



An
Bord
Pleanála

Board Direction
PL27.248112

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25th July 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the established use on the appeal site and the planning history of the site, the nature of the development to be retained and which is proposed, the existing established pattern and character of development in the immediate vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, and the proposed development would not seriously injure the residential amenities of nearby properties, would not detract from the existing visual amenities of the area, would not impact on the safety of road users, and would therefore, not be contrary to 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 as amended by the further plans and particulars submitted on the 18th day of January 2017, 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 detail in writing with the planning authority and the development shall be retained and completed with the agreed plans.

Reason: In the interest of clarity.

2. The gated access to and from the adjacent laneway shall be used for delivery vehicles only and shall be locked at all other times.

Reason: In the interests of traffic safety and the amenities of the area.

3. The 3 no. residential units shall be used solely for staff accommodation for the employees of 'the Wicklow Heather Restaurant' and shall not be used for any other purpose.

Reason: To restrict the use of these units for the uses for which permission was sought.

4. Water supply and drainage arrangements, including the 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.

5. Within six months of date of this order, each car parking space in the car park shall be lined and demarcated with stone cobbles.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

6. Within six months of date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security for the satisfactory compliance with the conditions of this permission. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

7. Existing shrub and tree vegetation on the site shall be retained, except those strictly required to be removed to carry out the development. Where any tree fails it may be removed, and shall be replaced with a tree of similar species.

Reason: In the interests of visual amenity and integrating the development into the landscape.

8. 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 within six months of the date of this order 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.

Board Member

Date: 26th July 2017

Maria FitzGerald