



An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-305058-19**

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|                                      |   |
|--------------------------------------|---|
| <b>Strategic Housing Development</b> | 208 no. residential units, creche and associated site works.  |
| <b>Location</b>                      | Lands at Southern Cross Road, Bray Co. Wicklow.   |
| <b>Planning Authority</b>            | Wicklow County Council.   |
| <b>Applicant</b>                     | 1 Southern Cross Lands Limited.   |
| <b>Prescribed Bodies</b>             | <ol style="list-style-type: none"><li>1. National Transport Authority</li><li>2. Transport Infrastructure Ireland</li><li>3. Minister for Culture, Heritage and the Gaeltacht</li><li>4. Heritage Council</li><li>5. An Taisce</li><li>6. Irish Water</li></ol> |

7. Wicklow County Childcare  
Committee

**Observer(s)**

1. Richard Lyons
2. Robert and Roisin Ryan
3. Mary and Sean O'Gorman
4. Myles Houden
5. John Brady TD
6. John Mulvaney
7. Bob Galvin
8. Geraldine E Layden
9. Sharon Briggs and Others
10. Joe Behan
11. Clodagh Bowers
12. Charles and Carmel Byrne
13. Trevor and Deirdre Wilkins
14. Susan Chandler
15. The Residents of Belmont and  
Oak Glen
16. Sandra and Paul McGrath
17. George Henderson
18. Liz Meaney and Tony Redmond
19. Mary O'Gorman
20. Patrick Hannon
21. Eavan Henderson

22. Graham McNamara
23. Catherine Cerf
24. Denis P Fox
25. Blaire Gardiner

**Date of Site Inspection**

16 October 2019.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The subject site, that has a stated area of 3.57 hectares, is located about 3km south of Bray Town Centre on the Southern Cross Road. Bray is a large town, south of Dublin and situated at the northern end of County Wicklow.
- 2.2. The site is bounded to the north by the rear gardens of Mountainview Drive housing estate, to the south by the Southern Cross Road (R768), to the east by undeveloped lands zoned for employment use (SLO6) and to the west by Árd na Gréine road and residential dwellings further to the west. The area north and west of the Southern Cross Road is characterised by traditional cul-de-sac residential development. To the south of the Southern Cross Road there is an area of employment uses located in an IDA Business Park, directly south of the subject site.
- 2.3. The entire site has been cleared of all major standing vegetation, specifically the lands to the south west of the subject site are currently undergoing construction works associated with a supermarket development. The southern boundary of the site comprises a loosely grassed bank. A pedestrian footpath and wide grass verge separate the site from the road. A bus lay-by and bus shelter are also located on the road to the front of the site. The site is undulating with a moderate level change from the road edge onto the site and across the middle of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 30 houses, 178 duplex/apartments, 3 retail units, 1 creche and 4 community units, together with all associated site works. The buildings range in height from 2 to 5 storeys.
- 3.2. The following details are as follows:

| Parameter | Site Proposal |
|-----------|---------------|
|-----------|---------------|

|                  |  |
|------------------|--|
| Application Site | 3.57 ha  |
| No. of Units     | 208<br>30 houses<br>178 apartments (including duplex units)  |
| Unit Breakdown   | 18 – three bed houses<br>12 – four bed houses<br>24 – one bed apartments<br>147 – two bed apartments<br>7 – three bed apartments |
| Other Uses       | Childcare Facility - 360 sqm<br>Community Service Units - 438 sqm<br>Retail Units - 515 sqm                                      |
| Car Parking      | 282  |
| Bicycle Parking  | 438 spaces   |
| Vehicular Access | Singe access point from the Southern Cross Road.   |
| Part V           | 21 units   |
| Density          | 58 units/ha<br><i>73 units/ha as stated by the applicant and based upon a developable area of 2.84 Hectares.</i>                 |

3.3. The breakdown of unit types is as follows:

| Unit Type | 1 bed | 2 bed | 3 bed | 4 bed |      |
|-----------|-------|-------|-------|-------|------|
| Unit      | 24    | 147   | 25    | 12    | 208  |
| % Total   | 11.5% | 71%   | 11.5% | 6     | 100% |

## 4.0 Planning History

Planning authority reference: **181182**

Construction of a single storey retail supermarket (2,493 sqm.), service yard, 178 car parking spaces and construction of a new four armed roundabout on Southern Cross Road. August 2019.

Planning authority reference: **10630092**

Modifications to previously permitted development mixed use development (07/125, and 09/130), changes to retail space, increase in roof height and alterations to elevations. January 2011.

Planning authority reference: **09630130**

Modifications to previously permitted development mixed use development (07/125), additional 76 car parking spaces and changes to basement level. January 2010.

Planning authority reference: **07630125**

Mixed use development - (a) Supermarket, single storey, comprising of 2,500sq.m. of net retail area and 3570sq.m gross area and non-food retail of 2460sq.m gross area. (b) Underground carparking comprising of 330 spaces. Surface carparking comprising of 340 spaces. (c) Discount food store, single storey, in stand alone building comprising of 1500sq.m. gross areas. (d) Motor sales outlet single storey comprising of 537sq.m, 13 no. visitors parking spaces. (e) Neighbourhood centre comprising of 4 no. standalone retail units and 10 no. dual aspect duplex units over shops and community facilities. (f) 24 no. 2/3 floor residential units in 4 no. terraced blocks overlooking landscaped gardens, carparking and communal residential open space area. (g) 9 no. dual aspect 2 bedroom & 9 no dual aspect 3 bedroom apartments in a three storey block with 3 main entrances & 5 individual entrances. (h) Roundabout 44m diameter on the Southern Cross Road. Provision of bus shelter and lay by and new pedestrian crossing to facilitate pedestrian safety. (i) Associated site development and landscaping works including 1.5m high boundary railings with provision for pedestrian access from the Southern Cross Road and Deerpark Road boundaries, new fenced boundary with industrial zoned lands to the east and new 1.8m high masonry boundary along the rear of Mountainview Estate.

