



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/718

Appeal by Noel and Lesley McMullan care of Gibbons and Associates of “Larchfield”, Dundrum Road, Dublin against the decision made on the 27th day of March, 2018 by Wicklow County Council in relation to the application by Tack Packaging (2000) Limited care of Dreyer Associates Limited of Glanmore Farm, Ashford, County Wicklow for permission for development comprising (a) demolition of existing two-storey detached dwelling, (b) permission to construct four type A detached five bedroom split level three storey houses with an attic bedroom, two type B detached five bedroom part three-storey part two-storey houses, (c) new access road, retaining wall and stone faced boundary wall to Church Road, (d) creation of new footpath along Church Road together with all associated site works and landscaping, all at Church Road, Delgany, County Wicklow as amended by the revised public notice received by the planning authority on the 26th day of February, 2018 in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for (a) demolition of existing two-storey detached dwelling, (b) construction of three number detached dwellinghouses being numbers 1, 2 and 3 as detailed on the proposed site plan drawing number 529-02 submitted on the 5th day of March, 2018, (c) new access road, turning area, retaining wall and stone faced

boundary wall to Church Road, (d) alterations to the public road (L10270-30), (e) creation of new footpath along Church Road together with all associated site works and landscaping and to refuse permission for three number detached dwellinghouses being numbers 4, 5 and 6 as detailed on the proposed site plan drawing number 529-02 submitted on the 5th day of March, 2018).

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 the village 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 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 particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 14th day of February, 2018, the 26th day of February, 2018 and the 5th day of March, 2018 and as amended by the further plans and particulars received by An Bord Pleanála on the 24th day of May, 2018, 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. This permission relates to the construction of five number dwellings only, in accordance with the revised plans and particulars submitted to An Bord Pleanála on the 24th day of May, 2018. No additional residential units or apartments, in excess of the permitted five number dwellings shall be constructed on this site.

Reason: In the interest of clarity and in order to limit the extent of residential development on this site to protect the residential amenities of adjoining properties.

3. Prior to commencement of development, the developer shall agree in writing with the planning authority arrangements for;
 - (a) proposals to upgrade the existing junction of the L10270-30 and the Regional Road R762,
 - (b) final design details of all up-grade works to be carried out on or adjacent to the L10270-30, and
 - (c) final design details of the proposed footpath along the Regional Road R762.

Reason: In the interest of traffic and pedestrian safety.

4. No occupation of the dwellings shall commence until the upgrade works to the junction of the L10270-30 and the Regional Road R762, upgrade works to the L10270-30 and the proposed footpath along the Regional Road R762 have been completed to the written agreement of the planning authority.

Reason: In the interest of traffic and pedestrian safety.

5. 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.

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. This shall include the submission of final design details of the surface/storm water drainage in accordance with the requirements of Greater Dublin Strategic Drainage Study (GDSDS) for the written agreement of the planning authority.

Reason: In the interest of public health.

7. Details of the proposed landscaping and site boundary treatment 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.

8. 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.

9. 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.

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 place names for new residential areas.

11. 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.

12. 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 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. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, 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.

14. 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.

15. 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.

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. 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.

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

Dated this day of 2018.