



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/66**

**Appeal** by Joanne and James Katus of 13 Holt Crescent, Tinahely, County Wicklow against the decision made on the 14<sup>th</sup> day of March 2019 by Wicklow County Council in relation to the application by D&E Fitzgerald Limited care of Buttle Design and Planning Consultants Limited of Main Street, Carnew, County Wicklow for permission for development comprising (1) Retention of extensions constructed to the rear and side of existing kitchen manufacturing workshop and acoustic barrier erected on south-western boundary wall, (2) construction of extensions for storage and filtration/extraction unit with woodchip storage silo to the side of workshop and provision of additional car parking spaces and all associated site works, (3) extension of opening hours to 7 day opening from 6am to 10pm at Lugduff, Tinahely, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for (1) Retention of extensions constructed to the rear and side of existing kitchen manufacturing workshop and acoustic barrier erected on south-western boundary wall. Construction of extensions for storage and filtration/extraction unit with woodchip storage silo to the side of workshop and provision of additional car parking spaces and all associated site works and to refuse permission for extension of opening hours to 7 day opening from 6am to 10pm).

## **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.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the zoning objective for the site in the Tinahely Town Plan 2016-2022, to the pattern of development in the area, to the construction of the acoustic barrier and dust extraction system proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not concur that the proposed development would give rise to serious injury to the residential amenities of the area having taken into consideration the dust extraction system proposed and the Noise Impact Assessment submitted to the planning authority on the 24<sup>th</sup> day of January 2019 and subject to Condition number 2 below.

## Conditions

1. The development shall be carried out, completed and retained 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, completed and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The hours of manufacturing operation (excluding showroom) shall be between 0700 hours and 1900 hours Mondays to Fridays inclusive and between 0700 hours and 1400 hours on Saturdays and not at all on Sundays or public holidays.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

3. (a) The noise level arising from this development shall not exceed the following limits when measured at the nearest noise sensitive receptors Monday to Saturday inclusive, but excluding Sundays and public holidays. No pure tones should be audible at any time.

Daytime (0700 to 1900 hours) – 55 dB(A) (Leq 1 hour)

Evening Time (1900 to 2300 hours) – 50 dB(A) (Leq 1 hour)

Night Time (2300 to 0700 hours) – 45 dB(A) (Leq 1 hour)

- (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 shall be 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 shall be submitted to the planning authority within two 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 proper planning and sustainable development, residential amenity and to prevent noise pollution.

4. (a) Dust emissions from the site shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days, measured as deposition of insoluble particulate matter, at any position along the site boundary. Suitable arrangements shall be made to suppress and control dust arising from the open working, processing, handling and transportation of mineral and/or product. The deposition of dust on surrounding lands in excess of allowed limits, or spillage onto public roads shall be prevented at all times.

- (b) As and when required by the planning authority, dust monitoring shall be carried out by a suitably qualified person at a suitable location on the boundary of the site (to be agreed with the planning authority) and the results submitted to the planning authority within one month of such a request.

**Reason:** To protect existing amenities of the area and in the interest of road safety.

5. All lighting used within the proposed development and development proposed to be retained shall be directed and cowled so as not to interfere with passing traffic, or adjoining properties.

**Reason:** In the interests of visual and residential amenity and of traffic safety.

6. No fans, louvres, ducts or other external plant other than those permitted as part of this planning permission shall be installed unless authorised by a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

7. All boundary treatments shall be carried out in accordance with the plans and particulars received by the planning authority on the 24<sup>th</sup> day of January 2019.

**Reason:** In the interest of adjoining amenity.

8. A minimum of 30 car parking spaces shall be provided within the site of the proposed development. Each space shall be satisfactorily surfaced and lined with white durable material.

**Reason:** In the interests of proper planning and sustainable development and traffic safety.

9. A minimum of two car parking spaces shall be provided for disabled drivers or disabled passengers within the site. Each such space shall have a minimum area of 3 metres wide by 4.8 metres deep and shall be substantially level. Each such parking space shall be clearly marked “Disabled Drivers or Passengers” and with the International Symbol of Access for the Disabled.

**Reason:** To facilitate access to these premises for disabled persons.

10. The developer shall make arrangements for the collection, storage and disposal of all wastes arising from the operation of the site. The name of any private waste disposal contractor employed, together with the destination of the disposed waste shall be made available to the planning authority upon request.

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

11. (a) No advertising signs or structures, other than those shown or indicated on the drawings submitted with the application shall be erected on the buildings or within the site as a whole, without a prior grant of planning permission.
- (b) No backlighting of signs shall take place save for the company logo.

**Reason:** In the interest of visual amenity.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this                      day of                      2019**