



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/697.

Appeal by Hollybawn Limited care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow against the decision made on the 14th day of January, 2019 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Childcare facility (part two-storey/part single storey - circa 250 square metres) in lieu of two-storey detached house currently permitted under Planning Register Reference Number 17/245 together with associated site development works including designated car parking spaces (and set down area along Chapel Road) at Site Number 1 Seagreen Gate, Chapel Road, Blacklion, Greystones, County Wicklow as amended by the further public notices received by the planning authority on the 20th day of September 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 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 relevant provisions of the Wicklow County Development Plan 2016-2022 and to the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, to the planning history of the site and environs, the pattern of development in the area, the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and 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 considered that the proposed development constitutes an appropriate use at the subject site, which is located adjoining pedestrian and cycle infrastructure and is accessible from within the wider residential district. In addition, the Board considered that the provision of allocated parking for the childcare facility is sufficient to meet its needs, and that the

local road network could sustain the traffic movements relating to the childcare facility use. The Board also considered that the proposed building and associated outdoor play areas, are suitable in terms of design and layout.

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 6th day of September 2018 and on the 12th day of December 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. (a) Parking provision for the childcare facility, shall be eight dedicated spaces, as shown on Drawing Number W-74-232 Revision B, submitted to the planning authority on the 12th day of December 2018. These spaces shall be managed by the applicant to ensure their exclusive availability by users of the childcare facility, during all hours when the proposed development is operational.
- (b) Details of the parking spaces, associated turning area, new footpath and reconfigured open space, shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

- (c) The set down area along Chapel Road, as originally proposed, shall be omitted from the permitted development.

Reason: In the interests of traffic management and proper planning.

3. The number of children that shall be accommodated within the childcare facility in any one session shall not exceed 22, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of proper planning and development.

4. Details of the opening hours of the childcare facility shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of proper planning and development.

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. Details of all boundary treatments and landscaping, including the surface materials for the play areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. 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.

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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. 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.

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

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

12. 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 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, in particular recyclable materials, in the interest of protecting the environment.

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 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.

Chris McGarry

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

Dated this day of 2019.