

An
Bord
Pleanála

Board Order
ABP-314913-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/217

Appeal by Covemore Properties Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 29th day of September, 2022 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Construction of a six number storey building (over basement for services) with a gross floor area of approximately 1,016 square metres comprising of 36 number residential apartment units (11 number one bed units and 25 number two bed units) . Pedestrian and vehicular access via the existing Wyvern Road. 160 square metres of retail/office floorspace at ground floor level, balconies/terraces associated with individual apartment units, a roof garden of approximately 400 square metres and set back screened plant area of 85 square metres, 19 number paid car parking spaces for use by the general public, associated secure bicycle and bin storage, hard and soft landscaping, ESB substation and all other associated site works and services above and below ground on an overall site area of approximately 1,389 square metres, all on lands off Wyvern, Main Street, Bray County Wicklow. The site is bound by the Mermaid Arts Centre to the east, Saint Cronan's House to the south and Crutchley Lane to the north.

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.

Reasons and Considerations

Having regard to

- (a) the existing use on site,
- (b) the existing and permitted development in the area,
- (c) the policies and objectives set out in the Wicklow County Development Plan 2022-2028 and Bray Municipal Local Area Plan 2018-2024 which support the consolidation of existing town centres, to improve vibrancy and vitality with the densification of appropriate commercial and residential developments.
- (d) the nature, scale and design of the proposed development which provides for a mixed-use scheme,
- (e) the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022), and
- (f) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or out of character with the surrounding area, would not seriously injure the amenities of adjoining properties, would provide satisfactory standards of amenity for the future occupants of the development, would not materially contravene the current development plan for the area, and would be acceptable in terms of pedestrian and traffic safety. 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 further plans and particulars received by the planning authority on the 2nd day of September, 2022 and by the further plans and particulars received by An Bord Pleanála on the 24th day of October 2022, 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. Planning permission is granted for 24 number residential units only as indicated in the plans and particulars received by An Bord Pleanála on the 24th day of October 2022.

Reason: In the interest of clarity.

3. The southern side of the recessed balconies to apartments numbers 1-02 and 2-02 as indicated on drawing number 21759-OA-01-ZZ-DR-A-1002-PL-C03 ('Proposed 1st & 2nd Floor Plans – Appeal Scheme- Alternative Design Option') received by An Bord Pleanála on the 24th day of October 2022, shall be fitted with obscure glazed screen panels of minimum height 1.8 metres. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, plans and elevations at a scale of not less than 1:200 indicating compliance with this condition.

Reason: In the interest of clarity and to obviate overlooking of the private open space of the apartment located in Saint Cronan's House to the south of the subject balconies.

4. Details of the materials, colours and textures of all 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.

5. The site and roof garden shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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.

6. 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.

7. 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.

8. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health.

9. Proposals for an apartment/unit numbering scheme and associated naming and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

10. 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 within the development 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.

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

11. 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, inter alia, details of intended construction practice for the development, including noise management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

12. (a) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme, providing adequate measures for the future maintenance of open spaces, roads and communal areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority proposals for the management and maintenance of the 16 number undercroft public car parking spaces at ground level as indicated in the plans and particulars received by An Bord Pleanála on the 24th day of October 2022.

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

13. The internal road network serving the proposed development, including junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Areas.

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

14. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

16. 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 amenity.

17. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such
archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

18. 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.

19. 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. 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.

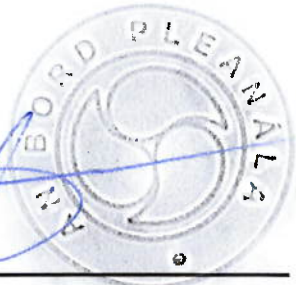
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

20. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. 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.



Tom Rabbette

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

Dated this 26th day of FEB. 2024.