



An  
Bord  
Pleanála

## Record of Meeting ABP-312257-21

<b>Case Reference / Description</b>	564 no. residential units (96 no. houses, 468 no. apartments). Former Bray Golf Club Lands, off Ravenswell Road and Dublin Road, Bray, Co. Wicklow.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	6 <sup>th</sup> May 2022	<b>Start Time</b>	10:00am
<b>Location</b>	Remotely via Microsoft teams.	<b>End Time</b>	11:30am
<b>Chairperson</b>	Stephen O'Sullivan	<b>Executive Officer</b>	David Behan

### Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
David Behan, Executive officer

### Representing Prospective Applicant:

Cathal Dalton, Shankill Property Investments limited
Kieran Rush, Shankill Property Investments limited
Daniel Mulligan, GHA Architects
Oran O'Siochain, GHA Architects
Kieran Boyle, Atkins Global
Garry Hanratty, Atkins Global

### Representing Planning Authorities

Johanne Codd, Executive Engineer, DLR CoCo
Alex Fahey, Executive Planner, DLR CoCo
Paul Conlon A/Executive Parks Superintendent, Landscape, DLR CoCo
Fergal Keogh, Senior Engineer, Wicklow CoCo

## **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, February 4<sup>th</sup> 2022, 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, 17<sup>th</sup> December 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 statutory Development Plan policies and Bray Municipal District LAP 2018. (Height, massing and SLO3)**
- 2. Previous Split Decision under 311181 (omits two apartment Blocks A and B) and justification that the reason for refusal has been overcome.**
- 3. Residential Amenity (proposed and existing)**
  - Sunlight and Daylight and Overshadowing
  - Overlooking to the northwest
  - Open Space and public realm
- 4. Transportation, permeability, connectivity and pedestrian flow.**
- 5. AOB**

## **1. Compliance with statutory Development Plan policies and Bray Municipal District LAP 2018. (Height, massing and SLO3)**

### **ABP Comments:**

- Clarification sought on how previous refusal reasons have been overcome
- Prospective applicant advised that no new information could be introduced to the meeting
- Further clarity with respect to red line boundary and what precisely is being proposed under any future application, cognisance being had to information submitted with the pre application and the subsequent information presented at the meeting.
- How any future proposal differs from that of the recent history file on this site SHD 311181-21, in terms of site area, site boundary, nature of the proposal, density and how it all ties in with the permitted portion of that permission.
- Clarity is of utmost importance. Consistency between all drawings and documentation, no room for inaccuracies, drawings need to be sufficiently detailed, accurate, have regard to one another and legible.
- Further consideration with respect to design rationale for the proposed height, density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the requirement to provide high quality, robust and sustainable finishes and details which seek to create a distinctive character for the development, having regard to the coastal and highly visible location of the site and its interface with Bray seafront.
- Further consideration and justification of how the proposal is consistent with and has regard to the new DLRDCDP 2022 – 2028 and how SLO3 objectives within the Bray MD LAP are met.
- A report that addresses and provides a justification for the proposed housing mix.
- A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

### **Prospective Applicant's Comments:**

- Expressed difficulties with lack of clarity regarding the legal context of SHD developments in December 2021
- It is proposed to seek permission for Blocks A and B only
- Any proposal will link back into infrastructure permitted as part of the previous permission,
- Request made to submit new information at meeting.
- Previous scheme did not positively contribute to undulating skyline, massing, height, lack of variety and variation, relentless fenestration.
- Future application will have greater regard to seaside location, extend the promenade from the sea front to this site.
- Propose to break Blocks A and B into 4 blocks essentially, increase the widths between the blocks, lift the architecture, use higher quality materials, much larger balconies, variety in use of materials, art deco feel.
- Variety of window typologies
- Under pass increased in width to 3 m
- Inclusion of a retail unit on the corner and active frontages.
- Undulation of the roof line to connect visually.
- Propose future development will blend in more successfully and be moderate in scale.

### **Planning Authorities' Comments:**

- Unable to comment on 2 new blocks solely, change in red line boundary may raise legal issues.
- While cognisance is had to timelines and uncertainty the applicant cant just present a materially different application to that submitted at pre application.
- Important for all parties to be cognisant of the process.
- Stage 2 information submitted should procedurally align with that stage.
- Not appropriate for the PA's to comment on new information at this stage.
- The previous refusal reason related to architectural treatment, lack of uniformity, any future proposal needs to address issues raised in the previous application.

### **2. Previous Split Decision under 311181 (omits two apartment Blocks A and B) and justification that the reason for refusal has been overcome**

#### **ABP Comments:**

- Prospective applicant can use slides to provide context at meeting, but board's opinion can only refer to information submitted with request
- Building life cycle report is required at application stage.
- Justification that the reason for refusal has been overcome.
- There is cross over between issues on the agenda and the issues raised under Item 1, with respect to design, scale, bulk and mass being visually obtrusive are pertinent to this item. Clarity is of utmost importance in any proposal submitted. Applicant to indicate what is to be included within the red line boundary and how this relates to the permitted part of the previous application ABP – 311181-21.
- Further CGI's and photomontages are required to assess visual impact, in particular, from the east.
- Further consideration of design in terms of façade treatment and architectural expression given the context and opportunity of this coastal urban site and Bray seafront.
- Further justification of the proposal with respect to the criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018.

