

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 20/184

Appeal by Downshire Lodge Nursing Home Limited and Downshire Place Independent Living Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 8th day of October, 2020 by Wicklow County Council to grant subject to conditions a permission to Glenveagh Homes Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Nursing care home and residential development comprising: (a) nursing care home (four number storeys of 120 number bedspaces (circa 7,428 square metres) along with 60 number car parking spaces (at undercroft and basement level circa 2,477 square metres), open space and all associated residential care facilities, (b) construction of 77 number dwellings comprising 29 number two-storey houses (10 number two-bedroom houses (house type E) and 19 number three-bedroom houses (house types C, D and F), and 48 number apartments/duplex apartments as follows: Block A and D, three storeys comprising 30 number apartments (15 number two-bedroom apartments in each building), Blocks B and C, three

storeys comprising 12 number apartments (two number two-bedroom apartments and four number three-bedroom apartments in each building), Blocks E and F, three storeys comprising six apartments (three number two-bedroom apartments in each building), all apartment units to have balcony or terrace, (c) hard and soft landscaping (including public lighting) and open space (boundary treatment), communal open space for duplex apartments, regrading/reprofiling of site where required along with bicycle/bin stores and 110 number car parking spaces for dwellings, (d) vehicular access from the west (from Blessington Inner Relief Road (BIRR) and south-west along link road between the BIRR and Main Street with pedestrian accesses as well as works to roundabout and provision of road crossings, (e) surface water attenuation measures and underground attenuation systems as well as connection to water supply, drainage, (f) all ancillary site development/construction works, all at Blessington Demesne, Blessington, 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, the Blessington Local Area Plan 2013 - 2019 and the zoning of the site for a mix of town centre and proposed residential purposes, to the location of the site in an established urban area in Blessington town centre and to the nature, form, scale, density and design of the proposed development, 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. 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 on the 31st day of July 2020 and further modified by clarification of further information received on the 15th day of September 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Details of all signage on the exterior of the Nursing Home shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) No development shall commence on site until written agreement is received from the planning authority and the road authority confirming that the construction of the northern section of the Blessington Inner Relief Road, from the existing northern roundabout on the Blessington Inner Relief Road to the N81 at Santryhill has commenced.
- (b) No occupation of any dwelling shall commence until written agreement is received from the planning authority and the road authority confirming that the northern section of the Blessington Inner Relief Road, from the existing northern roundabout on the Blessington Inner Relief Road to the N81 at Santryhill, has been fully constructed.

The above to be undertaken in full unless otherwise agreed in writing with the planning authority.

Reason: To ensure that the road network serving the proposed development has been upgraded to cater for the traffic generated by the proposed development and in the interests of traffic safety.

5. (a) The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS). Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) A Stage 3 Road Safety Audit in relation to all road works, including the junction with the public road, shall be prepared, and submitted for the written agreement of the planning authority prior to the commencement of development. Any necessary revisions and/or additions shall be agreed in writing with the planning authority.

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

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

Reason: In the interests of amenity and public safety.

7. A minimum of 10% of all communal car parking spaces and nursing home parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

8. Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. Water supply and drainage arrangements, including the attenuation and 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.

10. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

12. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.

Reason: In the interest of residential amenity.

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

This scheme shall include the following:-

A circular official stamp of An Bord Pleanála is visible in the bottom right corner. It contains the text 'AN BORD PLEANÁLA' around the perimeter. In the center of the stamp, there is a handwritten signature in black ink.

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed play equipment, street furniture, including bollards, lighting fixtures and seating; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

14. To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape Consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the planning authority for written agreement upon completion of works.

Reason: In the interest of amenity.

15. (a) All mitigation measures outlined in the Ecological Impact Statement prepared by Openfield Ecological Services shall be implemented in full.
- (b) Prior to the commencement of development, the developer shall submit to the planning authority a letter from a qualified ecologist, that they are satisfied that the final design of the external illumination proposed for the development will be to the required specification recommended in the Ecological Impact Statement.

Reason: To address any potential impacts on Biodiversity and to mitigate the potential impact of increased nocturnal illumination at the proposed development on bats, which are afforded a regime of special protection under the European Habitats Directive.

16. Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).

Reason: To protect birds and bird breeding habitats during the nesting season.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works,
- (c) prepare a detailed management plan for the continued preservation, protection, and presentation of Recorded Monument W1005-019 barrow shall be prepared by the archaeologist. This plan shall include details of proposed temporary hoarding, landscaping, access infrastructure, services, information signage and any other groundworks in the vicinity of the recorded monument both during and following the completion of development works and shall include an archaeological impact statement and mitigation measures to ensure the continued preservation of this Recorded Monument. A copy of the 'Monument Management Plan' shall be submitted to the planning authority and the Department of Culture, Heritage and the Gaeltacht for written agreement in advance of any site preparation and/or construction works in the vicinity of the Recorded Monument and the implementation of all agreed measures shall be supervised by an archaeologist, and
- (d) provide a detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports which shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 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 order to safeguard the amenities of property in the vicinity.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

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

20. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

22. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

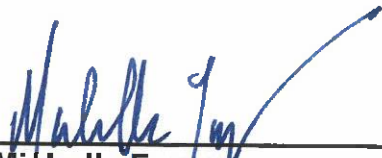
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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 and maintenance of the development until taken in charge.

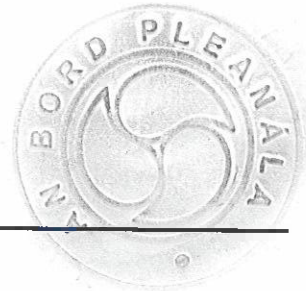
25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Michelle Fagan

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



Dated this 27th day of January 2022.