



An  
Coimisiún  
Pleanála

**Direction**  
**CD-021884-26**  
**ACP-324025-26**

The submissions on this file were considered at a meeting held on 05/02/2026.

The Commission decided to refuse leave to appeal based on the reasons and considerations set out below.

**Planning**

**Commissioner:**

Chris McGarry

**Date:** 05/02/2026

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

It is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of condition 11 imposed by the planning authority to which the grant is subject.

Condition 11 references acoustic mitigation measures set out by the applicant in the application documentation and requires a post completion noise monitoring exercise to establish the sound insulation performance of the building envelope. This condition does not result in a development which differs materially from that set out in the application for permission. For example, there is no change to the positioning

of any buildings/structures or any material difference which would alter the relationship of the development to that of the adjoining Dolan's premises compared to the relationship between the development and those adjoining premises as defined in the application documentation. The issues expressed by the applicant for leave include concern regarding noise impact outwards from their premises to the proposed development, whereby at present no residential use exists on the development site. Furthermore, the applicant for leave expresses concerns as to the efficacy of acoustic mitigation measures proposed by the applicant and queries the ability of condition 11 to be complied with. While such expressed concerns are noted, Section 37(6) is not the appropriate legislative provision within which to determine such efficacy (or otherwise). In reaching this determination, the Commission notes that the obligation to comply with condition 11 lies with the developer and that a grant of permission in this instance will not change the ability of the adjoining premises to continue to operate within any and all planning and legislative obligations applicable to those premises.