



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-308291-20

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| Strategic Housing Development | 564 no. residential units (96 no. houses, 468 no. apartments), childcare facility and associated site works. |
| Location | Former Bray Golf Club Lands, Off Ravenswell Road and Dublin Road, Bray, Co. Wicklow and Co. Dublin. |
| Planning Authority | Dun Laoghaire Rathdown County Council and Wicklow County Council |
| Prospective Applicant | Shankill Property Investments Limited |
| Date of Consultation Meeting | 15 th December 2020 |
| Date of Site Inspection | 26 th November 2020 |
| Inspector | Elaine Power |

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site is located at the northern boundary of Bray town centre. It has a stated area of 7.66ha and forms part of a larger landholding of 19ha, that was formerly Bray Golf Course. The lands are currently vacant.
- 2.2. The subject site is irregular in shape. The recently constructed Bray Golf Links (Road) is located along the southern portion of the site and is shown with the blue line boundary. This road provides a pedestrian and cycle link under the railway tracks to the town centre via Bray Harbour.
- 2.3. To the north it is bound the Woodbrook Glen, and the Rathmichael Stream which flows towards the Irish Sea, approx. 50m east of the site, to the south it is generally bound by lands within the ownership of the applicant, to the east by the railway line and to the west by the recently constructed Ravensdale Primary School, 2-storey housing on Croke Abbey and lands which are shown within the blue line boundary
- 2.4. Access to the site is available from Private Road that was constructed to provide access to school site to the west of the subject site. The route of the proposed Luas Green Line Extension to Bray is located to the south of the site.
- 2.5. There is an archaeological site comprising a linear earthwork (Ref. WI004 – DU026-124) running along the administrative boundary of Wicklow County Council and Dun Laoghaire County Council.

3.0 Proposed Strategic Housing Development

3.1.1. It is proposed to construct 564 no. residential units comprising 468 no. apartments and 96 no. houses. The site traverses the administrative boundaries of Wicklow County Council and Dun Laoghaire Rathdown County Council. The development would provide 283 no. residential units, 2 no. commercial units and a 668sqm creche on a 4.01 ha site within the administrative boundary of Wicklow County Council and 281 no residential units on a 3.65 ha site within the administrative boundary of Dun Laoghaire Rathdown County Council.

3.1.2. The following details as submitted by the applicant are noted:

| Parameter | Site Proposal |
|-----------------------|---|
| Application Site Area | Gross 7.66 ha |
| No. of Units | 564 no. |
| Density | 101 units per ha |
| Other Uses | Creche |
| Public Open Space | 2.16 ha |
| Height | 2- 8 storeys |
| Car Parking | 635 no. spaces (231 no. surface level and 404 no. basement level). |
| Bicycle Parking | 1,060 no. spaces (822 no. resident spaces and 238 no. visitor spaces) |
| Vehicular Access | Private Road to the south of the site |

3.1.3. The breakdown of unit types as follows: -

| Unit Type | 1-bed | 2-bed | 3-bed | 4-bed | Total |
|-----------|-------|--------|--------|-------|--------|
| Houses | - | 22 no. | 60 no. | - | 82 no. |
| Duplexes | - | - | 5 no. | 9 no. | 14 no. |

| | | | | | |
|-------------------|---------|---------|---------|-------|---------|
| Apartments | 176 no. | 242 no. | 50 no. | - | 468 no. |
| Total | 176 no. | 264 no. | 115 no. | 9 no. | 564 no. |
| % Total | 31.2% | 46.8% | 20.4% | 1.6% | - |

