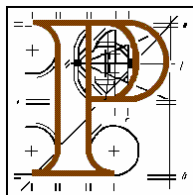


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Bray Town

Planning Register Reference Number: 12/75

An Bord Pleanála Reference Number: PL 39.241450

APPEAL by Damien Nolan and Bríd Nolan of Alvenor, Convent Avenue, Bray, County Wicklow and by John and Mary Guy of Saint Andrews, Meath Road, Bray, County Wicklow against the decision made on the 10th day of December, 2012 by Bray Town Council to grant subject to conditions a permission to Noel and Denise Dunne care of Jerome Anglin of 44, Meath Road, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of: 1. The demolition of part of the single story extension to the rear of the Nursing Home. 2. The addition of a new rear extension consisting of two twin ensuite rooms, one double ensuite room, one living room and staff accommodation along with all associated site and development works at Roseville Nursing Home, Meath Road, Bray, 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 of the site as Primary Residential under the Bray Town Development Plan 2011-2017, the planning history of the site and 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 residential amenities of adjoining properties or of the area 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 did not agree that the proposed development would constitute overdevelopment of the site and considered that the reasons for refusal of prior applications had largely been overcome.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 solid block wall measuring 1.8 metres in height shall be constructed from the rear of the existing building along the full extent of the northern boundary of the site. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To prevent noise pollution.

3. No part of the proposed development, including gutters and eaves, shall oversail or otherwise physically impinge upon adjoining property, without the prior written consent of the owner of such adjoining property.

Reason: To protect the amenities of adjoining property.

4. 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 interest of visual and residential amenity.

5. 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.

6. 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. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

7. 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 interest of public safety and residential amenity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to be used in whole or in part by the planning authority at its absolute discretion towards any repairs to be public roadway and/or services necessary as a result of this development and to ensure the satisfactory completion of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €1,200 (one thousand two hundred euro), or

- (b) a cash sum of €1,200 (one thousand two hundred euro), or
- (c) such other security as may be accepted in writing by the planning authority.

If development has not commenced within one calendar year from the date of this order or is not completed within two years, the planning authority may, at its discretion, require an increase in the amount of the security. The deposit is refundable if no works are required.

Reason: To ensure the proper reinstatement of the public roadway and the satisfactory completion of the development.

- 9. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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

Dated this day of 2013.