



An  
Bord  
Pleanála

## Board Order PL 27.248201

---

### Planning and Development Acts 2000 to 2017

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 16/1058**

**Appeal** by Claire and Noel Fitzgerald of Cara, High Street, Wicklow Town, County Wicklow against the decision made on the 27<sup>th</sup> day of February, 2017 by Wicklow County Council to grant subject to conditions a permission to John Kavanagh care of McAuley Rice Architects of First Floor, Green Tree House, Fitzwilliam Square, Wicklow Town, County Wicklow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** 1. An extension of circa 45 square metres to rear of existing ground floor shop unit at number 8 Main Street and alterations to existing layout. 2. The provision of circa 185 square metres of office space off Morton's Lane. 3. The provision of four number apartments of which three apartments are located on the second floor - Apartment 1: a two bedroom 84 square metres unit, Apartment 2: a one bedroom 58 square metres unit. Apartment 3: a two bedroom 83 square metres unit and the fourth apartment located in the loft area - a three bedroom 112 square metres unit. The proposal includes connections to all existing services on site and all associated site works relating to this development. All at number 8 Main Street/Morton's Lane, Wicklow Town, 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 objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to design, would not seriously injure the amenities of the area or of property in the vicinity 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 1<sup>st</sup> day of February, 2017, 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 proposed development shall be amended as follows:
  - (a) The bin storage structure shall be relocated from its position along the southern boundary and located along the northern boundary wall in the vicinity of car parking space number 17.
  - (b) Two of the recessed balconies on the northern facing roof plane shall be omitted. These shall be the two located in the middle (serving the living area and bedroom of apartment number 4).
  - (c) A lighting scheme shall be submitted for the car parking area with lighting to be positioned having regard to adjoining properties and adequately cowled to prevent excessive overspill of light.
  - (d) Bicycle parking spaces shall be provided within the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all 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 the visual amenities of the area.

4. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. The gate access to the site shall be an automatic gate and shall be kept closed outside the operational hours of the commercial development on site (08.00 hours to 20.00 hours).

**Reason:** In the interest of the amenities of property in the vicinity.

6. Site development and building works shall be carried out only between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 residential amenities of property in the vicinity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

8. 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 noise management measures and off-site disposal of construction/demolition waste and a construction stage traffic management plan.

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

9. 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 the 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.

