



An
Bord
Pleanála

Board Direction
BD-005847-20
ABP-305798-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/05/2020.

The Board decided to make a split decision, to

1. Grant permission (subject to conditions) for

- a) Removal of existing disused carparks and hard surfaced areas associated with the former Schering Plough site;
- b) Realignment / upgrading of existing access road to provide a new estate through road, with shared foot / cycle path, and connect Boghall Road and Southern Cross Road;
- c) Provision of a new signalised junction on Southern Cross Road and upgrading works, inclusive of a new signalised junction and new pedestrian crossing facilities, at the existing junction with Boghall Road;
- d) Construction of an enterprise and employment park consisting of the following elements:
 - i) 1 no. three storey contemporary landmark office building (Block K - 3,509 sq.m) comprising 3 no. individual office suites varying in size from 875 - 1,250 sq.m and shared ground floor lobby (134 sq.m) fronting on the Southern Cross Road to the south and the proposed estate through road to the east,
 - ii) 1 no. single storey enterprise building (Block H - 2,684 sq.m), consisting of 10 no. enterprise / incubator units varying in size from 260 - 324.6 sq.m,

- iii) 1 no. single-storey logistics / distribution building (Block G – 4,373 sq.m) consisting of 5 no. individual units varying in size from 544.1 – 1,042.7 sq.m with additional office space (58.3 sqm) at mezzanine level, and
- iv) 1 no. single storey storage / logistics / distribution building (Block F - 1,064 sq.m), with ancillary office spaces (58.3 sqm) at ground floor and mezzanine level; The employment park will be serviced by 295 no. vehicular parking spaces and 100 no. bicycle parking spaces and,
- e) Associated site development works include:
 - i) construction of 1 no. single-storey ESB substation (25 sq.m),
 - ii) provision of signage posts including 6 no. wayfinding signposts (2.1m x 1.8m) to be located within the employment park, 1 no. totem sign-post at Boghall Road (2m x 7.5m) and 1 no. totem sign-post at Southern Cross Road (2m x 7.5m),
 - iii) tree planting, hard / soft landscaping and all associated boundary works,
 - iv) provision of street lighting,
 - v) SuDS drainage infrastructure and
 - vi) all ancillary works necessary to facilitate the development,

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

2. Refuse permission for the construction of 1 no. single-storey service station (Block J - 467 sq.m) inclusive of forecourt convenience shop (99.5 sq.m retail area), carwash facility, 2 no. café / restaurant concession areas, toilets and ancillary staff area, and 1 no. totem sign-post at Southern Cross Road (1.6m x 9m), for the reasons and considerations marked (2) hereunder.

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generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations (1):

Having regard to the nature, design and scale of the proposed development, the location of the site within the development boundary of Bray town on lands zoned 'E1: Employment' and identified as a key development area by SLO 6: 'Employment Lands Between Boghall Road – Bray SCR' of the Bray Municipal District Local Area Plan, 2018-2024, to the pattern of existing and permitted development in the surrounding area, and to the provisions of the Wicklow County Development Plan, 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety, and would constitute an appropriate form of development at this location. 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, 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 proposed service station shall be omitted

Reason: In the interests of clarity and for the reasons set out in the accompanying Reasons and Considerations (2).

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised drawings showing the provision of dedicated and separated cycleways and footpaths along both sides of the new link road between Boghall Road and Southern Cross Road. This shall be accompanied by detailed specifications, including marking, signage and layouts, of the junction designs with the public road, existing cycleways and footpath arrangements, and the planned green route and cycleway improvements alongside Southern Cross Road. These works shall be completed at the developer's expense and to the written satisfaction of the planning authority prior to the making available by the developer for occupation of any part of the development.

Reason: In the interests of traffic management, pedestrian and vehicular safety and convenience, and proper planning.

4. Details, including samples, 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 the visual amenities of the area.

5. Water supply and drainage arrangements, including the 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. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. 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 amenity.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

9. Prior to opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management of the company for the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

10. EV Charging condition

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along the new link road between Boghall Road and Southern Cross Road, and pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting within the proposed development shall be

directed and cowled such as to reduce as far as possible the light scatter to adjacent properties and the public road.

Reason: In the interests of amenity and public safety.

13. A comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

14. The landscaping scheme detailed in the plans and particulars lodged with the planning application shall be carried out within the first planting seasons following substantial completion of external construction works. Tree protection measures including fencing shall be erected before construction works commence and shall be maintained in place until completion of external construction works, or as otherwise agreed in writing with the planning authority. 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 visual amenity and the proper planning and development of the area.

15. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed buildings.

Reason: In the interest of visual amenity.

16. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development in the interest of residential amenity and to ensure that adequate car parking and service facilities will be provided within the development.

17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the amenities of property in the vicinity and the visual amenities of the area.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

20. 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 amenities of property in the vicinity.

21. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- a) 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,
- b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

22. Bond - Security³.

23. 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.

24. S.48(2)(c) in respect to the green route as required by the development objectives set out for these SLO lands.

Reasons and Considerations (2):

1. Having regard to:
 - a. The location of the site within SLO6: Employment Lands Between Boghall Road -Bray Southern Cross Road
 - b. The proximity of the proposed development to SLO9: Bray Southern Cross Neighbourhood Centre
 - c. The nature and scale of the proposed Service station which would represent a large commercial building

It is considered that the proposed development would have strong potential to become a significant destination in its own right and thereby directly divert trade away from designated neighbourhood centres within the settlement. The pattern of this development would compromise the vitality and viability of the future plan led

facilities on lands zoned for neighbourhood centre development within the Bray Municipal District Local area Plan 2018-2024 leading to disorderly unplanned retail and service development. The proposed development would therefore be contrary to the Wicklow County Development Plan Policy Objectives RT4 which seek to promote and facilitate the development of retail developments in a sustainable manner and which requires retail related development to be located on suitably zoned land within settlement boundaries, and RT26 which seeks to protect, provide for, and improve the mix of neighbourhood centre services and facilities. The proposed development would therefore be contrary to proper planning and sustainable development.

Board Member:

Date: 29/05/2020

Stephen Bohan