



An
Bord
Pleanála

Board Order
ABP-302005-18

Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/425.

Appeal by Maurice Sheehy care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 11th day of June, 2018 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Change of use of a building previously used as a gym to residential building consisting of four apartments at ground floor level with private terracing, with unchanged currently granted two apartments with balconies and changes to roof profile at first floor level (previously granted under planning register reference number 16/1349, An Bord Pleanála appeal reference number PL 27.248178), alterations to external facades including windows, doors, external wall rendering and associated works at Seafront, 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.

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 Town Centre zoning objective for the area, the existing pattern of development in the vicinity and recent planning history relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not contravene the provisions of the Wicklow Town – Rathnew Development Plan 2013-2019, would be compatible with the existing pattern of development in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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. 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: To ensure adequate servicing of the development, and to prevent pollution.

3. Before any development commences under this permission, the developer shall engage a suitably qualified engineer to carry out a Flood Risk Assessment on the appeal premises having regard to the nature of the development to be carried out. The developer shall submit to the planning authority a report containing the findings of the assessment and any proposed mitigation measures to be carried out as part of the development. The written agreement of the planning authority shall be obtained prior to the commencement of development and any agreed mitigation measures shall be completed prior to the first occupation of any of the apartments permitted under this permission.

Reason: In the interest of the proper planning and sustainable development of the area.

4. 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 the 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.

5. The developer shall pay to the planning authority a financial contribution in respect of Wicklow Port Access and Town Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul Hyde

Member of An Bord Pleanála

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

Dated this day of 2019.