## 5.0 Section 5 Pre-Application Consultation

5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 19 March 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP- 303631-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

### 1. Roads Proposals and Connections

Revisit the road and access strategy for the site in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and the Design Manual for Urban Roads and Streets. All the following points required reassessment: the configuration of the proposed junction arrangement with the Southern Cross Road, the potential to provide a vehicular connection from the Southern Cross Road through to the Boghall Road through Árd na Gréine having regard in particular to the requirements of the proposed neighbourhood centre to serve the wider area, connections within the proposed residential development and public open spaces.

### 2. Design, Layout, Open Space and Car Parking

The interface of the site with the Southern Cross Road and any proposed road arrangement to the west of the site required reassessment. The configuration of the layout given the nature and scale of the built form required an alternate approach with respect to all of the following: legibility and presence of blocks as they address the Southern Cross Road and any new road arrangement to the west, the treatment of public open spaces and natural surveillance, the coherence of unit types proposed in terms of design use of the site area and consideration of innovative car parking design to avoid large areas of surface car parking, internal permeability and connections within the site, boundary treatments and the avoidance of cul-de-sacs.



5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1 A report that specifically addresses the proposed materials and finishes, openings and privacy screening, the treatment of private amenity areas, commercial facades, landscaped areas, pathways, entrances and boundary treatment/s. Especially, high quality and sustainable finishes and details which seek to create a distinctive character for the development, avoiding blank facades and creating active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.

2 A report which outlines the proposed community uses providing a balance between the community requirements and long term viability in terms of both uses and areas dedicated to same. The report should also outline how it is proposed to manage and maintain the space/s in the future.

3 A mobility management framework and car parking rationale for the proposed development which should have regard to existing public transport which serves the area.

4 Full and complete drawings including levels and cross sections showing the proposed relationship between the development and adjacent residential units, public pathways and interfaces with the public realm.

5 A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.

6 A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

7 A site layout that details any areas to be taken in charge by the local authority.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- National Transport Authority
- Transport Infrastructure Ireland
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council

- An Taisce — the National Trust for Ireland
- Irish Water
- Wicklow County Childcare Committee

5.4. Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

#### 5.5. **Applicant's Statement**

5.5.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

##### Roads Proposals and Connections

5.5.2. The applicant has amended the site to take account of the opinion that was issued by the Board. Specifically, a new vehicular entrance will be provided from Árd na Gréine to the new neighbourhood centre. This will result in modifications to the permitted development (18/1182), however, the permitted vehicular entrance from the new four arm roundabout on the Southern Cross Road remains. A new vehicular entrance is proposed directly from the Southern Cross Road at the south eastern portion of the site.

5.5.3. The applicant states that there is connectivity throughout the scheme in terms of pedestrian and cycle facilities in every direction, without any cul-de-sacs or non-accessible locations for people who are visiting or leaving the development by foot or bicycle. The applicant concludes that the layout is now considered a better, more sustainable scheme for all modes of transport with improved connectivity, surveillance, and perception of safety throughout.

5.5.4. Finally, the applicant assesses in detail each modification against the various criteria set out in the Guidelines for Planning Authorities on sustainable residential developments in urban areas 2009, Urban Design Manual: A best practice guide and the Design Manual for Urban Roads and Streets 2013. In addition, a Traffic and

Transport Statement has been prepared in order to address the impact of the development on traffic and to set out the alternative sustainable transport modes.

#### Design, Layout, Open Space and Car Parking

- 5.5.5. The applicant has split the response to this issue in the following manner:
- 5.5.6. Interface with Southern Ross Road – the neighbourhood centre has been brought closer to the road edge and increased in height. The neighbourhood centre is now access by stairs from the Southern Cross Road. The creche facility has been rearranged to overlook the road and integrate with the new plaza. Apartment blocks 1 and 2 are also closer to the road. A new access road has been provided from the south eastern corner of the site from the Southern Cross Road.
- 5.5.7. Car parking has been rearranged and now most spaces are provided within an undercroft arrangement beneath apartments.
- 5.5.8. Road arrangement to the west – duplex units now face onto Árd na Gréine Road and overlook the extended greenway at this location. The neighbourhood centre, including the new supermarket, is provided with direct vehicular access to Árd na Gréine Road. This new arrangement will not reduce permitted car parking spaces but slightly amend the layout of permission 18/1182.
- 5.5.9. Internal road layout, permeability, public open space, connections and house types – the new vehicular access from the Southern Cross Road serves a looped road layout. The proposed layout is highly permeable and provides pedestrian linkages to all boundaries. Public open spaces contain a number of different activities; a public plaza to the east of the neighbourhood centre, a Multi-Use Games Area, a children's' play area, a green route which has native planting along the route and an open public space big enough for all sorts of use. There are a variety of house types throughout the scheme, including 1 and 2 bed apartments, 1, 2 and 3 bed duplexes and 3 and 4 bed houses.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 - National Planning Framework**

The National Planning Framework also includes a specific objectives to do with homes and communities, Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Chapter 4 of the Framework addresses the topic of 'making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same, Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

## **6.2. Section 28 Ministerial Guidelines**

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (2018).

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (March 2018)
- ‘Design Manual for Urban Roads and Streets’
- ‘Childcare Facilities Guidelines for Planning Authorities’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)

### 6.3. **Local Policy**

The **Bray Municipal District Local Area Plan 2018-2024** is the operative Development Plan for the site.

- 6.3.1. According to the maps that accompany the LAP, the site is subject to two zonings, residential high density and neighbourhood centre and is designated as a neighbourhood objective under special local objective SLO9. The objective of residential high density is to protect, provide and improve residential amenities in a high density format. The neighbourhood zoning objective is to protect, provide for and improve a mix of neighbourhood centre services and facilities which provide for the day-to-day needs of the local community. It is described as providing for small scale mixed use commercial/community/retail developments that serve only an immediate catchment or planned new areas of significant residential development with Southern Cross Road outlined as a location for same. Uses generally appropriate within neighbourhood centres include residential development.
- 6.3.2. I note that the planning authority refer to zoning objective Residential Special at this location of the site. The objective of residential special is to protect, provide and improve residential amenities in a format and a density specified in the relevant plan and is described as facilitating the provision of high quality new residential environments with excellent layout and design reflecting density and character of the surrounding area.

