



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/139

Appeal by Jeff Watson care of BPS Planning Consultants of Ballinatone, Greenan, Wicklow against the decision made on the 21st day of January, 2019 by Wicklow County Council to refuse permission to the said Jeff Watson.

Proposed Development: (1) Refurbishment, part demolition, conversion, extension and change of use of existing stable blocks serving Clone House Guesthouse (granted permission under planning register reference number 977216) to create six number one to three bedroom two-storey self-catering guesthouse accommodation units with two number new rooflights to units five and six and a 430 square metre single-storey venue building, including bar area, kitchen and toilets, for seated social functions of approximately 120 people, (2) a new 181 square metres single-storey dwelling and internal access road to serve as the applicant's primary residence, (3) a new vehicular entrance, (4) an additional wastewater treatment system to that granted under planning permission register reference number 97/7216, (5) 49 car parking spaces provided in revised and new parking areas, and (6) associated site works including landscaping, all on site of circa 1.98 hectares Clone House (protected structure RPS 39-02), Clone, Aghrim, 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.

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 nature, scale and design of the proposed development, the pattern of development in the area, the provisions of the Wicklow County Council Development Plan 2016-2022 and the re-use and rehabilitation of existing structures, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate re-use of buildings which are in a poor state of repair and would not adversely affect the architectural character or integrity of the historic buildings on site, would not constitute overdevelopment of the site, would not be prejudicial to public health or the environment and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, as amended by the further plans and particulars submitted to the planning authority on the 19th day of December, 2018, and by the further plans and particulars received by An Bord Pleanála on the 15th day of February, 2019, 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. The proposed houses including the house proposed to be the primary residence of the owner shall be retained in single ownership with the existing guesthouse and, in the case of the six accommodation units, shall only be available for short term tourist letting associated with the existing guesthouse on the site. The sale of individual units for use as holiday homes is not permitted.

Reason: In the interest of clarity and the promotion and enhancement of the tourism use of the site.

3. Prior to commencement of development, revised plans and particulars shall be submitted to, and agreed in writing with, the planning authority providing for the following:
 - (a) the incorporation of a revised design to include a pumped system in the wastewater treatment system to address shock loading, and

- (b) the provision of an adequately sized grease trap on the wastewater line from the kitchen areas.

Reason: In the interest of public health.

4. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and be supervised by a qualified conservation architect (or equivalent).

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The water supply to serve the proposed development shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed development, in the interest of public health.

7. A Service Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This shall address the following:
- (a) deliveries to be carried out outside of peak hours,
 - (b) how deliveries will avoid unduly impacting upon surrounding road network, and
 - (c) details of the types of delivery vehicles to be used.

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

8. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. No signage, advertising structures/advertisements, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. The proposed 'one-way' access system shall be in accordance with the detailed requirements of the planning authority for such works and details of these shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. None of the proposed accommodation units shall be occupied until the planning authority have agreed in writing that the effluent treatment system (including provision of adequately sized grease traps) has been installed and completed to their satisfaction, together with details of future maintenance. A programme of periodic inspection and monitoring of the performance of the effluent treatment system together with records and conclusions of such inspections which shall be forwarded to the planning authority, shall be agreed with the planning authority with the results being made available to the public during normal office hours.

Reason: To regulate and control the use of the development.

13. Site development and building works shall be carried out only between 0800 hours and 1800 hours Mondays to Fridays, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities of adjoining properties.

14. 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.