- 3.2. The proposed development comprises 4 no. blocks ranging in height from 3-8 storeys. Block 1A and Block 1B are located at the eastern boundary of the site with views over the Irish Sea, Block 1C is located on the southern boundary and Block 1D is located on the northern boundary. The 2/3 storey duplex units and the 2-storey houses are provided in a grid pattern on the western and central portions of the site, with the 3-storey elements located on the corners.
- 3.3. Block 1A accommodates 150 no. apartments in 3 no. blocks above podium level. The blocks are 7-storeys in height and are provided on the northern, southern and eastern elements. The western element of the block comprises 9 no. 3-storey townhouses. The units are arranged around a central communal garden on the podium level above 153 no. car parking spaces.
- 3.4. Block 1B is located to the south of Block 1A, it accommodates 170 no. apartments and ranges in height from 7-8 storeys. Due to the topography of the site apartments are proposed on the eastern elevation of the basement level. The block includes 2 no. commercial units with a total gross floor area of 295sqm on the southern elevation of the basement level and a residential amenity area over 2 no. levels with a gross floor area of approx. 200sqm on the western elevation of the ground and first floor levels.
- 3.5. Block 1C is located to the west of Block 1B, along the southern boundary of the site. It accommodates 63 no apartments, 5 no. 3-storey townhouses and a creche and café at ground floor level. The apartments are provided on the eastern and western elements of the block and are 5-storeys in height. The houses are provided on the southern element. 36 no. car parking spaces are proposed at podium level. The units are arranged around a central communal garden. This block would create a strong urban edge to the proposed Green Line Luas Extension. To the front (south) of Block 1C is a 'Market Square' – public open space which would provide a link from the proposed Luas Line to the underpass to the town centre.

- 3.6. Block 1 D is located in the north western portion of the site. It is a 5 storey block comprising 29 no. units. 18 no. surface level car parking spaces are proposed to the rear (north) of this block. This block would provide passive overlooking of Woodbrook Glen, located to the north of the site.
- 3.7. The scheme is designed around 8 no. character areas. A total of 27,083 sqm of open space is proposed, including 5,477sqm of communal open space.

4.0 Policy Context

4.1. *Bray Local Area Plan 2018 - 2024*

The southern portion of the site is located within the settlement boundary for Bray and is zoned Mixed Use with the associated land use objective '*to provide for mixed use development*'.

The appeal site also forms part of a larger area which has the objective SLO3 – Former Bray Golf Club which has the potential to deliver 1,000 residential units. The Plan states that it is an objective that this land be developed as a mixed commercial, residential, education / community facilities and open space zone. While only c. 5ha has been developed to date (schools / sports zone) there is an extant permission on the remainder valid until 2020. If this permission is not taken up the plan sets out a number of requirements for the development of the SLO3 lands, which are noted below: -

- *The lands shall be developed as a extension to the existing town centre and shall involve the creation of a number of new streets and squares, where pedestrians and non-motorised forms of transport have priority, where buildings front directly onto streets and squares with active, attractive ground floor frontage;*
- *The design, finishes etc of all buildings shall draw reference and inspiration from the existing traditional town centre and the development shall flow from 'old' to 'new' without jarring distortions of scale, format or design;*
- *Excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site*

between the Dublin Road and Bray seafront / the DART station and public walking route along the river;

- *Car parking shall generally to located under or within buildings; not more than 20% of the total overall parking provision required for the entire MU area may be located on open surface locations;*
- *The residential element shall generally be delivered in a high-density format with the target provision of 1,000 units in a variety of unit sizes and formats;*
- *Retail development shall be integrated into the development in a manner that flows from the existing retail core of the town and brings vitality and vibrancy to the streets and squares of the new development. Retail floor space (including retail services such as restaurants, hairdressers etc) of not less than 20,000sqm (of which a minimum of 10,000sqm shall be comparison floorspace) will be required;*
- *Non retail commercial floor space, such as offices, professionals services etc of not less than 5,000sqm shall be integrated into the development at both ground and above retail levels;*
- *The existing schools / sports zone shall be retained; excellent access shall be retained to the schools and associated sports facilities and such access shall avoid the need to bring traffic through new residential areas or town shopping streets;*
- *Not less than 2ha shall be developed as public open space;*
- *Any application shall include a detailed phasing programme that ensures the timely delivery of all elements of the SLO. In order to 'kick start' the development, a first phase of housing, being those units that are not integrated into the mixed use retail / commercial element, in conjunction with the public park, may be developed as a 'Phase 1' of the overall development, strictly on the basis of the remaining housing being delivered in tandem with the retail / commercial element.*

Objective BT2: *To promote and support the development of significant new retail, retail services, commercial and cultural / community floorspace in Bray, at the following locations:*

- the 'Florentine Centre'(see Objectives for 'Opportunity Site 1' to follow)

- Former Bray golf club lands (see Objectives for SLO 3)

Objective R05: *With respect to the major development area at the former Bray Golf Course, excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river.*

Objectives R1, R3, R14, CD1, CD2, CD3, CW1, CW2, RO7, R09, R10, FL1, FL3, B1, B2, GI1 are also considered relevant.

