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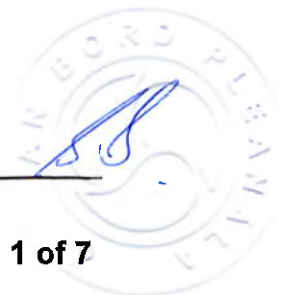
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 22/232**

**Appeal** by Kevin and Deirdre Wolahan of 4 Royal Marine Terrace, Bray, County Wicklow against the decision made on the 7<sup>th</sup> day of October, 2022 by Wicklow County Council to grant subject to conditions a permission to Bentley Leisure Limited care of Tom Phillips and Associates of Suite 437 and 455 of Number 1 Horgan's Quay, Waterfront Square, Cork City in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing building on site and the construction of a new two-storey children's amusement arcade with a gross floor area of circa 734 square metres on a site of circa 0.04 hectares. The proposed development will include a change of use from existing ground floor restaurant and upper floor residential to proposed children's amusement arcade and will include ancillary works including building signage, site excavation and development works above and below ground, all at 1 Marlborough Terrace, Strand Road, Bray, County Wicklow.

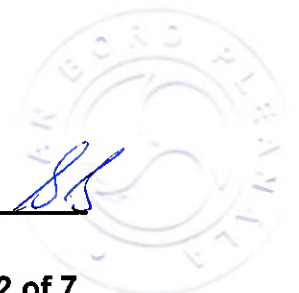


## **Decision**

**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.**

## **Reasons and Considerations**

Having regard to policies and objectives of the Wicklow County Development Plan 2022 - 2028 and the Bray Municipal District Local Area Plan 2018 - 2024, including the 'SF' (Bray Seafront) zoning objective for the lands, the specific characteristics of the site and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact upon or erode the architectural character of the site and surrounding area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would comprise an acceptable 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 proposed 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 submitted on the 13<sup>th</sup> day of September, 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.

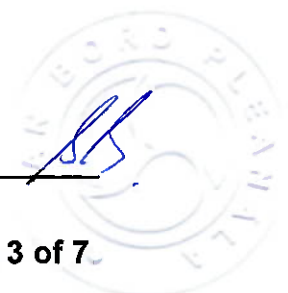
**Reason:** In the interest of clarity.

2. The proposed development shall be used solely as a family entertainment centre, as set out in the documents received with the application and no change of use shall take place without a prior grant of permission by the planning authority, whether or not such change of use would otherwise constitute exempted development as defined in the Planning and Development Acts, and associated Regulations.

**Reason:** In the interests of residential amenity and the proper planning and sustainable development of the area.

3. The premises shall be closed between the hours of 2100 and 1000 from Monday to Sunday inclusive.

**Reason:** In the interest of protecting the residential amenities of adjacent residential properties.



4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

5. 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. 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 the proper planning and sustainable development of the area.

7. Details/samples of all materials and finishes of the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details and drawings of any shutter blinds to be installed including colour shall also be agreed in writing with the planning authority prior to occupation of the development. Any roller shutter blind installed shall have an open grille and shall be located internally.

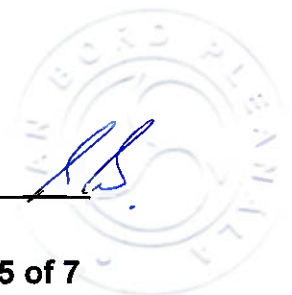
**Reason:** In the interest of visual amenity.



8. No alterations or additions (such as roller shutters, canopies, signage, lighting etc.) shall be made to the shop front or the exterior of this premises without a prior grant of planning permission from the planning authority. In addition, no adhesive material, stickers, posters or other such material shall be affixed to the glazing.

**Reason:** In the interest of visual amenity.

9. (a) The noise level arising from the development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours, Monday to Sunday inclusive, when measured at the nearest residential dwelling. At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones should be audible at any time.
- (b) As and when required by the planning authority, a survey of noise levels at monitoring stations on adjacent properties (to be agreed with the planning authority) shall be undertaken by an agreed professional (at the expense of the developer) and the results submitted to the planning authority within one month of such a request. The results of such surveys shall include, inter alia:
- (i) Type of monitoring, equipment used, sensitivity or calibration evidence, and the methodology of the survey.
  - (ii) Prevailing climatic conditions at the time of the survey.
  - (iii) The time interval over which the survey was conducted.
  - (iv) What machinery was operating at the time of the survey.



The results should be submitted to the planning authority within two weeks of the survey date in each case. If the noise survey has not been carried out, or the results have not been submitted to the planning authority within one month, the planning authority shall arrange to have such a survey carried out and the cost of the survey shall be recouped from the developer.

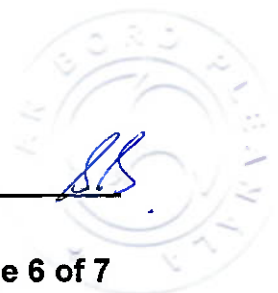
**Reason:** In the interest of residential amenity.

10. Prior to commencement of development, the developer shall submit a Project Construction and Demolition Waste Management Plan to be agreed in writing with the planning authority. This plan shall include, inter alia, information recommended in Section 3 of 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.

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



11. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0900 and 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.



12. 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.

**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 14<sup>th</sup> day of February 2024.