



An  
Bord  
Pleanála

## Board Order PL 27.248914

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 17/15**

**Appeal** by Gerry McGlinchey of Brookville, Ballyman Road, Enniskerry, County Wicklow and by others against the decision made on the 26<sup>th</sup> day of June, 2017 by Wicklow County Council to grant subject to conditions a permission to Cosgrave Property Group care of RPS of Innishmore, Ballincollig, County Cork.

**Proposed Development:** Construction of 12 number detached five-bed houses with optional garages; approximately 280 metres of a new access road to the site (and adjoining agricultural lands) from Ballyman Road (also forms part of road proposals under separate planning application register reference number 16/999); public open space (approximately 1.19 hectares); together with ancillary site development, drainage and landscaping works all on a site of approximately 5.66 hectares located at Monastery, Enniskerry, 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 land use zoning for the site as set out in the Enniskerry Town Plan, the pattern of existing development in the area and the design and layout of the development including access proposals, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity, would not detract from the visual amenities of the area, would not be prejudicial to public health 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the zoning of the site and the pattern of residential development in the area. It did not consider the proposal to be premature or that it would jeopardise road safety in the context of the existing and proposed road network. It considered the design and layout of development and the house types proposed to be appropriate for the site.

## 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 31<sup>st</sup> day of May, 2017 and by the further plans and particulars received by An Bord Pleanála on the 23<sup>rd</sup> day of August, 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.
  - (a) Prior to the commencement of development, the detailed design of the proposed 280 metres access road (including footpaths and cycle track) and junction with the Ballyman Road shall be agreed in writing with the planning authority.
  - (b) The proposed new access road from Ballyman Road and associated junctions shall be constructed in full by the developer prior to the occupation of the proposed houses.

**Reason:** In the interest of traffic safety and clarity.

3. The site shall be landscaped in accordance with the submitted scheme of landscaping as illustrated in the Landscape Masterplan drawing number 100 submitted to the planning authority on the 31<sup>st</sup> day of May, 2017. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works.

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

4. The site/estate boundaries shall be in accordance with the Landscape Masterplan drawing number 100 submitted to the planning authority on the 31<sup>st</sup> day of May, 2017, subject to the area forward of the building line of the dwellings on site number 1 and site number 8 enclosed by boundary type 2: 1.2 metres high railing and hedge. Prior to the commencement of development, revised details shall be submitted to, and agreed in writing with, the planning authority showing compliance with this condition and the development shall accord with such agreement.

**Reason:** To increase passive surveillance in proximity of the public open space areas.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

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

6. 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.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 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. 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.

- 10. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. 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.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

14. 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.

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

15. Prior to commencement of development, a Construction and Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall provide shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

16. 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.

17. No development shall be commenced until the developer lodges a cash deposit, a bond of an insurance company, or other security with respect to the provision of the 280 metres of new access road from Ballyman Road and associated junctions, cycleways and footpaths until taken in charge by the planning authority. This security is required by the planning authority for application at its absolute discretion if this road is not unduly provided to its satisfaction. The type and amount of the security shall be agreed in writing with the planning authority.

If development has not commenced within one year from the date of the grant of this permission, or if it remains incomplete within three years of the commencement of development, the planning authority may at its discretion require an increase in the amount of the security in line with the Wholesale Price Index – Building and Construction (Capital Goods) published by the Central Statistics Office or the cost of completing the outstanding works, which is the greater.



The return, of the security shall be subject to the written confirmation by the planning authority that the constructed 280 metres of new access road from Ballyman Road and associated junctions is in accordance with the requirements of the planning authority.

**Reason:** To ensure the satisfactory completion of the site development works, that the cash security is adequate to cover the cost of recuperative works, that the case security is index linked, in the interest of residential amenity and the proper management of roads and services.

18. 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.

