



---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 15/1307**

**APPEAL** by Paul Hyland care of BPS Planning Consultants of 23 Savel Park Road, Dalkey, County Dublin and by others against the decision made on the 5<sup>th</sup> day of April, 2017 by Wicklow County Council to grant subject to conditions a permission to Gorteen Way Limited care of Eoin J. Carroll Architects of One Southern Cross, IDA Business Park, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of 89 two-storey dwellings including 25 number four bedroom detached dwellings, 28 number four bedroom semi-detached dwellings, 18 number three bedroom semi-detached dwellings, six number three bedroom terraced dwellings and 12 number two bedroom terraced dwellings; the removal of existing stables, outbuildings and the partial removal and change of use of the existing dwelling (Richview House) to a crèche (275 square metres) including eight number surface car parking spaces, bin storage, cycle parking and external play area, construction of an ESB substation and switchroom (25 square metres); all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Bellevue Hill and associated signage, internal estate roads, visitor surface car parking, footpaths, hard and soft landscaping and all site services above and below ground including connections to existing services, all on site of 4.28 hectares at Richview House, Bellevue Hill,

Delgany, County Wicklow as amended by the revised public notice received on the 24<sup>th</sup> day of August, 2016.

## **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 condition(s) 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:-

- (a) the zoning provisions of the Wicklow County Development Plan 2016-2022 and the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 and the R22 Residential zoning with a stated objective 'to provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity,
- (b) the pattern of development in the area and the proximity to the village centre of Delgany and
- (c) the proposed road junction and pedestrian route upgrade works,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the visual and residential amenities of the area and would be acceptable in terms of density. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the planning authority that, subject to compliance with appropriate conditions, the proposed development would provide for adequate improvements of the pedestrian facilities, would not be premature as it seeks to address current deficiencies, would not set a negative precedent for other developments and would not constitute a traffic hazard or adversely affect the use of Bellevue Hill by traffic. It considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 to the planning authority on the 15<sup>th</sup> day of August, 2016 and the 10<sup>th</sup> day of March, 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 permission hereby granted is for 82 units.

**Reason:** In the interest of clarity.

3. (1) No dwelling shall be constructed within the site until the proposed road/pedestrian works to the Bellvue Hill Road are completed.
- (2) No development shall commence until the planning authority has confirmed in writing that the junction upgrade of the Bellvue Hill/R762 has been designed and no dwelling shall be constructed until the upgrade of the Bellvue Hill/R762 has been completed. Such completion shall be confirmed in writing by the planning authority.

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

4. (1) The finishes to the dwellings shall be in accordance with the details contained in the drawings received on the 10<sup>th</sup> day of March, 2017 subject to the following amendments:-
  - (a) the roof finishes and metal cladding shall be in the blue/black colour range, and
  - (b) the brick on the front elevations of the crèche, and house numbers 1-17 shall be omitted and replaced with a self coloured render/painted napp plaster finish.
- (2) Details of the colour of brick shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Site boundary/privacy walls shall be provided, in accordance with drawing number P-014 submitted on the 15<sup>th</sup> day of August, 2016. Prior to the commencement of development, updated details of the boundary treatments to take account of the site layout revisions of the 10<sup>th</sup> March, 2017 shall be submitted to, and agreed in writing with, the planning authority.

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

6. 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:** In the interest of public health.

7. 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 interest of amenity and of traffic and pedestrian safety.

8. 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 interests of amenity and public safety.

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

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

10. (1) The tree planting/landscaping scheme shall be carried out in accordance with the details submitted on the 15<sup>th</sup> day of August, 2016 and shall comply with the following requirements:-
- (a) updates to take account of the site layout amendments of the 10<sup>th</sup> day of March, 2017,
  - (b) road surfaces/turning areas shall comply with road layouts,
  - (c) no planting shall take place to the western side of the stream,
  - (d) Roads 6 and 7 shall extend to the site boundary.

Prior to commencement of development, an updated landscaping scheme showing compliance with the above requirements, shall be submitted to, and agreed in writing with, the planning authority.

- (2) The landscaping and tree planting shall be carried out before or during the first planting season or part thereof occurring after the commencement of development. Any plants which become seriously damaged shall be replaced by others of similar size and species.

**Reason:** In order to assimilate the development into the surrounding area and in the interest of visual amenity and proper planning and sustainable development.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,  
and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.



13. 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.

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 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.

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 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                      2017.**