



An
Bord
Pleanála

**Board Order
PL 27.248754**

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/359

Appeal by Lauro Enterprises Limited care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 26th day of May, 2017 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: New commercial and residential development comprising the demolition of the existing residential buildings to rear of site, five number commercial units (total gross floor area 1,894 square metres) with landscaped external circulation areas, including play and garden areas, commercial and residential car parking facilities at basement, ground floor and mezzanine floor levels, 106 number residential apartments, Electricity Supply Board substation and a childcare facility (gross floor area 226 square metres) with landscaped and play areas at first floor area. Residential apartments are located from first floor up to sixth floor generally. A total of 106 number apartments (12 number three bed apartments, 71 number two bed apartments and 23 number one bed apartments) to be all provided with dedicated external balconies/terraces. Access for both commercial and residential vehicles will be through the main entrance off Strand Road whilst crèche set-down and emergency vehicle access will be via existing laneway to rear from

Putland Road. The application includes all ancillary works including landscaping, boundary treatments and provision of drainage and services on a site of approximately 0.6 hectares at Strand Road (beside Bray Head Hotel and Star Leisure), 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 provisions of the Bray Town Development Plan 2011-2017, to the nature and scale of the proposed development and to the brownfield nature of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents. 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 received by An Bord Pleanála on the 22nd day of June, 2017, 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. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following;
 - (a) Revised plans, sections and elevations at an appropriate scale for Block A only, omitting the entire third floor level. The footprint, positioning on site and separation distances of both Blocks A and B shall remain as per the drawings submitted with the appeal, received by An Bord Pleanála on the 22nd day of June, 2017. This will result in the loss of 12 number apartments within Block A.
 - (b) Revised plans showing the omission of a two-bed apartment on each of the fourth and fifth floors of Block B, as outlined in the drawings received with the appeal on the 22nd day of June, 2017.

- (c) Revised plans and elevation at an appropriate scale showing the provision of secure, usable basement storage areas for each of the proposed residential units. These storage areas may be partially located in the residential spaces no longer required as a result of the loss of 14 apartments from the scheme.
- (d) In the interest of clarity, the total number of apartments being permitted is 92 number.

Reason: In order to protect the amenities of the existing streetscape and nearby residential properties and to provide a higher standard of residential amenity to any future occupiers.

- 3. 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.

- 4. Prior to commencement of development, all matters relating to the location, design and construction of foundations and retaining walls shall be agreed in writing with the planning authority in consultation with Iarnród Éireann and shall be based on a site specific geotechnical analysis of the underlying strata to be carried out by the developer. In default of agreement, the matter shall be referred to the Board for determination.

Reason: To protect the integrity of the railway line.

5. (a) All residential units shall be used as single residential units.
- (b) At least one car parking space shall be permanently assigned to each residential unit and shall be solely reserved for this purpose.

Reason: In the interest of clarity.

6. Delivery of goods to the proposed commercial units within Block A and C shall not take place outside normal business hours of 0800 to 1800 Monday to Saturday and 0900 to 1800 hours on Sundays and bank holidays, without a prior grant of permission.

Reason: To ensure a satisfactory standard of development and in the interest of protecting the residential amenities of the area.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas including facilities for the recharging of electric vehicles, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

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

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any of the development.

Reason: In the interest of amenity and public safety.

9. Site development and building works shall be carried only out between the hours of 0700 to 1800 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.

10. 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.

11. Prior to commencement of development, 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. A panel of the proposed finishes shall be placed on site to enable the planning authority adjudicate on the proposals. In this regard, the proposed elevational finish shall comprise a natural stone/brick finish. No render finish is permitted. No polished stone is permitted. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

12. Proposals for a development name, apartment/commercial unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment/commercial unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

13. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. (a) 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 for each apartment/commercial unit 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

15. 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.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers' expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

18. The developer shall comply with all requirements of the planning authority in relation to landscaping, planting and boundary treatments. The subject landscaping scheme shall be carried within the first planting season following substantial completion of each phase of the external construction works.

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 interests of residential and visual amenity.

19. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be landscaped and maintained in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the units are made available for occupation.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

20. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement. In this regard, the proposed open space area incorporating the playground shall be constructed in Phase 1 of any development works

Reason: To provide for the orderly development of the site.

21. 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 planning permission.

Reason: In the interest of visual amenity.

22. Details of noise monitoring locations for the purposes of the construction phase of the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of any development on site.

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

23. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

24. Details of all mechanical ventilation, extraction, heating or cooling systems shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenity of the area.

25. No further structures, plant or antennae shall be erected on the roof of the proposed buildings without a prior grant of planning permission.

Reason: In the interest of visual amenity.

26. No awnings, canopies, roller shutters or additional external lighting shall be erected or displayed on the premises or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