6.3.3. The LAP notes that **SLO9** is located on Bray Southern Cross Road (SCR), with the 'Deerpark' road bounding the site to the west and measures c. 4 ha. The SLO is designated for the development of a new neighbourhood hub to serve the Bray SCR area, and provides an opportunity for both retail and community services as well as the development of new vehicular and pedestrian routes from the SCR to Boghall Road.

6.3.4. The development of the entire site is required to be carried out as a single comprehensive development, and in particular, no residential development may occur unless it is accompanied by the 'neighbourhood centre' and open spaces and other community elements as are required by the objectives. It is stated that the development shall be of the highest design quality; the neighbourhood centre building(s) shall form a distinctive and attractive presence along the SCR; high quality urban realm and functional green spaces shall be provided, as well as pedestrian and cycling links to surrounding lands and public roads.

6.3.5. The specific requirements are as follows:

- A supermarket and not less than 5 smaller retail units, as well as provision for other non-retail / commercial / professional uses up to a total floor area of 2,500sqm (GFA) for the supermarket and of the order of 500sqm (GFA) for the smaller units / non retail uses;
- Provision of community / health / public services / wellbeing floor space of the order of 500sqm;
- Residential development, on the northern part of the site that is zoned R-Special, a higher density format of 40/ha shall be considered only where it is part of an overall project involving the completion of the neighbourhood centre in advance of any residential units;
- Vehicular access to the site from Bray SCR;
- Make provision for a car free green route from the south-eastern corner of the site adjoining the SCR, through to the Deerpark road at the north western corner of the lands.

6.3.6. Lands to the east of the subject site are zoned for employment use and development is guided by SLO6, as follows:

**SLO6** - This SLO is located between Boghall Road and the Bray Southern Cross Road (SCR) and is zoned for employment use.

This is considered a significant development site that could add substantially to employment creation in the town. Any development on these lands shall accord with the following objectives:

- To accommodate the traffic movements generated by this zoning, the roads / footpaths servicing development on these lands shall access onto both Boghall Road and the Bray SCR;
- Any development on the southern part of the lands shall include landmark buildings, of the highest architectural quality, fronting onto the Bray SCR;
- In conjunction with the development of SLO 9 adjacent, the development shall be so designed as to provide for a 'green route' link between Boghall Road and Bray SCR ('Swan River green route').

## 7.0 Third Party Submissions

7.1. A number of observations were received and most refer to similar issues such as overdevelopment, residential amenity, traffic and transport, lack of services/infrastructure, flooding and environment. Most submissions opposed the development, some agreed in principle but not in terms of scale, however one supported the principle of connecting housing estates and creating pedestrian short cuts. A summary of each issue, follows:

### **Overdevelopment**

The proposed development is in excess of that planned by Wicklow County Council and fails to accord with the zoning and local objectives for the area.

The height and scale of the apartment blocks would impact on views, not in keeping with the surroundings and would encourage antisocial behaviour. There will be impacts of overshadowing to neighbouring property from duplex apartments.

The development lacks adequate green space, what is provided is poorly overlooked.

### **Traffic and transport**

The development will increase traffic on the Southern Cross Road.

There is a lack of infrastructure in the area such as public transport, cycle lanes, footpaths and schools.

Pedestrian connectivity from the site through Mountainview Drive is opposed, as it will result in antisocial behaviour.

Vehicular access through Árd na Gréine is opposed, it will cause a rat run between the Southern Cross Route and Boghall Road. The character of Árd na Gréine, Deerpark, Heatherwood, White Oaks and Ashfield Court will be altered by traffic congestion and create a dangerous environment for children. Existing and permitted development will increase traffic volumes on the Southern Cross Route and the area generally.

### **Flooding**

There is a history of flooding in the area (Mountainview Drive), drainage proposals could increase risk of flooding. In particular, the Swan River is highlighted and upgrade works in the area may not have taken place on foot of report prepared by the Town Engineer in 2008.

### **Residential Amenity**

Specific concerns have been raised by the occupants of 36 Mountain View Drive. A 3 metre high wall is desired by existing residents along the boundary between sites.

The positioning of bicycle sheds is criticised and there is a fear of resultant anti social behaviour. Appropriately located bicycle sheds with good opportunities for passive supervision are preferred.

### **Environment**

The site is infested with Japanese Knotweed, there is a danger of spreading the plant if treatment has not been completed.



The development will result in the loss of local wildlife, including bats, a protected species. If development proceeds there may be a rodent intrusion and none of the documents explain how this might be controlled.

- 7.2. Opposition to the consent given to the landowner to develop on lands in the ownership of Wicklow County Council and opposition to requests for rights of way is raised by elected members of the Council. A petition has been signed by 83 persons in connection with the submission made on behalf of Mountainview Drive Residents Association. A petition has also been submitted in support of the objections raised by residents of Belmont and Oak Glen, 112 signatories in total. A number of submissions, notably from Belmont and Oak Glen, followed the same format and content.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 25 September 2019. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives. The report also included a summary of the views of the elected members of the Bray Municipal District Committee, meeting held on the 3 September 2019. The main issues to come out of the meeting revolved around roads, density, civic/community gains and the pedestrian access to Mountainview Drive. There were also general comments in relation to the SHD process, the worth of local planning policy, local flooding issues in the past, and the positive impact the development will have on the Southern Cross Road.
- 8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

### **8.2.1. Principle of Development**

Core strategy and settlement strategy - Bray is a designated Level 1 Consolidation Town and earmarked for considerable housing growth and major investment. The capacity for housing units on zoned land has been calculated at 6,453 but there is a shortfall of 1,774 units in order to meet overall growth targets for the town. The R Special zoned lands contained in the SLO for the Southern Cross area comprising 2

Hectares could yield 80 units but this amount could change depending on normal planning considerations. The proposed 208 units would be acceptable at this location.

Retail Strategy – part of the site is located on a Level 4 Neighbourhood Centre. Permission has already been granted for a supermarket on the site and the current application includes some retail functions. The proposed development is therefore acceptable and accords with the retail strategy for the county.

Zonings – part of the site is located on lands zoned for residential purposes with the designation R Special, the proposed development is acceptable on these lands. The non retail uses proposed on the Neighbourhood Centre zoning are acceptable. The proposed location of apartment blocks on the NC zoned lands is an appropriate use. The additional residential units will require social and community infrastructure, a case not satisfactorily demonstrated by the applicant. Because of the lack of community infrastructure existing and proposed, apartment block 1 contravenes the zoning objective.

