

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Wicklow County**

**Planning Register Reference Number: 16/639**

An Bord Pleanála Reference Number: PL 27.247461

**APPEAL** by Robert and Siobhan Mooney care of Frank Ó Gallachóir of 94 Rathdown Park, Greystones, County Wicklow and by others against the decision made on the 30<sup>th</sup> day of September, 2016 by Wicklow County Council to grant subject to conditions a permission to Cruslim Property Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of existing single-storey dance studio/office building (circa 173.9 square metres) and the demolition of two-storey building (circa 915 square metres) to the rear of The Wicklow Arms Public House (a protected structure), (the demolition works do not relate to any aspect of the protected structure), and the construction of a village centre development (overall gross floor area circa 2,892.7 square metres) comprising 22 number residential units (12 number house units and 10 number apartment units), and retail, office and restaurant development. The residential component of the scheme (circa 2,091.4 square metres) shall comprise 12 number three-bedroom house units (circa 103.3 square metres – 125.5 square metres) in a combination of two-storey terraced, semi-detached house and details house units (Blocks A–D), and two number one-bedroom apartment units (circa 59.5 square metres) and eight number two bedroom apartments (circa 78.8 square metres – 83.4 square metres) in a new village centre building (three-storeys). The commercial element of the scheme (801.3 square metres) shall comprise redevelopment of The Wicklow Arms Public House (a protected structure) including internal alterations to provide for

change of use from former public house to restaurant use (circa 227.5 square metres), two retail units (circa 44.4 square metres and 73.5 square metres), three office units (circa 89.1 square metres, 109.3 square metres and 80.9 square metres respectively), and two additional retail units in the new village centre building (87.3 square metres and 89.3 square metres respectively). The proposal shall also provide for circa 78 number car parking spaces, bicycle parking, public open space areas, private open space areas in the form of rear gardens and balcony/terrace areas, new pedestrian link from the Delgany Inn car park, all landscaping works including boundary treatment, bin storage facilities, apartment storage units, new access road via Bellevue Court, Delgany, new service connections and surface upgrade works and all associated site development works at The Wicklow Arms Public House and lands to the rear, Delgany, 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.**

## **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, to the pattern of development in the area, to the planning history of the site and to the design and scale of the proposal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in the context of the visual amenities of the area, the character and setting of a protected structure and the designated Architectural Conservation Area, would be acceptable in terms of impact on the established town centre, would be acceptable in terms of traffic safety and convenience and 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 particular lodged with the application, as amended by the plans submitted on the 15<sup>th</sup> day of September, 2016, 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. 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.

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

3. 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.

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, noise management measures and off-site disposal of construction/demolition waste.

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

5. 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 of the area.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or 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.

7. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities within each house plot 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 recyclable materials, in the interest of protecting the environment.

8. 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 interest of visual amenity.

9. 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.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded and landscaped in accordance with the detailed landscaping scheme submitted to the planning authority on the 9<sup>th</sup> day of June, 2016. This work shall be completed before any of the apartments are made available for occupation.

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

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

12. Appropriate controls shall be put in place to ensure that the proposed works do not result in the spread of invasive alien species such as Japanese Knotweed (*Fallopia japonica*). Prior to the commencement of development, the developer shall confirm in writing to the planning authority if such is present on site. If such is the case, a detailed site management plan outlining a programme for the control and monitoring of Japanese Knotweed on the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of controlling invasive species.

13. 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.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

15. (a) The developer shall be required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site in advance of any site preparation and/or construction works. No sub-surface works shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist shall carry out any relevant documentary research and inspect the site. The assessment shall involve documentary and cartographic research, an analysis of all previous archaeological assessments carried out in the area, fieldwork, archaeological testing (licensed under the National Monuments Acts 1930-1994) and an examination of the proposed plans/design details for the development.
- (c) The archaeologist shall prepare and submit a written report, including an archaeological impact statement to the planning authority and to the National Monuments Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs in advance of any site preparation and/or construction works. Where archaeological material/features are shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring may be required, the National Monuments Service and the planning authority shall advise accordingly following receipt of the archaeological assessment report.
- (d) No site preparation or construction works shall be carried out on site until the archaeologist's report has been submitted to the relevant authorities and permission to proceed has been received in writing from the planning authority, in consultation with the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (e) The final report describing the results of archaeological mitigation, including monitoring any subsequent archaeological excavation and post-excavation specialist reports, shall be submitted to the planning authority and the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

16. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

17. 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 phase 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.

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

**Dated this            day of            2017.**