

An
Bord
Pleanála

Board Direction
BD-015694-24
ABP-316279-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/03/2024.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions, for retention of a 295 sq. m. roof canopy to cover part of the service yard and for permission to amend the permitted hours of operation to allow for Saturday production operation from 0800 to 1800 and to load and unload HGVs in the service yard area from 0700 to 0800, Monday – Friday, generally in accordance with the Inspector's recommendation, for the following reasons and considerations at (1) below.

and

- (2) refuse permission for HGV movements at the facility from 5am to 7am, Monday – Friday for the reasons and considerations marked (2) under.

In deciding not to accept the Inspector's recommendation, the Board, having regard to the objective E zoning of the subject site of the Dun Laoghaire County Development Plan 2022-2028, in a transitional zone abutting residential development, was not satisfied that the HGV movements at the facility from 05:00-07:00 would not adversely impact on the residential amenity of adjacent properties. The Board considered the assessments provided in support of the application but do not consider that the mitigation measures proposed are adequate to protect the residential amenity of neighbouring properties.

(1) Reasons and Considerations

Having regard to the Objective E zoning of the subject site, the relatively minor scale of this development, which is the subject of retention, the limited revisions to the hours for HGV movements from 0700 to 0800 and the extended Saturday operating hours for production, it is considered that the proposed development subject to the conditions set out would not adversely impact on the residential amenity of adjacent properties. In addition, it is considered that this proposed development would not significantly detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022- 2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 13/01/2023 and the 24/02/2023 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.

Reason: In the interest of clarity.

2. Noise resulting from operations effecting nearby noise sensitive locations shall not exceed the background level by 10dB (A) or more or exceed the EPA's NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is lesser (as measured from the facade of the nearest noise sensitive location).

- (a) Daytime (07:00 to 19:00 hrs) - 55dB LAr, T
- (b) Evening (19:00 to 23:00 hrs) - 50dB LAr, T
- (c) Night-time (23:00 to 07:00 hrs) - 45dB LAeq, T

as measured from the facade of the nearest noise sensitive locations.

Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

If necessary, the Local Authority may request that noise monitoring be carried out for a specific period of time by an independent suitably qualified engineer at the expense of the applicant, to ensure compliance with the set noise limits.

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

3. A complaint handling procedure shall be put in place by the applicant and shall include the following information:

- (a) Name and address of complainant
- (b) Time and date complaint was made
- (c) Date, time and duration of noise, or other issues
- (d) Characteristics of nuisance, such as noise rumble, clatters, intermittent, etc.
- (e) Likely cause or source of nuisance
- (f) Weather conditions, such as wind speed and direction
- (g) Investigative and follow-up actions, including response sent to complainant.

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

4. Surface water drainage arrangements shall comply with the requirements of the Local Authority for such services and works.

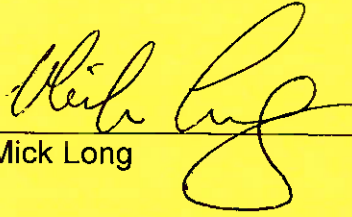
Reason: In the interest of public health.

(2) Reason for Refusal

Having regard to the Objective E zoning of the subject site, in a transitional zone abutting residential development, the Board was not satisfied that the noise generated from the HGV movements at the facility and the use of the

facility from 0500-0700 would not adversely impact on the residential amenity of adjacent properties .

Board Member:


Mick Long

Date: 04/03/2024