

An
Bord
Pleanála

Board Order
ABP-315185-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/203

Appeal by Anthony and Bridget Kearns of 4 Belton Terrace, Castle Street, Bray, County Wicklow against the decision made on the 10th day of November, 2022 by Wicklow County Council to grant subject to conditions a permission to H.T. Carroll Limited care of Paul Quinn of 101 George's Street Upper, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing warehouse building, while retaining the existing south western boundary wall adjacent to the rear of Belton Terrace, and the construction of a two-storey apartment building of four number two bedroom units, with associated private open spaces, landscaping and drainage works, and three number car parking spaces, all at site at corner of Burkes Lane/Dwyer Park, Ravens well, 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 the objectives of the Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan 2018-2024, including the TC zoning objective for the site, to Project Ireland 2040: the National Planning Framework and the relevant objectives which seek to consolidate residential growth in urban areas, and to the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not be prejudicial to public health and would constitute 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 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 the planning authority on the 17th 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. 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 the commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into water and waste water connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

4. 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.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste, including proposals for the safe removal of asbestos should it be recorded on site.

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

6. Prior to the commencement of development, a Civil Design Report and associated drawings, which provides specific details of all flood storage mitigation measures, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

7. 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 interests of visual and residential amenity.

8. Any external lighting of the proposed development shall be cowled and directed away from the public road and adjacent residential properties.

Reason: In the interest of residential amenity.

9. In the event of any remains of archaeological or historic interest being discovered on the site, the council shall be informed immediately. Works affecting these remains shall cease immediately and shall not recommence until the Department of Housing, Local Government and Heritage agrees in writing.



Reason: To facilitate the investigation of any remains of archaeological or historic interest discovered on the site in the interests of proper planning and development.

10. 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 local authority of roads, footpaths, watermains, drains, 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 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

11. 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 or 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.



Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 15th day of January, 2024