Specific Local Objective (SLO) – an area subject to an SLO requires a coordinated approach, SLO9 applies to the site. A separate planning permission for a supermarket and the masterplan indicated in the current application is noted. The quantum of floorspace devoted to retail, commercial and community uses is acceptable. However, a phasing condition should be attached to any permission to ensure the delivery of the NC uses prior to the occupation of houses.

#### 8.2.2. Density

SLO9 specifies that the density for the site will be in the format of 40 units per hectare. Having calculated the proposed density of the subject scheme, though it is significantly in excess of the LAP objectives it is in accordance with national policy to increase density and intensively develop urban sites.

#### 8.2.3. Access and Transport

8.2.4. SLO9 sets out objectives to do with access and transport and the LAP maps out transport objectives. The County Development also sets out general roads objectives. Taken together with proposed junctions along the Southern Cross Road (SCR), in close succession, will compromise free flow and safety. In addition, the

new access from the SCR is effectively a cul-de-sac and does not achieve the aims of connectivity. There is poor vehicular connectivity between the proposed housing, neighbourhood centre and local roads, the result is the use of the SCR for short local trips. The new junction and roads layout is not satisfactory.

- 8.2.5. New access road to Árd na Gréine – this new access will require the amendment of the supermarket car park, there are concerns that this occurrence had not been designed for in terms of traffic volumes. The configuration of duplex units that front on to Árd na Gréine will result in uncontrolled parked along Árd na Gréine. An access road from Árd na Gréine is not satisfactorily designed and is not acceptable in terms of traffic safety and design.

Pedestrian and cycle connectivity – proposals for pedestrian and cycle connectivity are broadly acceptable subject to modifications.

- 8.2.6. House types and mix

The range and mix of house types provided are in accordance with Development Plan objectives and national guidance. The provision of Part V units is acceptable.

- 8.2.7. Design and Layout

In broad terms the apartments and houses are adequately designed and comply with standards. The overall layout and provision of amenity space is acceptable. There are some concerns raised over the impact of the development on existing houses in the area, but subject to modifications these can be overcome. Childcare provision proposed by the applicant is acceptable. The proposed development will not impact on any protected views.

- 8.2.8. Parking

There is a shortfall in car parking spaces, however, given the good pedestrian links through the site, the quantum of car parking is acceptable. Cycle parking is adequately provided for.

- 8.2.9. Infrastructure

The site can be served by water services and there are no issues that concern flood risk. Taken in charge standards should apply to the entire development. To meet the objectives of the SLO, a revised phasing plan should be submitted.

#### 8.2.10. Overall Conclusion

The planning authority have provided a checklist that indicates whether the proposed development is consistent or not, with the County Development Plan and Local Area Plan SLO. The planning authority recommend that the proposed development should be **refused** for reasons of contravening the NC zoning objective and on traffic and junction design inadequacies. Two reasons for refusal have been drafted by the planning authority. However, specific conditions have been drafted in the event that permission is granted, relevant conditions include:

- Omit apartment block 1 and replace with a play equipped play area.
- All roads to be redesigned, specifically omit junction to SCR and only provide vehicular access from the four arm roundabout off SCR.
- Omit units 47 and 48 and replace with open space, in order to protect existing residential amenity.
- The design and location of future pedestrian links to adjacent development to be agreed.
- A 244 sqm community unit shall be provided for the use and management by Wicklow County Council.

8.2.11. Other conditions relate to phasing, taking in charge, public lighting, electric vehicle charging, invasive species control and archaeology.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- National Transport Authority
- Transport Infrastructure Ireland
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce

- Irish Water
- Wicklow County Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 2 August 2019, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **Transport Infrastructure Ireland TII** – no observations.
- **Minister for Culture, Heritage and the Gaeltacht (DAU)** – Nature Conservation: the presence of Bohemian knotweed *Fallopia x bohemica*, an invasive alien species (IAS), is noted on the site. An IAS management plan is mentioned in the EclA report but cannot be located on file. Appropriate conditions are recommended and the mitigation measures in the EclA should be carried out in full.

Archaeology: There are no Recorded Monuments located within the confines of the proposed development area. The nearest archaeological site, identified as WI008-062 road/trackway, is located approximately 200m to the south. Standard conditions are recommended given the size of the site.

## 10.0 Environmental Impact Assessment

10.1. The applicant has submitted an EIA Screening Report. The proposed development is below the thresholds of a mandatory EIAR. It is also considered that a sub threshold EIAR is not required in this instance. I refer the Board to the EIA Screening Determination on file.

10.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares.

*Construction of more than 500 dwelling units*

*Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.*

*(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)*

- 10.3. The proposal is for 208 residential units on a site of 3.57ha. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.
- 10.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is, therefore, precluded and a screening determination is not required.

## **11.0 Appropriate Assessment**

- 11.1.1. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated July 2019. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites. However, the AA Screening Report identifies that the Bray SAC (site code 0714) is located 1.8km to the east of the site and is the only site within the zone of influence of the proposed development. The report states that as there is no pathway between the proposed development and the designated site, an impact cannot occur. The detail of the SAC is as follows:

| Site Name<br>(Site Code)  | Distance to<br>Development<br>Site | Qualifying Interests   | Conservation Objectives  |
|---------------------------|------------------------------------|--|--|
| Bray Head SAC<br>(000714) | <1.8km east of<br>the site         | 1230 - Vegetated sea<br>cliffs of the Atlantic and<br>Baltic coasts<br><br>4030 - European dry<br>heaths | To maintain or restore the<br>favourable conservation<br>condition of the Annex I<br>habitat(s) and/or the Annex<br>II species for which the SAC<br>has been selected: |

11.1.2. The Screening Report states that there is no pathway between the proposed development and the designated site. There will be no loss or disturbance of habitats or species. There will be no loss or disturbance through indirect methods given the separation distance between sites. The report states that the construction phase will involve extensive earth works which can result in sediment or toxic substances such as concrete, oils, fuels etc. entering water courses. However, there are no such water courses near the site and so the risk of pollution is low. Japanese Knotweed is being treated and a management plan is being developed to ensure that construction activities do not result in its spread. There is no pathway for Japanese Knotweed to reach the Bray Head SAC since propagation is via plant particles only (i.e. the plant does not spread by seed).

