

An  
Bord  
Pleanála

**Board Direction**  
**BD-015114-24**  
**ABP-315396-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the existing structure and nature of the business it is proposed to continue, within a town centre location with an established mixed-use pattern of development it is considered that the proposed development would be in accordance with the Wicklow County Development Plan 2022 – 2028 and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>The development shall be 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This permission is for a period of three years only. At the end of this period the use shall cease, unless a further period for its continued use is granted.</p> <p><b>Reason:</b> In order to further monitor potential impacts in relation to noise on residential amenity.</p>
3.	<p>The hours of operation shall be restricted to 06:30 - 21:00 Monday - Saturday. Closed on Sundays and Bank Holidays.</p> <p><b>Reason:</b> In the interests of adjoining residential amenity</p>
4.	<p>No amplified music shall be played on site before 08:00 or after 20:00.</p> <p><b>Reason:</b> In the interests of adjoining residential amenity</p>

5. a) The noise level arising from this development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 08.00 to 18.00 hours, when measured at nearest sensitive receptors.

At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones should be audible at any time.

- (b) As and when required by the Planning Authority, a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the Planning Authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results submitted to the Planning Authority within one month of such a request.

The results of such surveys shall include, inter alia: -

- (i) Type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey.
- (ii) Prevailing climatic conditions at the time of the survey.
- (iii) The time interval over which the survey was conducted.
- (iv) What machinery was operating at the time of the survey.

The results should be submitted to the Planning Authority within 2 weeks of the survey date in each case. If the noise survey has not been carried out, or the results not submitted to the Planning Authority within one month, the Planning Authority shall arrange to have such a survey carried out and the cost of the survey shall be recouped from the developer.

**Reason:** In the interests of safeguarding the surrounding residential amenity.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

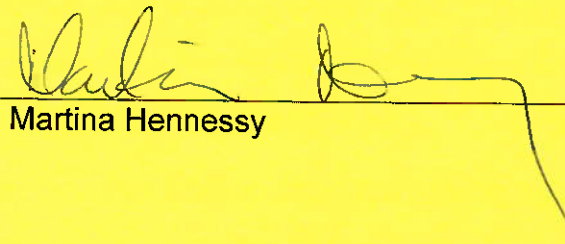
**Reason:** In the interest of public health.



**Note:**

While agreeing with the Inspector regarding the principle of the proposed development, the Board considered that further monitoring of noise impacts on residential amenity is warranted, given the nature of the continued use in a warehouse structure, which is in close proximity to local dwellings. In these circumstances, the Board considered a three-year grant of permission to be more appropriate.

**Board Member**



Martina Hennessy

**Date:** 18/01/2024