



An
Bord
Pleanála

Board Order
ABP-315394-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/611.

Appeal by AJP Thermal properties Limited care of Joe Bonner Town Planning Consultant of The Airport Hub, Unit 1 Furry Park, Old Swords Road, Santry, Dublin against the decision made on the 22nd day of November, 2022 by Wicklow County Council to refuse a permission for the proposed development.

Proposed Development: Construction of a new two/three storey building comprising of the following: Three number two-bedroom apartments; two number one-bedroom apartments; private amenity spaces in the form of balconies and patios to the front and rear of the building; communal open space for all apartments at roof terrace level; refuse and cycle storage areas; five number car parking spaces to cater for the proposed development; with associated works including drainage, retaining walls, landscaping private and public open space areas, pedestrian connection revisions to accommodate new car parking spaces all at rear of Blossom Hill, O'Neill Park, Newtownmountkennedy, 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 relevant objectives of the Wicklow County Development Plan 2022-2028 and Newtownmountkennedy Town Plan 2022-2028, including the RE (Existing Residential) zoning objective for the site;
- the Sustainable Residential Development and Compact Settlements Guidelines issued by the Department of Housing, Local Government and Heritage in January 2024,
- Project Ireland 2040: The National Planning Framework, including its objectives which seek to consolidate residential growth in urban areas,
- the nature of the proposed development,
- the specific characteristics of the site;
- the pattern of development in the surrounds; and
- the report of the Planning Inspector

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 of property in the vicinity, would provide an acceptable standard of amenity to its future occupants, would not be prejudicial to public health and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application submitted and as amended by Further Information received on 26th day of October 2022, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Projecting balconies with a minimum depth of 1.5 metres shall be provided on the front façade of the apartment building to serve the primary bedroom (13.1 square metres) of Unit three and the kitchen/living room of Unit Number four.

- (b) The conventional window serving Unit number one (front façade) shall be replaced with a glazed operable door, similar to that proposed for Unit number two so that direct access is provided to the ground floor level terrace.
- (c) The proposed concrete retaining wall shall utilise a high-quality and durable finish given its visual prominence from the proposed apartments (such as a brick/stone cladding).
- (d) The 1.8 metre high glazed screening along the north-western (front) side of the communal terrace shall be omitted to ensure passive surveillance of the street below and to provide an outlook from this space.
- (e) Railings shall be provided along either side the proposed pedestrian route (that is ramped connection).

Revised plans, elevations and sections incorporating the above revisions shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

- 3. Materials, colours and textures of all external finishes to the proposed apartment building shall be in accordance with the drawings and specifications hereby approved.

Reason: In the interest of visual amenity and to provide for acceptable standard and quality of development for future residents.

4. Prior to the occupation of any residential unit in the site, the developer shall submit for the written agreement of the planning authority, details of a management company for the future management and maintenance of the proposed apartment building, the public open space area (including pedestrian connection), landscaping, footpaths, communal areas and public lighting within the site boundaries onwards from their completion in a satisfactory manner. The company shall indefinitely manage the above and demonstrate capacity to resource and finance their activities. The submission shall include a layout map of the permitted development showing the areas to be maintained by the Owner's Management Company.

Reason: To ensure the adequate future maintenance of this private development and in the interest of residential amenity.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

6. 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.

7. The developer shall prepare and submit to the planning authority for their written consent, a detailed ground investigation and structural report prepared by a suitably qualified engineer for the construction of the proposed retaining wall and associated site works. The developer shall prepare a log which documents each phase of the proposed works, and each phase shall be signed off by the consulting engineer to ensure compliance with the requirements of the submitted structural report. The report shall also include proposals for silent vibrationless piling, if feasible.

Reason: In the interest of the structural integrity of adjoining properties.

8. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

9. 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 and for the ongoing operation of these facilities within each apartment 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications, broadband) 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 proper planning and development and amenity.

11. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

Reason: In the interest of the proper planning and sustainable development of the area.

12. Prior to the commencement of development, the developer shall prepare and submit a Construction Management Plan to the planning authority

for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation.

Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

14. 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 house.

Reason: In the interests of amenity and public safety.

15. Prior to commencement of development, the developer 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.

16. 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 or 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.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 26th day of January 2024.