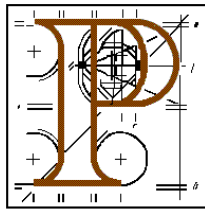


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/114

An Bord Pleanála Reference Number: PL 27.245501

APPEAL by Leslie Bradley of 2 Kenmare Terrace, Trafalgar Road, Greystones, County Wicklow and by others against the decision made on the 15th day of September, 2015 by Wicklow County Council to grant subject to conditions a permission to Kavcre La Touche Limited of Cunnane, Stratton and Reynolds of 3 Molesworth Place, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Provision of 26 number dwellings in total comprising one number three bed three storey terraced (Type A), 13 number four bed four story terraced (Type B), three number four bed four storey terraced (Type C), one number three bed three storey detached (Type D), two number four bed three storey semi-detached (Type E) and one number four bed three storey detached (Type E), and five number four bed four storey town houses (Type F and G) within retained shell of former main La Touche hotel building, retention of and alterations to centre block of hotel and demolition of recent side and rear extensions; partial (rear) demolition of existing buildings at 'An Tigin' and 'Eureka' on Marine Terrace and, refurbishment and merging of both units to create single unit, extension of 50 square metres to merged unit and change of use of merged unit from residential to retail (total floor space of proposed retail unit of 105 square metres); refurbishment including partial demolition to the rear of former bank building along Trafalgar Road and change of use to professional services (37 square metres); demolition of Cliff Bungalow (an existing derelict building on Cliff Road) and associated garage, and all other remaining buildings on site including former kiosk associated with partial use of the site as a former car park (total area of demolition 3,049 square metres); relocation of existing Cliff Road entrance, and provision of separate access and egress arrangement onto one way system on Cliff Road; revised access and proposed parking

arrangements off Trafalgar Road; provision of 58 number car parking spaces (incorporating 52 number spaces for residential development and a further six number spaces for commercial uses); provision of public open space fronting onto Cliff Road including seats, play area and lawn with planting; and all associated works at former La Touche Hotel and adjacent sites An Tigin, Eureka and Cliff Bungalow, Greystones, County Wicklow on a site bound by Trafalgar Road, Marine Terrace and Cliff Road. (As amended by the revised public notices received by the planning authority on the 11th day of June and 26th day of August, 2015).

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Town Centre zoning of the site in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, to the planning history of the site, to the pattern of development in the area and to the design and layout of the scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not seriously injure the character of Greystones Harbour Architectural Conservation Area and would be acceptable in terms of traffic safety and convenience. 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 29th day of May, 2015 and the 14th day of August 2015, 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) The commercial building along Marine Terrace shall be constructed in accordance with the details outlined in drawing number p(J)-02 received on the 5th day of February, 2015. The perpendicular car parking spaces along Marine Terrace as outlined on the Site Layout Plan drawing number CAI-ps(00)-01 received on the 14th day of August, 2015 shall be omitted.

(b) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of the proposed car parking proposals to serve all residential and commercial units.

Reason: In the interest of amenity and traffic and pedestrian safety.

3. The commercial units shall be restricted to use as either offices or a shop as defined under Article 5 of the Planning and Development Regulations 2001, as amended. Prior to the commencement of development, the developer shall submit details of the use of these buildings, for the written agreement of the planning authority.

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

4. 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 details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;
- (d) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (e) measures to obviate queuing of construction traffic on the adjoining road network;
- (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Such measures shall reflect the advice contained in BS 5228-1: 2009 + A1: 2014 and shall include a dust minimisation plan;
- (i) noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site;
- (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: To protect the amenities of property in the vicinity.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, a detailed method statement including a programme of works for the redevelopment of the La Touche Building to facilitate its conversion to five number townhouses, prepared by an Architect or other appropriately qualified person with specialised conservation expertise to ensure adequate protection of the retained and historic fabric during the works.

Reason: In order to safeguard the special architectural and historical interest of the building.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings including the finishes to the La Touche building and the former bank building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The first floor landing window on the rear elevation of unit number 1 shall be glazed with obscure glass and the flat roof area to the rear of this unit shall not be used as a terrace or balcony.

Reason: To prevent overlooking of adjoining residential property.

8. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the boundary treatment within the scheme and also between the scheme and the adjoining properties.

Reason: In the interest of residential and visual amenity.

9. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

11. 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.

12. Public lighting shall be provided in accordance with a scheme, 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 interest of amenity and public safety.

13. 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.

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. (a) 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.
- (b) The developer shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer). A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the parks and landscape services section of the planning authority, and in accordance with the permitted landscape proposals.

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

16. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of orderly development.

17. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

18. 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 for the area.

19. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the carrying out of works to the footpaths and road widening works to Marine terrace, Cliff Road, Trafalgar Road and Sidmonton Place. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

20. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.