Schedule 10.14(b) and Map H2 of the LAP set out protected views and prospects. It is noted that there are no protected views within the site. however, there are 3 no. protected views in close proximity to the site, in this regard 2 no. views south and 1 no. view west.

4.2. ***Wicklow County Development Plan***

Bray is identified as a Metropolitan Consolidation Town in the settlement strategy. It is the largest town in the County and is located within a strategically important position within the metropolitan area and the eastern gateway of the county. It is a strong active town that provides a higher order economic and social function for its local residents and for residents from other surrounding towns and villages. The population of Bray is expected to increase from 29,339 in 2011 to 40,000 in 2028. This population increase would require an additional 5,378 residential units by 2028.

Table 2.8 notes there is a shortfall of zoned lands in Bray to accommodate the proposed population growth outlined in the core strategy. It is considered that a future LAP for Bray town and environs shall address the zoning shortfall in Bray.

Section 4.3.2 – Zoning sets out guiding principles for the zoning / designation of greenfield land for new housing. Section 4.3.4 – Densities notes that it is an objective of the Council to encourage higher residential densities at suitable locations,

particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity such as town and neighbourhood centres.

Objective HD13 Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.

Objective HD15 Within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows (this requirement does not apply to apartment only developments).

Objective NH 1: To ensure that the impact of new developments on biodiversity is minimised and to require measure for the protection and enhancement of biodiversity in all proposals for large developments.

The following are also considered relevant, Settlement Strategy Objectives SS1, SS3, SS4 and SS5, Housing Objectives HD1, HD2, HD3 and HD5, Archaeology Objectives BH1, BH2 and BH3. Chapters 9: Infrastructure, 10: Heritage and Appendix 1: Development Design Standards are also considered relevant.

4.3. ***Dun Laoghaire Rathdown Development Plan***

The northern portion of the site is located within the administrative boundary of Dun Laoghaire Rathdown. This portion of the site is zoning 'Objective A' with the associated land use objective '*to protect and-or improve residential amenity*'. A small portion of land located along the northern site boundary is zoned 'Objective F' with the associated land use objective to '*preserve and provide for open space with ancillary active recreational amenities*'.

There is a national monument located within the site which comprises a linear earthwork (Ref. WI004 – DU026-124), which may form part of the Pale Ditch and runs along the administrative boundary between Wicklow County Council and Dun Laoghaire Rathdown County Council. There are 7 no. further recorded archaeological sites within 500m of the subject site.

Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.

Section 1.2.5 of the Plan states 'in addition to the major parcels of zoned development land above, the ongoing incremental infill and densification of the existing urban area will generate, overtime and on a cumulative basis, relatively significant house numbers'

Of particular relevance is **Policy UD6: Building Height Strategy**: - 'It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County'.

Chapter 2: Sustainable Communities, Chapter 8: Principles of Development and Appendix 9: Building Height Strategy, Policy RES3: Residential Density, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design, Architectural Heritage Objectives AH1 and AH2 and Section 8.2.3: Residential Development are also considered relevant.

4.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 - 2031**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Bray is located on the north-south corridor, which is located on the Dart. It is envisioned that this corridor could accommodate a total population increase of 51,000. Lands at the former Bray Golf course are identified for development of new residential communities

With regard to infrastructure Table 5.1 notes that a short to medium term aim is for high capacity bus to Bray and water and wastewater upgrades. It is a long-term aim to facilitate LUAS extension to Bray.

The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

4.5. **National Planning Framework (2018)**

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: 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.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density 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.

