



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 19/952

Appeal by Hugo Hynes care of Frank Ó'Gallachóir and Associates Limited of 94 Rathdown Park, Greystones, County Wicklow against the decision made on the 13th day of February, 2020 by Wicklow County Council to grant subject to conditions a permission to Clonbur and Derrymore HX Properties Limited care of Plan 8 Architects of Church Road, Delgany, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Widening of existing road serving Adare Close and existing commercial premises and provide access road to lands to rear of "Clonbur" and "Derrymore"; (b) provision of three number car parking spaces to serve existing commercial premises; (c) removal of two number sheds;(d) provision of five number (three bedroom, 102 square metres) dormer bungalows and associated car parking, on lands to the rear of "Clonbur" and "Derrymore"; (e) provision of one (three bedroom, 102 square metres) dormer bungalows with new vehicular access directly off R761 public road; (f) set back of existing western boundary wall to facilitate the widening of the existing public footpath; (g) revised boundaries of "Clonbur" and "Derrymore"; (h) provision of new pedestrian access in new western boundary wall; (i) connection to all public services; and (j) all necessary ancillary works to

facilitate the above, all at “Clonbur” and “Derrymore”, Killincarrig, Delgany, 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 zoning objective for the site, and to the policies and objectives of the Wicklow County Development Plan 2016-2022 and the Greystones, Delgany and Kilcoole Local Area Plan 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of visual amenity, and 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 20th day of January 2020, 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 boundary treatment along the southern boundary of the site shall comprise a block wall, 1.8 metres in height, capped, and rendered, on both sides. The wall shall extend to the north-west corner of the adjoining residential property to the south. Detailed design proposals for this wall and its tie in with the roadside boundary shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

3. All existing trees and shrubs shall be maintained on-site where possible, except to allow for the construction of the footprint of the proposed dwellings. Precise details of all boundary treatment shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. The use of the existing vehicular access road to the north of the site and the setting back of the roadside (western) boundary and widening of the footpath along the western boundary of the site frontage shall be constructed in accordance with the requirements and written agreement of the planning authority. Tie-ins with existing footpaths and boundary walls along the western site boundary shall be satisfactorily completed by the developer and at no cost to the local authority or neighbouring property owners.

Reason: In the interest of orderly development and traffic safety.

6. The internal road network serving the proposed development, including the turning area, 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.

7. The wayleave to the south of house number 6 as detailed on the site layout plan, drawing number 01a submitted to the planning authority on the 20th day of January, 2020 shall be registered by the developer on the property folio in advance of any sale of the property. The wayleave shall be for both the planning authority and Irish Water. No development including exempted development shall take place within the wayleave.

Reason: For the maintenance, repair and protection of the storm and foul sewers and in the interest of proper planning and sustainable development.

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 traffic management, 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.

9. 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.

Reason: In the interest of urban legibility.

10. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. The developer shall enter into water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

13. 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.

14. 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.

Reason: In the interests of amenity and public safety.

15. 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.

16. 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

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

Dated this day of 2020.