



An
Bord
Pleanála

Record of Meeting ABP-311610-21

Case Reference / Description	Demolition of existing vacant commercial and residential buildings, construction of 139 no. apartments, creche and associated site works. Former Heiton Buckley site at Castle Street, No. 20 Dwyer Park and St. Anthony's, Dwyer Park, Bray, Co. Wicklow.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	22 nd December	Start Time	10:00 am
Location	Remotely via Microsoft Teams	End Time	11:00 am
Chairperson	Stephen O'Sullivan	Executive Officer	Helen Keane

Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
Helen Keane, Executive Officer

Representing Prospective Applicant:

Robert McNamara, McNamara Property
Simon Clear, Simon Clear & Associates
Darran Quaile, Simon Clear & Associates
Richard Doorly, Henry J Lyons
Carmel Murray, Henry J Lyons
Paul Corrigan, Corrigan Hodnett Consulting
Eoin Reynolds, NRB Consulting Engineers
John Montgomery, NMP Architects
Grace Fegan, Shanarc Archaeology

Representing Planning Authority

Nicholas Casey, Planner
Fergal Keogh, Senior Engineer

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public once the Opinion has issued,
- ABP received a submission from the PA on 3rd November 2021 providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000, as amended and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 8th October 2021 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 2016, as amended, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

1. Compliance with the TC zoning and specific Objective OP2.
2. Layout, massing, integration with and visual Impact on the surrounding area, in particular Dwyer Park.
3. Residential Amenity (both within the proposed development and to surrounding existing residents)
4. Access, permeability, integration with Castle Street and boundary treatments along Dwyer Park.
5. Archaeology.
6. Any Other Matters

1. Compliance with the TC zoning and specific Objective OP2.

• ABP Comments:

- There has been much agreement between the PA and the prospective applicant on many issues.
- The Material Contravention made in respect of height is noted.
- Further consideration and justification how all of the OP2 objectives of the Bray MD LAP are met.
- The prospective applicant is to ensure that there are no inconsistencies in the submitted application documentation.

• Prospective Applicant's Comments:

- The proposed development is not a Build to Rent development.
- The proposed development seeks to improve the vibrancy and vitality of the area.
- All uses proposed are appropriate to the TC zoning.
- There is an increased amount of commercial frontage.
- The development mix, creche location and quantum of community use has been amended on foot of discussions with the PA.
- The proposed development is providing a density of 162 units per hectare (total of 139 units).
- The higher buildings are located near the proposed access road.
- All objectives of OP2 are met.
- The building line is set back to meet future requirements of Bus Connects.
- Height 3 / 4 storey and steps down to Dwyer Park.

• Planning Authority's Comments:

- The PA is satisfied that the proposed development complies with the objectives.
- These kinds of sites need to be developed with a higher density; thus, the PA is satisfied with the layout, design and density.

2. Layout, massing, integration with and visual Impact on the surrounding area, in particular Dwyer Park.

• ABP Comments:

- Further justification of urban design considerations such as height/scale/density/massing of proposed apartment blocks in the context of the existing pattern of development in the area and in the context of existing Development Plan policy.
- Justification of the height, architectural design / treatment and interface with public streets, in particular, in respect of impact of the development upon two storey dwellings in Dwyer Park.
- The prospective applicant is to have regard to potential submissions from members of the public at application stage in relation to the impact on the surrounding area.
- Further discussion and consideration of connectivity to SAR Road and the timeframe for which construction of the road will be delivered.

- **Prospective Applicant's Comments:**
- The scheme is arranged in two blocks.
- The prospective applicant endeavours to bring the higher buildings as far away from Dwyer Park as possible and to ensure there is no parking along the edge, or along Dwyer Park.
- The podium is to be accessed by residents only.
- Three different types of amenity space are proposed, the northern garden, southern garden and a podium space.
- There will be a suitable distance between the blocks, in excess of 22m separation.
- The layout is formed by circulation through the scheme. Vehicular access to podium, creche car parking and pedestrian access secure. Podium is accessed by residents only.
- There is potential to make connections to SAR road.
- Height of the Blocks at 6/7 storeys is appropriate for landscape context, significant change in profile.

- **Planning Authority's Comments:**
- Any impact on residential amenity should be assessed further at application stage.
- Improvement of the main old N11 will be beneficial to the area.
- The SAR Road serves the Golf course lands. The lands are zoned and it is intended that the road network will be delivered with private development. But this can not be guaranteed, dependent of developments.

