

An
Coimisiún
Pleanála

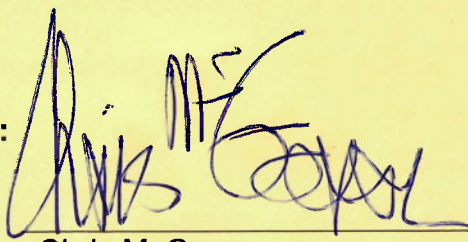
Direction
CD-020635-25
ABP-322587-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09/09/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Chris McGarry

Date: 10/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the nature, scale and extent of the proposed development, to the character of the existing building on site, to the overall site curtilage and the availability of space for communal open space for residents, along with bicycle, car parking and bin storage, to the floorspace for each proposed residential unit and to the central location of the zoned site within Bray town, it is considered that, subject to compliance with the following conditions, the proposed development would be acceptable in terms of residential amenity for prospective occupants, would constitute an appropriate form of intensification of residential use at this urban location, would be acceptable in terms of the character of the existing building on site 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted recommended reason no 1 for refusal which considered that the statutory notices did not accurately describe the proposed development. In this regard the Commission noted that the existing dwelling had indeed been subdivided into 12 student accommodation bedrooms. However, this form of layout was refused permission by the planning authority and is also subject of a live enforcement notice. Thus that form of layout is not authorised and the valid authorised use is as a single residential unit (noting that a return of the building to this form from the current 12 student accommodation bedrooms does not itself require permission). The Commission therefore determined that the statutory notices are accurate as to the change of use and form now sought and that a refusal of permission for this reason alone is not warranted.

With regard to recommended reason no.2 (substandard form of residential amenity arising from overprovision of car parking on this accessible site and under provision of high quality private and communal open space together with communal facilities for the intended occupants), the Commission shared the view of the inspector on these matters. However, having completed a full assessment of the planning application documentation, including floorplans and site layout, the Commission considered that these weaknesses of the proposed development as correctly identified by the inspector, were capable of resolution by condition. Specifically, the omission of proposed car parking spaces 4 to 9, and the reconfiguration of part of this area (car parking spaces 6 to 9) with a dedicated communal open space area for residents, from the west side of the building to the western site boundary and from behind the current side wall with opening which follows the line of the front façade building line to the northern site boundary, along with the provision of covered bicycle parking broadly in the area of originally proposed car spaces 4 and 5, would resolve the expressed concerns of the inspector. In reaching this determination, the Commission noted section 3.39 of the 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines for Planning Authorities, published by the Department of Housing, Local Government and Heritage, July 2023, which states

that, *'for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.'*

Finally, in determining that a grant of permission subject to conditions was appropriate, the Commission noted that the proposed units were otherwise of an appropriate size and form at this serviced urban location.

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 15th day of April 2025, 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 amended as follows:
 - (a) Car parking spaces 4 to 9 shall be omitted.
 - (b) A dedicated communal open space area for residents, shall be provided from the west side of the building to the western site boundary and from behind the current side wall with opening which follows the line of the front façade building line to the northern site boundary. The current side wall with opening, shall be retained and shall form the boundary and entrance into the communal open space area. Full landscaping details for this area shall be provided for the written agreement of the planning authority.

(c) A covered bicycle parking area shall be provided in the area of omitted car parking spaces 4 and 5. The proposed bicycle parking shown adjoining the living room window of unit 2 shall be omitted.

(d) The proposed balcony areas to unit 1 and unit 6, on the front elevation of the existing building shall be omitted.

Revised plans and particulars detailing these amendments shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

Reason: In the interests of the amenity of the prospective occupants and in the interest of visual amenity.

3. Drainage arrangements, including the attenuation and disposal of surface water, sustainable drainage measures and mitigation measures against flood risk, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

5. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

6. Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

7. 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 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.

8. A Construction Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and residential amenities.

9. 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 public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 hours 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 residential amenities of property in the vicinity.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.