: EIA Pre-Screening

Case Reference	ACP-322820-25
Proposed Development Summary	<i>Retention of stretched-skin structure and shipping container to cater for fitness classes</i>
Development Address	<i>Dartry Health Club, 31 Palmerston Gardens, Dartry, Dublin 6, D06FX39</i>
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> <i>No</i> , No further action required.

Inspector: 

Date: 29th August 2025

TREVOR A RUE