



An
Coimisiún
Pleanála

Commission Order
ACP-319377-24

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/741

Appeal by Feidhlim and Maeve O'Hanlon of "Alma", Main Street, Kilcoole, County Wicklow against the decision made on the 28th day of February, 2024 by Wicklow Council to grant subject to conditions a permission to Douglas Hatton Developments care of McCrossan, O'Rourke, Manning Architects of 1 Grantham Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Mixed-use development comprising two number two-storey three-bed houses fronting onto the Main Street; one number two-storey detached two-bed house with associated car port fronting onto Lott Lane and a three-storey mixed-use corner block fronting onto the corner of Main Street and Lott Lane, comprising one number commercial unit (74 square metres) at ground floor level and one number three-bed duplex unit above. The development will be served by four number surface car parking spaces accessed from Lott Lane. Permission is also sought for all associated site, boundary treatment works, bicycle and communal bin storage area. All at Kilcoole House, Main Street, Kilcoole, 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.

Reasons and Considerations

Having regard to the location of the subject site in the centre of the village of Kilcoole, to the fact that it has remained vacant for a considerable period of time since the demolition of the property which previously occupied this corner site, to the provisions of the Wicklow County Development Plan 2022 - 2028 (as varied), and to the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed mixed-use development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In considering the submissions on file and the Inspector's report, the Commission noted that the Greystones-Delgany and Kilcoole Local Area Plan 2013 - 2019 has expired and relied upon the policies and objectives of the current Wicklow County Development Plan, the relevant Ministerial Guidelines, and the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received on 1st day of February 2024, 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. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The roof pitch of the proposed Duplex Unit (Unit D) shall be reduced to 40 degrees to match that of proposed Houses A, B and C.
 - (b) Clear glazing shall permanently be installed on the east-facing ground floor level window of the commercial unit and shall be kept clear of any stickers or other obscuring materials to provide passive surveillance of Lott Lane.
 - (c) An appropriately designed doorway/gate shall be installed at the top of the stairway serving the proposed Duplex Unit, which shall provide an effective visual and physical deterrent to spurious access to this unit, while complementing the overall design of the development.

Revised drawings showing compliance with these requirements 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.

3. Details of the materials, colours and textures of all the finishes to the proposed development (including all bin storage and bicycle storage areas) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

4. A comprehensive landscaping boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the details of any screen planting, hard and soft landscaping works which specify surfacing materials and any levelling/contouring along with specific boundary treatments at the perimeter of the site and to the plot boundaries of each residential unit.

Reason: In the interest of visual amenity.

5. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall contain all technical specifications for lights and columns. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

6. Car parking, footpaths, kerbs and finishes/materials/signs serving the proposed development shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards, as set out in Design Manual for Urban Roads and Streets (DMURS). Details of in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. (a) Details of shopfront design and signage shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Coimisiún Pleanála for determination.
- (b) No external security shutters shall be erected on the commercial unit canopies without a prior grant of planning permission and details of any internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (c) No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate details for the following:
- (a) Location of the site and materials compound including areas identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
 - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety, and environmental protection.

- 10. 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 overground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

- 11. Prior to commencement of development, the developer shall enter into Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for service connection(s) to the public water supply and wastewater collection network and include any specific requirements if appropriate.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. All drainage arrangements, including any attenuation/collection and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interests of public health and surface water management.

13. Proposals for numbering and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No advertisements/marketing signage shall be erected until the developer has obtained the planning authority's written agreement to the proposed numbering.

Reason: In the interest of urban legibility.

14. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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 agreement has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

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) 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, and
 - (b) 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.

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 Coimisiún 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. 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 Coimisiún 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.


Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 25th day of November 2025.