

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/358

An Bord Pleanála Reference Number: PL 27.245283

APPEAL by Joseph and Kathleen Finnegan of Ardara, Killarney Road, Bray, County Wicklow against the decision made on the 27th day of July, 2015 by Wicklow County Council to grant subject to conditions a permission to Bray Primary Care Limited care of Henry J. Lyons Architects of 51-54 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of an existing two storey over basement Clinic (370 square metres), single storey Bray Old Folks Facility (168 square metres) and disused single storey Nursing Home (972 square metres). The total floor area of the buildings proposed to be removed is 1510 square metres. It is proposed to replace these facilities with a new two and three storey Primary Care Centre comprising Health Services Executive facilities including office accommodation and specialist clinics at ground, first and second floors (3,060 square metres), GP Clinic at ground floor (557 square metres), GP Clinic at first floor (275 square metres), new Bray Old Folks Facility and ground floor level (315 square metres), ground floor Pharmacy Retail Unit (290 square metres), two number ground floor Retail Units (157 square metres), ground floor Retail/Café Unit (54 square metres) and including rooftop plant room (43 square metres) and screened external Plant Zone. This proposal also includes a separate single storey Medical Centre (266 square metres) which incorporates a new electrical sub-station. The total proposed development floor area is 5,017 square metres. Facility Signage Zones for branding and identification purposes are provided for the Medical and Retail Units. The development proposes a lower car park with reduced site levels and an upper parking podium at 750 millimetres above finished floor level to the rear of the site which will provide 162 number car parking spaces including provision for both the facility occupants and the

general public. To facilitate access and egress to and from this development it is proposed to modify the existing protected boundary wall to Killarney Road by relocating one number new three metres wide existing opening, narrowing an existing opening from nine metres to three metres wide, and by providing a new 11 metres wide opening. Site development works include the retention of existing mature trees to the southern boundary implementing a tree replacement and general landscaping strategy elsewhere on the site, rebuilding an existing boundary wall to that part of the northern boundary bordering Killarney Villas and providing planted trellis screening along the northern and western site boundaries. The total area of this development site is 7,727 square metres, all Killarney Road, Bray, County Wicklow, as amended by the further public notice received by the planning authority on the 10th day of July, 2015.

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 land use zoning objectives for this site as set out in the Bray Town Development Plan 2011-2017, the site's town centre location, the pattern of development in the area, and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would integrate with existing development in the area in a satisfactory manner, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of the said Development Plan. 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, as amended by the further plans and particulars submitted on the 6th day of July, 2015, 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. 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.

Reason: In the interest of visual amenity.

3. The following requirement shall be complied with:
 - (a) A Variable Message Sign (VMS) shall be installed adjacent to the roadside boundary such that it is visible to approaching traffic. The sign should display information on the availability of car parking spaces within the site.
 - (b) Provision shall be made for the relocation of the existing bus stop to the north east of the existing entrance.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

4. The proposed development shall comply with the following requirements:
 - (a) Any alterations to the public roadway including the provision of indented car parking shall be submitted to, and agreed in writing with, the planning authority. All agreed works shall be at the developer's expense.

- (b) The developer shall undertake to implement the measures included in the Mobility Management Plan. A mobility manager shall be employed to oversee the implementation of the Mobility Management Plan and shall liaise regularly with the Mobility Management Section of the planning authority. The Mobility Manager shall proactively engage with the planning authority regarding the implementation and review of the Mobility Management Plan, the preparation of reports as detailed under (c) below and the setting of specific targets for reduction of private car use and staff parking.
- (c) No later than six months post occupancy, a car parking review shall be undertaken and the results submitted to the Mobility Management Section of the planning authority. This review shall monitor the allocation and use of car parking spaces by staff and visitors both on and off site. This review shall inform discussions with the planning authority regarding reducing the overall level of staff car parking available on site over time in the interest of reducing commuting by private car.

Reason: In the interest of traffic management, sustainable travel and sustainable development.

5. 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.

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

Reason: To protect the visual amenities of the area.

7. Site development and building works shall be carried out only between 0800 hours and 1900 hours, Monday to Friday inclusive, between 0800 hours and 1400 hours on Saturday and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where the prior written agreement of the planning authority has been received.

Reason: To protect the residential amenities of the area.

8. 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 residential amenities of property in the vicinity and the visual amenities of the area.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

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

10. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of wastes 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 provisions of the Waste Management Plan for the region in which the site is situated.

Reason: In the interest of orderly development and sustainable waste management.

11. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

12. 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 and to ensure a proper standard of development.

13. All access and parking arrangements, including any alterations to the public road, shall comply with the detailed requirements of the planning authority for such works and services, and details in regard to the proposed relocation of the existing pedestrian crossing shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Costs associated with all such works shall be borne by the developer.

Reason: In the interest of traffic safety and to ensure a proper standard of development.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

15. The site shall be landscaped in accordance with the landscaping scheme submitted with the application, including implementation of all tree protection measures to ensure preservation of the trees identified for retention. Landscaping proposals shall be completed before the building is first made available for occupation.

Reason: In the interest of visual amenity.

16. The lower panels of the windows at first level on the south western elevation shall be fitted with obscure glazing as specified on the plans submitted and shall be permanently retained.

Reason: In the interests of residential amenity and orderly development.

17. 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.

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

Dated this day of 2016.