#### **Prospective Applicant's Comments:**

- Request made to submit new information at meeting
- Changes made to massing and height
- Windows have been redesigned to avoid an appearance of relentless fenestration
- Windows are contextual to rooms
- Balconies have been redesigned to be strong wraparound balconies
- Entrance to costal path now included in design
- Overall look of scheme has a seaside context which links with theme of Bray
- Consideration given to breaking blocks into 4 smaller blocks
- Increases to urban area
- High quality materials used in building finishes
- Underpass has a further 3 metres added
- Retail unit at corner gives strong edge

- Storey drop gives an undulating roofline
- Parking is now underground
- Use of planting to provide screening

**Planning Authorities' Comments:**

- Maintains position set out in opinion
- Unable to comment on slide presentation
- Suggested that a brick finish be used
- Welcomed mitigation of uniformity and design changes

**3. Residential Amenity (proposed and existing)**

- **Sunlight and Daylight and Overshadowing**
- **Overlooking to the northwest**
- **Open Space and public realm**

**ABP Comments:**

- Prospective applicant advised that while a precedent exists for a second meeting it is highly unusual and unlikely in this instance
- Prospective applicant advised that request would be reflected in the minutes
- Prospective applicant advised to make clear distinction between permitted and proposed development in any application, reduction in the area covered by red line boundary at application stage not necessarily problematical (whereas an extension could be)
- It is noted given the nature of the discussion at the meeting and how the proposal has evolved from that submitted with the pre application to that now proposed by the applicant (with respect to red line boundary and splitting of the site to omit the portion previously permitted on foot of SHD-311181-21) overlooking to the northwest and public realm of the overall scheme is not of particular relevance.
- Regard should be had, however, to any possible/perceived impacts on existing / proposed residential properties, 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.

**Prospective Applicant's Comments:**

- Requested for a second meeting
- Option to leave the red line as is or to bring the red line around units A and B – tight timelines and the split decision had bearing on the decision to include the entire site.
- Now have had time to integrate options and there is a precedent for changing the red line boundary and reducing what is included in stage 3 application.

**Planning Authorities' Comments:**

- Agreed with ABP comments.
- A disclaimer applies, but a distinction was already put in place by the Board, in the split decision.

- Applicant needs to be very clear in what is being applied for – 2 sites either option should be Ok
- Red line boundary clarity – important that it is clearly set out how different sites relate to one another, connectivity is important.

#### **4. Transportation, permeability, connectivity and pedestrian flow**

##### **ABP Comments:**

- Prospective applicant advised to show how 2 sites relate to each other
- Further consideration and clarity with respect to the permeability of the proposed development.
- 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 surrounding road network.

##### **Prospective Applicant's Comments:**

- Physical layout will not change
- Amended access to threshold of buildings
- Improved pedestrian access on Railway site to the east and separation between buildings. Positive changes.
- Access to granted site via pedestrian footpaths and bicycle lanes
- No material changes to what was previously granted.
- Any future application will quantify the traffic impact in detail.

##### **Planning Authorities's Comments:**

- Maintains position set out in opinion
- Prospective applicant advised of DLR's new CDP and new SLO 119 came into effect on the 21<sup>st</sup> April 2022
- Permanent link to Woodbrook and Glen Road required
- Improved access to Bray harbour required
- Change to land use zoning to north of site, from land use zoning Objective F to Objective A
- Reiterated concerns with respect to heights proposed
- Height will be assessed under new County Development Plan

#### **5. AOB**

##### **ABP Comments:**

- Clarification that all items raised by the PA in their report submitted to the Board are addressed,
- A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.
- A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.

- Further consideration that where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land.
- Further consideration and clarity that issues raised by IW are addressed.
- Consideration that further information is only sought in exceptional circumstances and that all technical issues need to be resolved prior to an application being submitted. All plans, drawings and supporting documentation needs to have account to one another, no room for inaccuracies. The information needs to be clear and accurate for an informed assessment and decision to be forthcoming from the Inspector and the Board within the timeframe for an SHD application.
- Reasonable to make the scheme smaller and omit things at stage 3

#### **Prospective Applicant's Comments:**

- Will seek to engage further with Irish Water to address concerns raised.
- Process is on-going, here to get things right.
- Happy to have further discussions with the planning authority and internal departments.

#### **Planning Authorities' Comments:**

- Reiterated concerns raised regarding height
- Height will be assessed, having regard to the new plan
- This is an important site.
- Cross boundary issues need to be addressed comprehensively.

#### **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](mailto: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](mailto:spatialplanning@water.ie).

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Stephen O'Sullivan,  
Assistant Director of Planning  
June 2022