



An
Bord
Pleanála

Board Order
ABP-316137-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22921

Appeal by Charlie Keddy of Sea Road, Kilcoole, County Wicklow against the decision made on the 7th day of March, 2023 by Wicklow County Council to grant subject to conditions a permission to Altere Limited care of McGill Planning of 22 Wicklow Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a three-storey nursing home with a total floor area of circa 5,784.6 square metres. The nursing home will comprise 109 number ensuite bedrooms, at lower ground, ground and first floor level. Ancillary facilities including shared dining and day rooms, café, visitor and activity area, treatment room, staff area, support areas, kitchen, and laundry rooms. 41 number car parking spaces within two car parks (including four EV charging space and two number accessible spaces), 20 number bicycle parking spaces. Amendments to the existing access from Main Street/Kilcoole Road including alterations to the footpath and road. An ESB substation, bin store, generator and fuel tank, and heat pump enclosure. All boundary treatments, vehicle and pedestrian accesses, landscaping, and associated site development works all on circa 1.32 hectares of lands to the

north of Darraghville House/Holy Faith Saint Patrick's Convent (Protected Structure) and to the south and west of the Convent Lodge, Main Street, Kilcoole, County Wicklow. The site is accessed off Main Street/Kilcoole Road.

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 policy provisions and objectives of the Wicklow County Development Plan 2022-2028, to the location, nature, scale and design of the proposed development, and to the specific characteristics of the site and surrounds, 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 be sympathetic to the architectural character of the site and surrounds, and would be acceptable in terms of public health 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, as amended by further plans and particulars received on the 14th day of February 2023, 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 materials, colours and textures of all external finishes to the proposed development shall be in accordance with the drawings and specifications hereby permitted.

Reason: In the interest of visual amenity.

3. The landscaping scheme, as submitted to the planning authority, shall be carried out within the first planting season following substantial completion of external construction works. 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 interests of residential and visual amenity.

4. 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.

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

Reason: In the interest of public health.

6. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

7. Prior to 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, site hoarding and security, details of construction lighting and waste minimisation.

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

8. Prior to commencement of development, the developer shall submit final details, for the written agreement of the planning authority, of the proposed access road and its junction with the public road including pedestrian facilities and works to the public road.

Reason: In the interests of traffic safety and proper planning and sustainable development.

9. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fit out of charging points.

Reason: In the interests of traffic safety, orderly development and proper planning and sustainable development.

10. No advertising signs, or devices shall be erected outside the premises without a prior grant of permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths.

Reason: In order to prevent advertising clutter and in the interest of visual amenity.

11. 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.

12. 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, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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.

13. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

14. 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.

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. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this 14th day of May, 2024.

