



Board Direction

Ref: 27.JA0036

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 10th, 2017.

The Board decided to approve the proposed development generally in accordance with the Inspector's recommendation, subject to the reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the Retail Planning Guidelines for Planning Authorities (Department of the Environment, Community and Local Government 2012) and the accompanying Retail Design Manual,
- (b) the designation of Bray Town as the only major town centre in the County Wicklow Retail Strategy as set out in the Wicklow County Development Plan 2016 – 2022,
- (c) the land-use zoning of the site for 'Primarily Town Centre Uses' in the Bray Town Development Plan 2011 – 2017,
- (d) the pattern of commercial, retail, community uses and residential development in the area,
- (e) the planning history of the site including the grant of permission under appeal reference number PL 39.217556,
- (f) the existing use of the site as a surface car park,
- (g) the documentation and submissions of the local authority, including the environmental impact statement and associated documentation submitted with the application, and response to third party submissions,
- (h) the submissions and observations made to An Bord Pleanála in connection with the application, and
- (i) the report and recommendation of the Planning Inspector.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment screening and an environmental impact assessment in respect of the proposed development.

Appropriate Assessment Screening:

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Board considered the nature, scale and location of the proposed development, the appropriate assessment screening documentation and associated documentation submitted with the application, the submissions made on file, the applicant's response to submissions and the report of the Planning Inspector. The Board undertook an appropriate assessment screening exercise in relation to the potential direct and indirect effects of the proposed development on European Sites. In completing the screening exercise, the Board adopted the report of the Planning Inspector, and concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on European sites, including the Bray Head Special Area of Conservation (site code 000714), the Ballyman Glen Special Area of Conservation (site code 000713), the Knocksink Wood Special Area of Conservation (site code 000725), the Glen of the Downs Special Area of Conservation (site code 000719), the Rockabill to Dalkey Island Special Area of Conservation (site code 003000), the Wicklow Mountains Special Area of Conservation (site code 002122) and the Wicklow Mountains Special Protection Area (site code 004040) and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Environmental Impact Assessment:

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the application including the environmental impact statement, the submissions made on file, the applicant's response to submissions, the mitigation measures proposed, and the report, assessment and conclusions of the Planning Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity and concluded that, subject to the mitigation measures proposed, and the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so the Board adopted the report of the Inspector.

Conclusions on proper planning and sustainable development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would represent a positive development that would enhance the vitality and viability of the overall town centre, would be in accordance with the zoning objective for the site, as set out in the town development plan, and with the retail strategy for the county, as set out in the county development plan, would be acceptable in terms of urban design, would not seriously injure the amenities or depreciate the value of properties in the vicinity, would not seriously injure the character, fabric and setting of any protected structure and would be acceptable in terms 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. a) The proposed development shall be carried out and completed in accordance with the plans and particulars, including the environmental impact statement and other associated documentation, lodged with An Bord Pleanála on the 19th day of July 2016, as amended by the further plans and particulars received by An Bord Pleanála on the 11th day of October 2016, except as may otherwise be required in order to comply with the conditions set out below.
b) All environmental mitigation measures set out in the Environmental Impact Statement and associated documentation submitted by the applicant shall be implemented in full, except as may otherwise be required in order to comply with the Conditions of this order.

Reason: In the interest of clarity and environmental protection.

2. The local authority/developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the local authority shall -
 - (a) notify the National Monuments Service 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 National Monuments Services, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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.

3. The new street shall remain open to the public 24 hours per day, unless, in case of security or other special circumstances, the local authority publishes notice of more restricted opening hours.

Reason: In the interest of amenity.

4. The proposed development shall be carried out in accordance with the details and recommendations set out in the bat survey report submitted to An Bord Pleanála on the 11th day of October, 2016.

Reason: To ensure the protection of the natural heritage on the site.

5. The design and layout of the proposed pedestrian access to Quinsborough Road, located between the manse and Number 11 Quinsborough Road, shall be amended by reducing the portico height to below the cill height of lowest adjacent windows to avoid impacts upon natural light for windows on the east elevation of Number 11 Quinsborough Road. This height reduction shall apply to the area extending from the back edge of the pavement to the doors entering the shopping centre. Details of the amended drawings shall be made available for public inspection during normal office hours at the offices of Wicklow County Council for a period of six weeks prior to commencement of development.

Reason: In the interests of the amenities of Number 11 Quinsborough Road.

6. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of permission/approval.

Reason: In the interest of visual amenity.

7. This order shall not be construed as granting approval for any additional floor areas at "mezzanine level" within the buildings hereby permitted. No mezzanine floor development shall be carried out without a further grant of permission/approval.

Reason: In the interest of clarity.

8. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company which shall be established by the developer. A management scheme shall make provision for adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services.

Reason: To provide for the future maintenance of the proposed development in the interest of visual amenity.

9. 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 interest of visual and residential amenity.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the standards of the local authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

11. A lighting system shall be fully implemented and operational, before the proposed development is made available for occupation and shall make provision for the following:

- (i) Security lighting or other lighting shall be designed to minimise overspill into adjoining property.
- (ii) Lights shall not be susceptible to being triggered to turn on by passing birds or bats.

Reason: In the interest of public safety and visual amenity.

12. No signage, advertising structures/advertisements, external security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of permission/approval.

Reason: To protect the visual amenities of the area.

13. 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 permission/approval.

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

14. (a) During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed:

- (i) an LArT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), and
- (ii) an LAeqT value of 45 dB(A) at any other time.

(b) All sound measurements shall be carried out in accordance with ISO

Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.

Reason: To protect the amenities of properties in the vicinity of the site.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan. 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.

Reason: In the interest of sustainable waste management.

16. Construction on site shall be limited to between 0700 hours and 1900 hours Monday to Friday, and between 0900 hours and 1400 hours on Saturday. No work shall take place on Sundays and bank or public holidays. During the construction period, the noise mitigation measures set out in the environmental impact statement shall be implemented in full.

Reason: To protect the amenities of property in the vicinity.

Board Member: _____ Date: January 12th, 2017
Nicholas Mulcahy