11.1.3. The Screening for Appropriate Assessment Report submitted by the applicant, ultimately concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC. I note the urban location of the site, the limited possibility of direct connections with regard to the source-pathway-receptor model in terms of hydrological connections and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites'

Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.



## 12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Residential and Visual Amenity
- Layout
- Traffic and Transport
- Drainage and Flood Risk
- Natural Heritage

### 12.2. Principle of Development

12.2.1. The planning authority note that the proposed development is in accordance with the core strategy of the Development Plan. It is stated that the number of units proposed as part of the subject scheme at this location is acceptable and will not undermine the capacity of zoned lands. I am in agreement, the core strategy allows for a large amount of growth in Bray, there is significant capacity for additional residential units on zoned lands.

12.2.2. R zoned lands – according to LAP maps, a significant proportion of the development is located on lands zoned Residential High Density in Bray Municipal District Local Area Plan 2018-2024. The objective of residential high density is to protect, provide and improve residential amenities in a high density format. I note that the planning authority state that this area of the site is subject to the objective Residential Special, to protect, provide and improve residential amenities in a format and a density specified in the relevant plan. For clarity, I note that table 3.1 Bray and Environs, lists out the various Action Area Plans and SLOs together with site area, zoning and potential units. In this instance, SLO9 that covers the site is designated zoning

objective Residential Special. The planning authority state that the proposed residential use defined by the development on residential special zoned lands is acceptable. I agree that the use of lands zoned residential special for apartments and houses is acceptable and either or both residential zoning objectives would be met.

- 12.2.3. Neighbourhood Centre – a significant proportion of the lands are also located on lands zoned NC Neighbourhood Centre, to protect, provide for, and improve a mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community. The development will provide a variety of retail, commercial and community uses at this location, including a childcare facility, community service units and retail units. The proposed uses will be accommodated in purpose-built structures set within a new public plaza. The planning authority are satisfied that the quantum of floorspace proposed by the applicant for neighbourhood centre uses is acceptable. The provision of apartment blocks 1 and 2 within NC zoned lands does however, present an issue for the planning authority. Though residential use is acceptable on NC zoned lands, there is a concern that community uses such as a playground would be underprovided for. The planning authority see that apartment block 1 on NC zoned lands contravenes the objective to provide day to day community infrastructural needs for the area. The omission and replacement of apartment block 1 with a neighbourhood equipped play area of 1,000 sqm is sought.
- 12.2.4. Local residents are concerned that there is not enough facilities in the locality to support the scale of development proposed.
- 12.2.5. The applicant has prepared a Community and Social Infrastructural Audit, that sets out the variety of services within a 5-minute drive time catchment and 1 km buffer of the site. The Audit states that all the community facilities required by the County Development Plan are already available within 1km of the site, or within a 10-minute drive catchment of the site of the site. The types and variety of facilities are detailed in tabular format and located on a colour map. The applicant outlines engagement with Wicklow County Council Community Culture and Social Department, agreement was reached on the 244 sqm of community office/meeting space and the play areas proposed. The Audit concludes that there is ample community, educational and social infrastructure in the surrounding area of the site, the only deficit identified was meeting space and this is proposed in the neighbourhood centre.

- 12.2.6. I note the contents of the Community and Social Infrastructural Audit prepared by the applicant and the comments passed by the planning authority. On the day of my site visit I observed the variety of uses in the area from schools to leisure centre, employment and retail, the applicant's audit is useful in this respect. In particular, I noted the amount and size of public open spaces and informal unstructured play areas, that are plentiful in the area. I did notice the lack of formal playgrounds and MUGA facilities in the area and this is recognised and highlighted by the planning authority. I also note the lack of interconnectivity between open spaces, due largely to the unconnected and restricted access cellular nature of residential development currently in the area.
- 12.2.7. The proposed development will deliver a playground and MUGA facility and provide a permeable scheme that will be easily accessed from other estates. I do not agree that apartment block 1 should be omitted in order to provide a neighbourhood equipped area for play. A deficit in play space for different age groups can be accommodated within the site at a location to be agreed with the planning authority, if required. I am satisfied that the omission of apartment block 1 is unnecessary and does not contravene the zoning objective because the proposed development will deliver adequate levels of community infrastructure needs for the area and any play space deficit can be located elsewhere on the site.
- 12.2.8. SLO9 – the SLO seeks the comprehensive and coordinated development of the lands as a whole and the planning authority are satisfied that this is the case when taken in conjunction with the permitted scheme to the west. I agree with this approach. However, the planning authority consider that a condition should be attached to restrict the occupation of residential units until after the supermarket and other community uses are actually in use. Whilst this may be feasible for the supermarket development, that is currently under construction and unlikely to remain vacant, the same may not be the case for the smaller retail and community uses proposed by the applicant. In this regard, I think it appropriate to attach a condition that restricts occupation of the residential component of the scheme until after the neighbourhood centre uses are constructed rather than operational. Therefore, an appropriate phasing condition should be attached.
- 12.2.9. In terms of density, the planning authority note that the proposed residential density at between 64 and 73 units per hectare, is in excess of that envisaged by SLO9 in

the LAP but in accordance with national guidelines. No opposition is raised with regards to density. Local observers have raised significant concerns about the proposed density of the scheme and see it as out of character with existing traditionally low density development in the area. Given the neighbourhood status of the site, the array of facilities proposed and the availability of good bus services west and east of the site, I am satisfied that the proposed residential density is acceptable. Subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation and mixed use development is compatible with the stated objective for lands zoned R-Special (High Density) and Neighbourhood Centre in the LAP.

