

An
Bord
Pleanála

Board Order
ABP-311560-21

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 21/812.

Appeal by Tommy Nolan care of BPS Planning Consultants of Ballinatone, Greenan, Wicklow against the decision made on the 6th day of September, 2021 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: (1) Change of use of the ground floor unit from retail use to residential use, (2) the extension of the first floor to the rear above existing single storey building, (3) alterations to the existing elevations, (4) demolition works, (5) addition of balconies, (6) retain existing shed to be used as a bin/bike shed and storage purposes and (7) internal alterations to convert the building into four number apartments with associated site works, all at 9 Main Street, Rathdrum, County Wicklow.

Decision

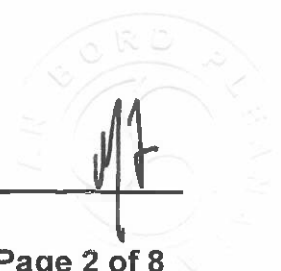
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 location of the proposed development in a serviced and vacant site at the northern end of the Main Street in Rathdrum, the pattern of development in the area and the nature and scale of the proposed development as amended, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development in this location, would not undermine the retail strategy of the town, would not detract from the character of the town or streetscape amenities, and would be acceptable in terms of residential amenities for future occupants. 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 received by An Bord Pleanála on the 4th day of October 2021 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 the 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 development shall be modified as follows:
 - (a) the proposed ground floor unit denoted as 'Flat A' in the submitted drawings shall be revised to a one bed unit and the entrance door shall be from the street frontage,
 - (b) the car parking/staircase and bicycle and storage facilities shall be revised so that minimum dimensions required for the perpendicular car parking spaces can be accommodated, and
 - (c) the glazed windows in the rear elevation of the ground floor units shall be increased by a minimum of 10% in glazed area and shall be full door height, so as to improve access to daylight and sunlight.

Revised drawings showing compliance with those requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

3. Prior to the commencement of development, details of all materials, colours and textures of the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. In this regard, the following shall apply:-

The windows in the front elevation shall be of painted timber finish.

Prior to commencement of development, details, including samples, shall be submitted to, and agreed in writing with, the planning authority (or arranged for inspection on site).

Reason: In the interest of the visual amenities of the area.

4. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a final landscape plan to include the following:

- (a) full details of all proposed hard surface finishes, including samples of proposed paving slabs/materials, and
- (b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

All such works shall be completed prior to occupancy of dwelling.

Reason: In the interest of residential amenity and visual amenity.

5. All of the communal parking areas serving the residential units shall be provided with functional electrical vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement

Reason: In the interest of sustainable transportation.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

7. 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 the commencement of development. The plan shall provide details of the intended construction practice for the development, including noise management measures, construction and demolition waste management plan, and the location of site compounds.

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

8. The developer shall comply with the following requirements:-

No dwelling shall be occupied until all services have been connected and are operational.

Reason: In the interest of residential amenity.

9. Proposals for naming and numbering of the proposed 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 numbers shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

10. 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.

11. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

12. 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.

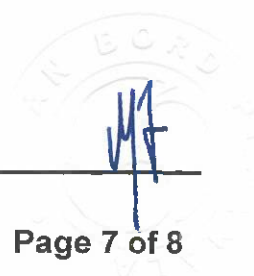
Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

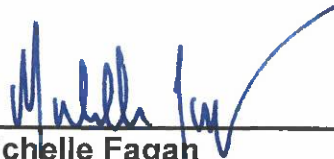
14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

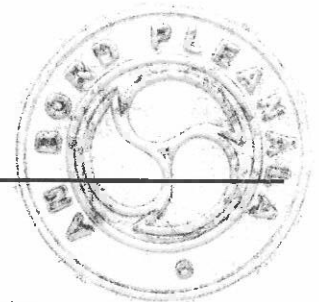
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the current Development Plan for the area.



15. 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. The application of any indexation required by this condition 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.

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 24th day of March 2022.