

An
Bord
Pleanála

Board Order
ABP-312454-22

Planning and Development Acts 2000 to 2021

Planning Authority: Wexford County Council

Planning Register Reference Number: 20211302

Appeal by Sandra Jones on behalf of the Chapelwood Residents Association care of Ian Doyle of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 8th day of December, 2021 by Wexford County Council to grant subject to conditions a permission to Nicelander Limited care of Barrett Mahony of Sandwith House, 52- 54 Lower Sandwith Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of 18 number residential units and a childcare facility of circa 219.34 square metres. The overall site area is circa 0.79 hectares and is split into two distinct areas of circa 0.76 hectares (housing site) and circa 0.04 hectares (childcare facility site) respectively. The residential units shall comprise of 18 number four bedroom house units (two-storeys in height) in the form of one number Type A3 unit (circa 128.72 square metres), two number Type A6 units (circa 150.62 square metres), two number Type B units (circa 125.16 square metres), four number Type Bs units (circa 125.16 square metres), seven number Type E units (circa 125.52 square metres), and two number Type E units (circa 125.52 square metres) and associated private open space to the rear of each unit. Public open space of circa 275.21 square metres will also be provided. The childcare facility shall

comprise of a two-storey building of circa 219.34 square metres gross floor area, associated outdoor play area (circa 121.72 square metres), four number play/activity rooms, one number sleep room, one number dinning/activity room, one number staff room/admin, entrance and landing/activity space, accessible WC, kitchen and store. The proposal shall also provide for 36 number car parking spaces (18 number on-site car parking spaces for each residential unit, 18 number on-street parking spaces to serve the residential units and two number on-site car parking spaces for the childcare facility); all associated landscaping works including boundary treatment; and all associated residential access roads and site development works, all at Chapelwood Estate, Litter More, Kilmuckridge, County Wexford.

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.

Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, the planning history of the site, the location of the appeal site within and adjacent to an established residential estate, to the nature, scale, design and density of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the residential or visual amenities of the area or 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, as amended by the further plans and particulars submitted on the 16th day of November 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 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 (including samples) 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 interests of visual amenity and streetscape.

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

- Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The plan shall detail interface of the development with the existing laneway to the west.
- Details of boundary treatments to the front of and in between the proposed residential units.

Reason: In the interests of visual and residential amenity.

4. Prior to the commencement of development, the developer shall submit the details of opening hours for the creche for the written agreement with the planning authority.

Reason: In the interest of residential amenity.

5. The playground as illustrated on the application drawings shall be completed prior to the occupation of the creche or residential units.

Reason: In the interest of residential amenity.

6. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, that restricts any such residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units 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.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each residential unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

7. 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.

8. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

9. A minimum of 10% of all communal car 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.

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

10. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interests of public health.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of Wexford County Council and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

12. Prior to the commencement of development, the developer shall agree in writing with the planning authority, works to resolve any existing infiltration issues within the overall housing scheme and a timeframe for completion of same.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the satisfactory completion of the development.

13. The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.

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

16. 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.

Reason: In the interests of visual and residential amenity.

17. 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.

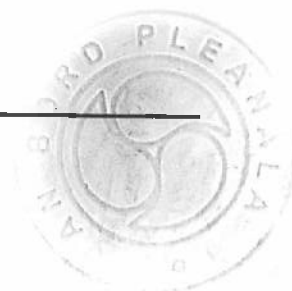


Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 13th day of July 2023.