



An
Bord
Pleanála

Board Direction
BD-018539-24
ABP-320674-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/12/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the 'RE' 'existing residential' zoning which applies to the site under the Arklow and Environs Local Area Plan 2018-2024, under which residential development is stated to be generally acceptable in principle, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development on this existing infill site, would align with the policies and objectives of the Wicklow County Development Plan 2022-2028 and National Planning Guidance, would not seriously injure the visual amenities of the area, by reasons of design, height and form, would not seriously injure the amenities of the adjoining residential property in the vicinity by reason of site works, overshadowing or overbearing, and would be acceptable in terms of traffic and pedestrian 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. (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 (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant 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 of the residential units 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.

3. Details 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.

In this regard, the roof colour shall be blue-black, black, and the external walls shall comprise smooth render finish in white/off-white colour or brick finish.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Prior to commencement of development, details of the proposed boundary treatments to all shared site boundaries shall be submitted to, and agreed in writing with the planning authority and shall comply with the requirements of the planning authority for such works.

Reason: In the interest of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0700 and 1800 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 properties in the vicinity.

6. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

9.
 - a) The shared vehicular entrance shall be installed in such a manner so that the existing profile of the grass verge is maintained, and that surface water can continue to flow freely off the public road.
 - b) The gradient of the access driveway shall not exceed 1 in 40 for a minimum distance of 6 metres from its junction with the public road.
 - c) The roadside kerb shall be dished and strengthened to the satisfaction of the planning authority.
 - d) No gates shall be fitted at the shared vehicular entrance.

Reason: In the interest of traffic safety and the avoid queuing on the main road.

10. One resident car parking space for each dwelling shall be provided with electrical connection points, to allow for functional electric vehicle charging. The second car parking space for each dwelling shall be fitted with ducting for electric connection points to allow for future fitout of 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 of development.

Reason: In the interest of sustainable transport.

11. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

12. The developer shall pay to the planning authority a financial contribution of 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.

Board Member


Declan Moore

Date: 06/01/2025