### **12.3. Residential and Visual Amenity**

- 12.3.1. The applicant has submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.
- 12.3.2. Dwelling Houses - The applicant has submitted a Schedule of Accommodation, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. The applicant has provided internal living accommodation that meets or exceeds the best practice guidelines. In most cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In some locations separation distances between rear elevations are just over 19 metres, however, narrow plan house types (such as B1, B2 and B3) provide landing and bathroom windows on the rearward facing first floor. To preserve privacy, bathroom windows should be fitted with obscure glazing. In other locations where the gable ends of some house types are closer, such as house type D, the gable is a blank facade and this is satisfactory.
- 12.3.3. In terms of private open space, garden depths are provided at between 6 and 15 metres, in most cases and according to the schedule provided by the applicant result

in a minimum of 70 sqm across all house types and up to 157 sqm in one case. In reality, the rear gardens associated with dwellings vary in shape and area and provide an ample amount of private amenity space. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

- 12.3.4. Apartments - The proposed development comprises 178 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in four blocks, five storeys in height, six including undercroft car parking beneath blocks 1 and 2 and to the north of the site duplex apartments of three storeys. The apartments are provided with external balcony spaces of private gardens, all to an acceptable space standard. The unit mix of apartments are uniformly distributed throughout the site and are provided with adequately sized public and semi-private open space and play areas.
- 12.3.5. Section 2 of the applicant's Statement of Consistency deals with national and regional planning policy and in this regard, apartment design and compliance with the relevant standards is evaluated. The applicant states that all of the apartments exceed the minimum area standard. The applicant has also submitted an Accommodation Schedule, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima.
- 12.3.6. Apartment units are a combination of dual and single aspect units. Single aspect apartments account for 50% of the units in blocks 1-4, generally have favourable orientations, with none receiving north light alone. The proposed development provides 13.5% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are 2.7 metres (upper floors are 2.4 metres) in height and a maximum of 8 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 12.3.7. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2

bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m. The applicant states that this has been achieved in all cases and has been demonstrated in the Accommodation Schedule for apartments submitted with the application. Apartments larger than the minimum standards by 10% amount to most of units provided, with all in excess of the minimum. The proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.

- 12.3.8. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 12.3.9. The applicant's Material and Detail Statement outlines the proposed materials for houses, duplex units and the apartment blocks. The predominant material choice is brick of varying shades with render panels to houses and the duplex units and steel panels for visual effect to blocks 1-4. The five storey apartment blocks also include a significant panel area of self coloured render. No design rationale is given for such a large area of render, which in my opinion will be prone to costly wear and staining over time. For that reason, areas of render on the apartment blocks should be omitted in favour of brick. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity, in broad terms the finishes proposed are acceptable.
- 12.3.10. Local Residents – I note that local observers have expressed concerns about the development of the site at the scale envisaged, and some strong opposition in relation to direct residential amenity concerns to residences at Mountainview Drive to the north. The planning authority have raised no significant issues in relation to

impacts upon the residential amenity of neighbouring property, however, a small number of units may present amenity issues and mitigation measures are suggested. In particular, the planning authority recommend the omission of units 47 and 48 and the space left over to be used as public open space associated with the pedestrian link. I do not agree, I am satisfied that duplex units 47 and 48 are a sufficient distance from the rear garden of 36 Mountainview Drive and any proposed windows will be fitted with obscure glazing. However, I note local concerns about the location and design of the proposed covered bicycle storage area beside units 47 and 48. Whilst these duplex units provide a moderate degree of passive supervision at ground floor level from a bedroom window, the bicycle storage unit constricts this pedestrian route and threatens the link's viability. A more suitable location for the covered bicycle storage area would be in place of car parking spaces 19, 20 and 21.

12.3.11. The four apartment blocks are well located to the south of the site and are some distance from existing residential units, no issues of residential amenity are to be found here.

12.3.12. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Deerpark, Heatherwood and Mountainview Drive housing estates.

12.3.13. Visual Amenity – Most observers are dissatisfied with the scale and design of the proposed development and are unhappy at the loss views in and around the area. I note that there are no protected views highlighted in the LAP for the area around SLO9 including the subject site. The proposed development will remove the existing open character of the Southern Cross Road and this is a positive thing. This void will be replaced with a new urban streetscape, a new neighbourhood centre and a significant proportion of a green route. Whilst this change in character is dramatic it is not unexpected given the land use zoning objective for the site. I am satisfied that the proposed street elevation is of interest and is sufficiently broken up so as not to present an impenetrable street wall. The undercroft car parking area is screened behind a combination of render, punched metal and vertical vegetation panels. The

choice of brick as the predominant building finish is suitably robust and attractive at this location. The new and improved public realm is responsive to the needs of pedestrians and cyclists, that it is hoped will avail of this route to and from locally available services. I am satisfied that the proposed development will bring a more urban character to the area that will in turn improve the quality of the Southern Cross Road as an urban street rather than a vehicle dominated road.

#### **12.4. Layout**

- 12.4.1. The street layout provides a large looped cul-de-sac arrangement for all 208 residential units. An access road is also proposed from Árd na Gréine to the supermarket car park currently under construction. Pedestrian and cyclist access is provided throughout the site and this is generally well positioned and overlooked by residential units. The planning authority are generally in favour of the layout proposed and raise no major opposition to overall principle of design. Local residents do have reservations about pedestrian connections and the proximity of some duplex units. Local opposition in terms of layout is mostly predicated on the frontage to the Southern Cross Road and the imposition of apartment blocks.
- 12.4.2. A major component of the Board's pre-consultation opinion revolved around the layout and the importance of connectivity. The initial drawings presented at pre-application consultation stage comprised a single access road from a four-arm roundabout, the doubling up of roads along Árd na Gréine and the lack of any frontage or engagement with the Southern Cross Road. The proposal now before the Board is quite different and addresses most of the issues raised. However, I still have concerns about the layout, some of which are detailed and addressed in section 12.5 of my report below.
- 12.4.3. In broad terms the current layout provides a good level of public and semi-public open space. In particular, the central spine of public open space intersected by the continuation of a planned green route from the west is positive. The east west green route provides an effective buffer between residential units and the large car park associated with the supermarket to the south. The semi-private communal space between apartment blocks, though compact, is appropriate to the scale of the apartment blocks and its north south alignment should mean a usable and comfortable space for future occupants.



