

An
Bord
Pleanála

Board Order
ABP-315396-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

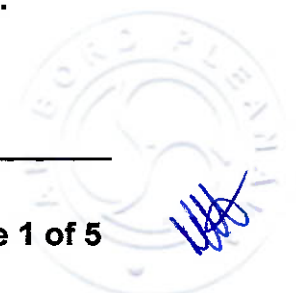
Planning Register Reference Number: 22/725

Appeal by Noreen Vize and Carolann Murphy of 8 The Lower Mall, Wicklow Town, County Wicklow against the decision made on the 2nd day of December, 2022 by Wicklow County Council to grant subject to conditions a permission to Liam O'Toole care of PACC of Wicklow Enterprise Park, Box 8, The Murrough, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Continuation of use to Wicklow Strength and Fitness gym granted permission under planning register reference number 19/142 at South Quay, Wicklow Town, County Wicklow.

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.



Reasons and Considerations

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

Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.



2. 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.

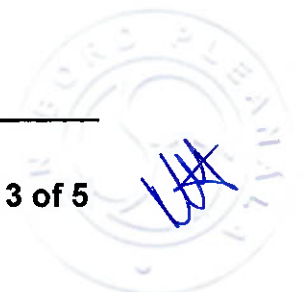
Reason: In order to further monitor potential impacts in relation to noise on residential amenity.

3. The hours of operation shall be restricted to 0630 to 2100 hours Mondays to Saturdays. The premises shall not operate on Sundays or public holidays.

Reason: In the interest of adjoining residential amenity.

4. No amplified music shall be played on site before 0800 hours or after 2000 hours.

Reason: In the interest of adjoining residential amenity.



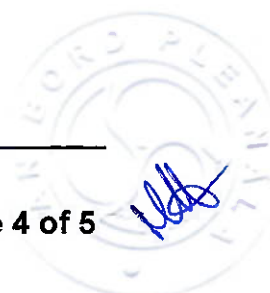
5. (a) The noise level arising from the development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours when measured at nearest sensitive receptors. At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. 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 shall be submitted to the planning authority within one month of such a request.

The results of such surveys shall include, inter alia:

- (i) The type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey.
- (ii) The 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.

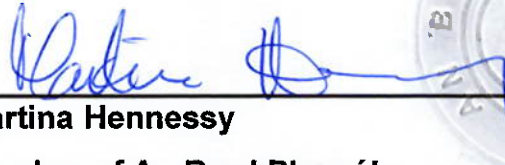
The results shall be submitted to the planning authority within two weeks of the survey date in each case. If the noise survey has not been carried out, or the results not submitted to the planning authority within one month, the planning authority shall arrange to have such a survey carried out and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

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



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

Reason: In the interest of public health.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this ⁰² day of February 2024.