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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 22/598**

**Appeal** by Scalaheen Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin and by Tom Phillips of 62 Ramleh Park, Milltown, Dublin against the decision made on the 25<sup>th</sup> day of July, 2022 by Wicklow County Council to grant subject to conditions a permission to Wicklow Hotel Partnership care of McGill Planning of 22 Wicklow Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A staff accommodation development within the grounds of Powerscourt Hotel comprising of 29 number staff accommodation rooms (56 number beds), a communal kitchen/dining/living room and laundry room. The proposal also includes alterations to an existing car parking, and associated landscaping, bin stores and all associated site development works, boundary treatments and other servicing works at Powerscourt Hotel, Powerscourt, 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.**

## Reasons and Considerations

Having regard to the existing development on the site, to the existing and permitted development in the area, to the policies and objectives set out in the Wicklow County Development Plan 2022-2028 which support tourism and employment in the rural area (Policies 11.5 and 11.19), the nature, scale and design of the proposed development which provides accommodation for hotel staff directly associated with the Powerscourt Hotel and the Guidelines for Planning Authorities on Sustainable Urban Housing Design Standards, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or out of character with the surrounding area, would not seriously injure the amenities of adjoining properties, would provide satisfactory standards of amenity for the future occupants of the development, and would be acceptable in terms of pedestrian and traffic safety. 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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development when completed shall be occupied by hotel staff directly associated with the existing hotel for a total period no greater than six months. No room in the proposed development shall be used for the purpose of providing overnight paying guest accommodation, and the development shall not be used, sold, let or leased for events or functions.

**Reason:** To ensure that the proposed accommodation is used to meet the hotels needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all 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.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

7. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate 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, the development shall submit such proposals which 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. 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 within the development 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.

9. 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, inter alia, details of intended construction practice for the development, including hours of working, noise management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and off-site disposal of construction/demolition waste.

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

10. The management and maintenance of the proposed development following its completion shall be the responsibility of the developers. A management scheme, providing adequate measures for the future maintenance of open spaces, roads and communal areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. The proposed accommodation, when completed, shall only be occupied by hotel staff directly associated with the existing hotel for short term accommodation no greater than six months in total, and shall not be used as a permanent place of residence by any person. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

**Reason:** To ensure that the proposed accommodation is used to meet the developer's stated needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

12. 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *9<sup>th</sup>* day of *January*, 2024.

