

An
Bord
Pleanála

Board Order
ABP-316279-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0142

Appeal by Turlough Crowe of 144 Clonkeen Crescent, Deansgrange, County Dublin and by Clonkeen Crescent and Grove Residents' Association care of 147 Clonkeen Crescent, Dun Laoghaire, County Dublin against the decision made on the 20th day of March, 2023 by Dun Laoghaire-Rathdown County Council in relation to the application by Elis Textile Services Limited care of Kieran O'Malley and Company Limited of St. Heliers, Stillorgan Park, Blackrock, County Dublin for retention of 295-square metre roof canopy (circa 4.75 metres high over ground level) to cover part of the service yard and permission to amend the permitted hours of operation pursuant to condition number 6 of planning register reference number D01A/0920 as follows: (1) To facilitate operations on Saturdays from 8 a.m. to 6 p.m. (2) To facilitate loading/unloading of vehicles only Monday to Friday from 7 a.m. to 8 a.m. (no change is proposed to the weekday production hours). (3) To facilitate truck movements at the facility Monday to Friday from 5 a.m. to 8 a.m., all at Dun Laoghaire Industrial Estate, Pottery Road, Dun Laoghaire, County Dublin (which decision was to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council).

Decision

GRANT permission for retention of the 295-square metre roof canopy (circa 4.75 metres high over ground level) to cover part of the service yard and permission to facilitate operations on Saturdays from 8 a.m. to 6 p.m. and to facilitate loading/unloading of vehicles only Monday to Friday from 7 a.m. to 8 a.m. in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission to facilitate truck movements at the facility Monday to Friday from 5 a.m. to 7 a.m. for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the Objective E zoning of the subject site, the relatively minor scale of the development, which is the subject of retention, the limited revisions to the hours for HGV movements from 0700 to 0800 hours, and the extended Saturday operating hours for production, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenity of adjacent properties. In addition, it is considered that the 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 retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of January, 2023 and the 24th day of February, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Noise resulting from operations affecting 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 (0700 to 1900 hours) - 55dB LAr, T
- (b) Evening (1900 to 2300 hours) - 50dB LAr, T
- (c) Night-time (2300 to 0700 hours) - 45dB LAeq, T

Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level. If necessary, the planning 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 developer to ensure compliance with the set noise limits.

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



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

- (a) The name and address of the complainant.
- (b) The time and date the complaint was made.
- (c) The date, time and duration of noise, or other issues.
- (d) The characteristics of nuisance.
- (e) The likely cause or source of nuisance.
- (f) Weather conditions, such as wind speed and direction.
- (g) Investigative and follow -up actions.

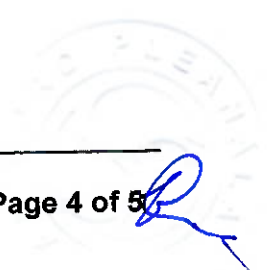
Reason: In the interest of safeguarding the surrounding residential amenity.

4. 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.

Reasons and Considerations (2)

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 to 0700 hours would not adversely impact on the residential amenity of adjacent properties.



In deciding not to accept the Inspector's recommendation to grant permission to facilitate truck movements at the facility Monday to Friday from 0500 to 0700 hours, 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 0500 to 0700 hours would not adversely impact on the residential amenity of adjacent properties. The Board considered the assessments provided in support of the application, but did not consider that the mitigation measures proposed were adequate to protect the residential amenity of neighbouring properties.

A circular seal of An Bord Pleanála is visible, featuring a stylized 'S' logo and the text 'AN BORD PLEANÁLA' around the perimeter. A handwritten signature in blue ink is written over the seal.

Mick Long

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

Dated this *19th* day of *March* 2024.