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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 20/545**

**Appeal** by Aidan Kelly of “Brooklands”, Bellevue Hill, Delgany, County Wicklow against the decision made on the 30<sup>th</sup> day of November, 2021 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 Centre, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Amendments to the previously permitted residential development (An Bord Pleanála reference number PL 27.248401, planning register reference number 15/1307). The amendments will consist of the following: (A) an amendment to the layout of 36 number previously permitted dwellings (numbers 19 to 34 inclusive, 54 to 60 inclusive and 72 to 84 inclusive) for the construction of 10 number additional dwellings. The amended development will consist of 92 number new single, two and three storey dwellings including five number four bed detached dwellings, 14 number four bed semi-detached dwellings, 44 number three bed semi-detached dwellings, 28 number three bed terraced dwellings and one number two bed terraced dwelling. The proposal includes the omission of previously

permitted houses types A, B, E and F and the inclusion of new houses types J1, M1 and N; (B) the position of previously permitted dwelling numbers 43 to 53 inclusive are to be moved south. The alignment of the internal estate road and public open space in front of these dwellings is to be amended accordingly; (C) the position of the previously permitted northern site boundary wall and fencing is proposed to be moved; (D) the proposed alteration to previously permitted house type H (previously permitted dwelling numbers 47,48 and 49). The two number type H end of terrace three bed dwellings are to be reduced in gross floor area from 103.8 square metres to 101.7 square metres; (E) the previously permitted three metres high boundary wall with the convent land on the southeast site boundary is to be reduced in height to provide a 1.8 metres high capped and rendered blockwork wall; (F) A 10 square metres extension to the rear of the previously permitted creche. The new gross floor area is to be 154 square metres with a proposed increase in childcare capacity from 23 to 25 child spaces, all at site of 4.28 hectares at Richview House, Bellevue Hill, 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 location of the application site on lands zoned for residential development in the Greystones/Delgany and Kilcoole Local Area Plan 2013 - 2019 (lifetime extended), to the development permitted under, planning register reference number 15/1307, An Bord Pleanála reference number PL 27.248401 and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential or other property in the area, would comply with the provisions of the current Wicklow County Development Plan and would 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 8<sup>th</sup> day of October, 2020 and the 10<sup>th</sup> day of November 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. This order permits the development of 93 houses and associated works.

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

3. Prior to commencement of development, the details of the finish of roads 6 and 7 at the northern boundary shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** in the interest of public safety and orderly development.

4. The proposed development shall comply with the terms and conditions attached to the permission granted under planning register reference number 15/1307, An Bord Pleanála reference number PL 27.248401 except as amended in order to comply with the conditions attached to this permission.

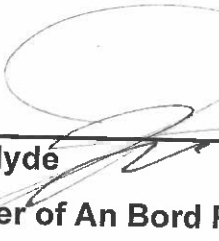
**Reason:** In the interest of clarity.

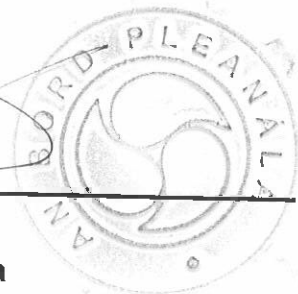
5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

6. 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.

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



Dated this 3<sup>rd</sup> day of May 2022.