3. Residential Amenity (both within the proposed development and to surrounding existing residents)

- **ABP Comments:**
- Residential amenity in the context of possible/perceived impacts on existing residential properties in Dwyer Park, setbacks, site slope, landscaping and boundary treatments.
- There is a requirement to carry out a daylight and sunlight assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.
- Further consideration of over shadowing to amenity spaces within the development and to adjoining properties and their amenity spaces.
- Residential amenity in the context of separation distances between proposed blocks and to existing adjoining development.
- Elaboration and demonstrate clearly in any future application the % of dual aspect units proposed. The onus is on the application to demonstrate compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2020.
- **Prospective Applicant's Comments:**
- The proposed development is exceeding all size thresholds, as per apartment standards for all units.

- Preliminary assessments have been carried out for daylight / sunlight standards. L/L/D have been tested for 2% compliance with ADF. A compliance rate of 86% achieved, compensatory measures, principally size of units will seek to justify the ADF compliance.
- Where targets are not achieved, compensatory measures will be addressed.
- Surrounding units have been tested for daylight/sunlight.
- One ground floor window of a dwelling in Dwyer Park does not meet VSC standard. Proposing to lower the boundary wall at that location.
- The main central podium space is achieving 92% sunlight, the other two communal amenity spaces are achieving some 77% compliance.
- **Planning Authority's Comments:**
- There is no guarantee that the proposed SAR road will ever be developed but the proposed development should have a pedestrian connection to it.
- There are quite a lot of amenity areas, including the People's Park and River Walk leading down to the harbour, near the proposed development site.

4. Access, permeability, integration with Castle Street and boundary treatments along Dwyer Park.

- **ABP Comments:**
- Further consideration and clarity with respect to the permeability of the proposed development.
- Further consideration for the impact of the development on the function of Castle Street in the future, in particular with respect to Bus Connects.
- Consideration of a detailed up to date Traffic and Transportation Report and a Mobility Strategy and details of any consultation with NTA regarding planned improvements to public transport and cognisance to same.
- It is essential that indicative possible future pedestrian and cycling connections are shown to link the proposed development with the proposed SAR Road.
- The prospective applicant is to set out clearly at application stage where there is a difference in opinion with the PA on any of the issues.
- Further consideration that the connectivity concerns and roads infrastructure items raised in the PA's report is fully addressed at application stage. In particular, the comments raised in the Bray MDE Report are noted and the location of the proposed vehicular entrance should be sufficiently justified.
- **Prospective Applicant's Comments:**
- Primary vehicle access is through an undercroft.
- The proposal is DMURS compliant.
- There is an obstruction to the west of the proposed development, the entrance is sited to achieve the required sight line.
- This development will generate low traffic volumes.
- The prospective applicant has consulted with the National Transport Authority. The NTA are satisfied that the entrance works from their perspective.
- A road safety audit will accompany the application. The RSA did note a few issues but not in relation to the access.
- An operational safety plan for future access will be provided.

- Individual bins will not be provided.
- The primary pedestrian/cyclist access is located to the west of the vehicular access, which operates as a fire tender access. This access also leads to the cycle storage and provides access to the podium.
- The pedestrian accesses are gated.
- The access does not have any issues in relation to all modern standards including DMURS.
- There have been consultations with neighbouring residents in relation to the boundary treatment. A new wall is proposed to rear of houses in Dwyer Park to alleviate concerns from residents.
- A management company will be in place for the proposed development.
- **Planning Authority's Comments:**
- The proposed development must not interfere with the ability to provide the Bus Connects scheme. This should be clearly indicated at application stage. This road suffers long delays at present therefore Bus Connects is vital.
- The prospective applicant should refer to the PA opinion in relation to the proposed development's interaction with traffic.
- Concerns of impact of right turning lane to Castle Street shopping centre, important traffic is not impaired.
- Pedestrian and traffic safety must not be impaired by the proposed development.
- The proposed development site is suitable for reduced parking and zero parking may be justified.
- The PA agrees with the ABP representatives that the future function of Castle Street should be considered but there is a degree of uncertainty regarding same.
- The prospective applicant should flag any measures taken to reduce the impacts (such as noise) in relation to the refuse collection.

5. Archaeology

- **ABP Comments:**
- The proposed development site is in an area of high archaeological heritage.
- Further investigations should be undertaken, and an assessment undertaken prior to submission of any application.
- **Prospective Applicant's Comments:**
- A licence application has been submitted to the National Monuments Service.
- Test trenching will be carried out to test any surviving remains associated with the archaeological heritage.
- **Planning Authority's Comments:**
- No further comments.

6. Any other matters

- **ABP Comments:**

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.

- **Prospective Applicant's Comments:**

- No further comments.

- **Planning Authority's Comments:**

- No further comments. The PA is keen to have the proposed site developed. There may be traffic issues, but this should not impede the development of the site.

Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published.
- A Schedule of Documents and Drawings should be submitted with the Application.
- Sample notices, application form and procedures are available on the ABP website.
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie.

Stephen O'Sullivan
Assistant Director of Planning
January, 2022