- 12.4.4. The centralised street network proposed ensures that most houses front onto and address the street. Apartment blocks 3 and 4 either address the street and public open space and this is acceptable. Apartment blocks 1 and 2 sit on an undercroft car park and whilst not ideal for street front interaction, at least there is engagement with the Southern Cross Road and this is to be welcomed.
- 12.4.5. The street layout is acceptable and once connected to Árd na Gréine will provide good accessibility, I find the street dimensions are in excess of that advised by DMURS. In this respect I note the comments made by the applicant with regards to a DMURS Statement, however, I would classify the new access from the Southern Cross Road as a local street and so the standard total carriageway width should range from 5-5.5 metres not 6 metres as proposed. Even taking into account the extra manoeuvrability needed to exit perpendicular parking spaces along this route, DMURS is clear that carriageway width should not be increased. In this respect the street layout and dimensions should be adjusted to accord with DMURS parameters and street widths should not exceed 5.5 metres in this development.

## 12.5. **Traffic and Transport**

- 12.5.1. Traffic – most observers and local residents are concerned about the existing traffic situation in the area. Concerns centre around existing traffic congestion and likely increase to traffic volumes that existing and proposed development will bring. The change to traffic flows is also worrying and opposition is raised to the provision of a north south vehicular connection between the Southern Cross Road (SCR) and Boghall Road. The planning authority are not against the principle of connecting roads but are strongly against the design approach proposed by the applicant. The new entrance on to the SCR is seen as unsafe and unnecessary. The access from Árd na Gréine via a proposed car park has the potential to be unsafe and has not been adequately modelled or designed to cater for likely demand. All in all, the road layout and traffic plan advanced by the applicant is opposed by local residents and the planning authority.
- 12.5.2. The applicant has prepared a Transport Impact and Mobility Plan. The plan outlines the likely trip generation from the proposed development and the permitted shopping centre next door, the impact from traffic to the planned roundabout, Bray Retail Park and Vevay Road roundabout are also modelled together with zoned land to the east

of the site. The applicant admits that the trips generated by the proposed development will be significant, with increases of peak hour flows at the Bray Retail Park roundabout of 13% and increase of 12% at the Vevay Road junction roundabout. The report also states that for the purpose of modelling trip generation the relief offered by a vehicular connection to Árd na Gréine has not been included, as this route is for local traffic and should not be misused.

12.5.3. I find that the traffic impact to the local road network has not been underestimated by the applicant. It is inevitable that any development either of the scale proposed or of that previously permitted would without fail add to an already well used road network. The planning authority are keen to protect the carrying capacity of the SCR in the face of growing traffic volumes that originate locally and are also regionally generated. The anecdotal evidence provided by observers reinforces the impression that the SCR is a very busy road and at peak times congested. To be pragmatic, the SCR no longer performs the role of a regional road, it is very much an urban road, serving local traffic and zoned for development on both sides. As an urban road it is subject to the guidelines provided by DMURS and as an emerging commercial and residential neighbourhood, the SCR should adapt to this new role. I note the content of the Stage 1/2 Road Safety Audit prepared by the applicant, that identifies the issues presented by the existing character of the SCR and the design changes needed to facilitate the changing traffic patterns anticipated.

12.5.4. I am of the view that the addition of a new junction and access street to serve the development is logical and broadly in accordance with aims of DMURS that states traditional 'distributor roads' were designed to eliminate risk, promote free-flowing conditions for traffic and make streets safer. DMURS goes on to state that by limiting elements such as junctions and street frontage, the number of potential vehicular traffic conflicts/stoppages is reduced. Clearer sightlines and wide carriageways also allow for greater driver reaction time/error correction. Whilst this approach is sensible on isolated roads, within urban areas it can be counter productive as it may transfer risk to more vulnerable users. This is precisely the scenario along the SCR, that is now in transition and becoming urbanised as a neighbourhood centre, a place of employment and as a place to live. I appreciate that DMURS differentiates between the purpose of roads and streets and in this context I note the transition of the SCR (built to NRA DMRB standards) to an urban street catering for increased pedestrian

activity. It is within this context that the proposed scheme through the addition of a new junction onto the road will force a change in the character and role of the SCR. In addition, I am critical of recently permitted development to the west of the subject site for a four arm roundabout specifically to accommodate traffic flows and put vehicles ahead of the vulnerable road users contrary to the aims of DMURS. A four way signalised junction may have been a more appropriate design solution given the emerging urban character that is planned for the area.

12.5.5. I am satisfied that the new junction proposed by the applicant with the SCR is appropriate and subject to DMURS compliant design with respect to reduced junction radii will minimise traffic hazard. The signalisation of this junction may be appropriate given the existing traffic flows along the SCR and the difficulty of entering the flow of traffic. This is an issue touched on in the Road Safety Audit prepared by the applicant, further design work between applicant and planning authority is suggested. The problem of higher vehicle speeds diminishes as driver behaviour changes in response to the urbanising factors at work.

12.5.6. I am not however satisfied with the street arrangement planned for access to Árd na Gréine via the car park of permitted development currently under construction. I concur with the planning authority and their reservations that the car park design and likely traffic flows to and from the four arm roundabout have not been adequately modelled or designed for. In my view a more practical approach would be to move the proposed vehicular access junction 20 metres northwards and provide direct access with the inner loop street. This will involve the omission of units 33/34 and their replacement with units 31/32, in order to provide an active frontage to the new street extension.

12.5.7. Car parking – The applicant has proposed a combination of in-curtilage, on-street and undercroft car parking, the breakdown of spaces is as follows:

- 14 spaces for retail / community uses in association with the 178 spaces already granted permission to the west,
- 208 spaces for the apartments / duplexes and
- 60 spaces for the houses.

The planning authority note that there is an under provision of car parking spaces but acknowledge that current guidelines seek to reduce spaces where possible. I am satisfied that the quantum of car parking is satisfactory, given the greenfield suburban location of the site, moderately well served by public transport and with planned pedestrian and cyclist connections. I am slightly concerned at the preponderance of surface car parking spaces that align the eastern access street and I note the points raised in the Road Safety Audit. The road layout and landscape masterplan show a very small amount of build outs that separate on-street parking bays in an attempt to break up what will be a monotonous line of cars. I think more can be done to break up the surface car parking character of this street by increased built outs with tree planting at the expense of only a marginal reduction of spaces.

