



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/1430

Appeal by Matthew Weiss and others of River Run Studio, Nun's Cross, Ashford, County Wicklow against the decision made on the 15th day of February, 2019 by Wicklow County Council to grant subject to conditions a permission to Ardstone Homes Limited care of Tom Philips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to previously permitted development (planning register reference number 15/524, An Bord Pleanála reference number PL 27.246799) generally comprising a residential scheme of 169 number dwellinghouses, two-storey creche of 496 square metres and all associated development consisting of amendments to the permitted two-storey crèche comprising (i) revised internal floor plan layouts at the ground and first floor levels, (ii) revised elevational and fenestration arrangements to all elevations, (iii) increased overall building height from circa 7.8 metres as permitted to 9.3 metres, (iv) revised internal plant room and external bin store at ground floor level, and (v) crèche signage and logos to the revised northern, southern and eastern elevations. The gross floor space of the amended crèche facility is circa 515 square metres. No changes are proposed

to the permitted crèche play area and car parking arrangements under this planning application. Permission is also sought to omit Condition Number 6 of An Bord Pleanála reference number PL 27.246799 concerning an occupancy restriction pertaining to the residential component of the permitted development, all at Ballinahinch, Ashford, 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 provisions of the Wicklow County Development Plan 2016-2022, specifically the population and housing objectives in relation to Level 5 Settlements and the nature of the proposed development consisting of minor revisions to the height and design of the crèche building within an existing permitted scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity. 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, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall comply with the conditions attached to the permission granted under planning register reference number 15/524, An Bord Pleanála reference number PL 27.246799, except as amended in order to comply with the attached conditions.

Reason: In the interest of clarity.

3. Condition number 6 of permission granted under planning register reference number 15/524, An Bord Pleanála reference number PL 27.246799 (PRR 15/524) shall be omitted.

Reason: To ensure consistency with the development plan policy for 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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.