12.5.8. The planning authority raise slight concerns about the orientation and parking provision afforded to duplex units along Árd na Gréine. I do not share this concern and see no reason to provide additional car parking along Árd na Gréine as it would inevitably interfere with the effective use of the proposed green route that includes a cycleway.

12.5.9. Transport – The site is located with frontage onto the Southern Cross Road and with a proposed vehicular access to the Árd na Gréine Road, pedestrian and cyclist connections are also proposed. On the whole the planning authority are satisfied that the site is well connected and the quantum of development is appropriate, no strong commentary is offered with respect to public transport. Local residents are severely critical of the scale of development and the lack of bus services in the area. I take the view that the proposed development will deliver a permeable scheme that encourages pedestrian and cyclist connectivity, not just for the residents of the development but also for existing residents in the area. In this regard, I note the variety and number of community, commercial and employment opportunities in the vicinity and the ease of access either as a pedestrian or cyclist. Admittedly, there is at best a sporadic provision of services by public and private bus companies along the frontage with the SCR, but there are higher volume bus services to the north, east and west along the Boghall Road, R761 and Killarney Road respectively. The walking distances to these stops is not excessive, with a stop along Boghall Road to the north only 300 metres away.

## 12.6. **Drainage and flood risk**

- 12.6.1. The site is not located in an area identified for flood risk in the Bray LAP, and is not identified for flood risk on the OPW CFRAM flood maps. The planning authority state that a wayleave runs along the northern boundary of the site and this corresponds to an existing storm overflow pipe. The applicant intends to decommission this pipe and new infrastructure will be provided within the site to manage surface water. The planning authority agree in principle with this approach subject to meeting their technical requirements. Some residents outlined that there have been localised flood events in the past and concern is raised that proposed works to alleviate matters were not carried out in the past and that the proposed development will make matters worse.
- 12.6.2. The applicant has prepared a Civil Engineering Infrastructure Report, that includes a site flood risk assessment and surface water management proposals. The report acknowledges the historic existence of the Swan River (now culverted) across the site and the much changed and unconnected drainage character of the area. The existing 750mm surface water pipe will be decommissioned and drainage of the area has been designed against a rationalised layout. The applicant has incorporated sustainable urban drainage principles across two distinct catchment areas and run off rates will be restricted to greenfield run-off rates. Like the planning authority I am satisfied that the infrastructural proposals advanced by the applicant are reasonable and in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). I am satisfied that subject to meeting the technical requirements of the planning authority and agreement concerning the decommissioning of the existing 750mm storm overflow pipe, the surface water management proposals are acceptable.
- 12.6.3. In terms of water services, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this.

## 12.7. **Natural Heritage**

- 12.7.1. A number of observers have raised issues in relation to the loss of wildlife should the development proceed. The applicant has lodged an Ecological Impact Assessment and an Assessment on Badgers and Bat Fauna with the application. The reports identify that the site although of poor quality has the potential to support a varied spectrum of wildlife, including foraging routes for bats. Mitigation and enhancement

measures are proposed during the construction and operational phase of the development and ultimately the reports conclude that species will adapt to the suburban environment as it matures.

12.7.2. I note the concerns raised by observers, however, during my site visit I observed very little in terms of fauna on the actual subject site and this may have been to do with ongoing construction work alongside the site. In terms of the content of the Badgers and Bat Fauna Assessment and the Ecological Impact Assessment and their findings, I consider that the findings are pragmatic and the site has no special value in terms of unusual or rare flora or fauna in need of protection.

### **13.0 Recommendation**

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

### **14.0 Reasons and Considerations**

Having regard to:

- (a) the policies and objectives in the Wicklow County Development Plan 2016-2022 and the Bray Municipal District Local Area Plan 2018-2024;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (f) the nature, scale and design of the proposed development;
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received and
- (j) the report of the Inspector.

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 of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The street layout of the proposed development shall be amended as follows:

(a) Duplex units 33 and 34 shall be omitted and replaced by duplex units 31 and 32, the access from Árd na Gréine referred to in 2(b) below shall take the place of duplex units 31 and 32. The repositioned access road shall link Árd na Gréine with the internal loop street.

(b) The proposed vehicular access from Árd na Gréine shall be relocated 20 metres northwards and the amendments to the car park associated with planning permission reference number 18/1182 shall not be carried out. The supermarket car park shall not access Árd na Gréine. The green route proposal shall be carried out as indicated on drawing 6207-P2-003.

(c) The internal street network serving the proposed development, including service bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(d) To facilitate connectivity and permeability, the finished surface of all footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

(e) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

Revised drawings showing compliance 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 pedestrian and traffic safety, and in order to comply with national policy in this regard.

3. The proposed development shall be amended as follows:

(a) Surface car parking spaces 109-183 (inclusive) along the access street from the Southern Cross Road shall be redesigned to include an increased number of landscaped build-outs, to include appropriately scaled street trees. This will result in a net loss of car parking spaces.

(b) The covered bicycle storage area associated with duplex units shall be relocated to and take the place of surface car parking spaces 19, 20 and 21, the area that remains shall be landscaped and incorporated into the linear open space south of Mountainview Drive.

(c) The first floor bathroom windows associated with all house types D, B1, B2 and B3 shall be fitted with obscure glazing.



Revised drawings showing compliance 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 residential amenity of existing and future occupants and to encourage more sustainable modes of transport.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

6. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

7. (a) Selected colour render proposed for apartment blocks 1, 2, 3, and 4 shall be replaced with a brick finish.

(b) Details and samples of the materials, colours and textures of all the external finishes to the proposed development including, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

11. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

12. Water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) The phasing and decommission arrangements concerning the 750mm surface water pipe that runs along the northern portion of the site.

Reason: In the interest of public health.

13. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

14. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

16. 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.

17. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

18. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with

electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with 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 in July 2006.

Reason: In the interest of sustainable waste management.

21. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 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.

22. 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 noise management measures and off-site disposal of construction/demolition waste. The plan shall also provide an Invasive Species Management Plan to ensure there is no risk of contaminated material leaving the site and the appropriate authorities have been notified of the presence of Invasive Alien Species (IAS) on the site.

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

23. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

24. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

25. 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.

26. 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, public 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

23 October 2019