4.6. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

5.0 **Section 247 Consultation(s) with Planning Authority**

5.1. **Wicklow County Council**

It is stated by the prospective applicant that a formal pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 22nd July 2020. A summary of the consultants is outlined below: -

- There is an extant permission on the site. Comparison of the proposed development to that previously approved. Indicate compliance with Objective

SLO3 and justify the proposed density, having regard to the proximity to public transport.

- A phasing strategy is required to ensure adequate social infrastructure to accommodate the development.
- Concerns raised regarding the impact of the proposed height of Block 1B on areas of open space. A shadow analysis is required.
- Noted that an EIA is required.
- The visual impact of the development should be assessed, in particular from Bray promenade.
- High quality durable materials are required having regard to the high visibility and coastal location of the site
- Part V proposals should be clearly indicated in the application
- Hard surfaced area for Market Square is not considered to meet the public open space requirement. The approach to open space needs to be justified.
- Concerns regarding surveillance of open space along the eastern site boundary.
- Concerns regarding the capacity of the surrounding road network. It was not envisioned that the access road would serve these lands. Car parking strategy is required.
- Need to maintain a public walkway through open space to the south as a link to walkway along the River.
- Layout should highlight the alignment for the proposed public transport Bridge. Development contribution with regard to this public infrastructure.
- A DMURS compliance statement is required.
- A drainage strategy is required

Full details of the meetings are included in the planning authority's submission.

5.2. ***Dun Laoghaire Rathdown County Council***

It is stated by the prospective applicant that a formal pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 12th August 2020. A summary of the consultants is outlined below: -

Concerns regarding the capacity of the surrounding road network. Demonstrate that there is capacity within the public transport network to accommodate the proposed development.

- This is a sensitive site, within 500 of a coastal zone. Consideration of the proposed height with regard to Appendix 9 of the development plan.
- Concerns regarding the relationship between Block 1A and the open space to the east.
- Assessment of existing capacity of childcare facilities is required.
- Ensure there is no development within lands zoned 'F' – Open Space
- Clarify if Bring Centres would form part of the application.
- A site-specific Flood Risk Assessment is required
- The National Monument on site should be clearly integrated into the development.
- Archaeological potential of the site needs to be addressed
- Linkages to the east, towards the East Coast Cycle Trail should be incorporated into the design.
- Clarity on how the open space along the eastern boundary is accessed and whether it would be publicly available
- Further detail on public lighting is required.

Full details of the meetings are included in the planning authority's submission.

6.0 Planning History

Subject Site

PL39.230246: Permission was granted in 2010 for the demolition of 4 no. houses and the construction of a mixed use development comprising 603 no. residential units with 57,967sqm retail, 5,797sqm office, 8 screen cinema, 103 bed hotel, 6 no. bars, 11 no. restaurants, 2 no. creches, a doctor's surgery, a dentist surgery, community building, GAA pitch.

Extension of duration expires in 2025.

PL06D.230215: Permission was granted in 2010 for mixed use development comprising demolition of existing structures and construction of 348 no. residential units, a retail unit and a café and service infrastructure.

Permission has expired.

Surrounding Sites

PL06D.244874, Reg. Ref. D15A/0112: Permission was granted in 2015 for an access road to serve schools within the former Bray Golf Club lands.

7.0 Submissions Received

Irish Water: noted that to facilitate this connection to the public water network significant upgrades are required, these include but are not limited to the replacement of approx. 450m of existing watermain, in addition approx. 190m is required to connect to the existing network. The applicant be required to fund these upgrades.

With regard to wastewater it is noted that a connection is feasible subject to the completion of the Old Connaught Local Network Reinforcement Project, which is on the current Capital Investment Plan. The estimated time of completion for this project is Q2 2023.

8.0 Forming of the Opinion

8.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

8.2. *Documentation Submitted by Applicant*

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included the following: SHD application form, letter of consent from the landowner, Planning Report and Statement of Consistency, Architectural Design Statement, Harbour Point Masterplan, DMURS Statement, Transport Statement, Landscape Design Strategy, Daylight and Sunlight Assessment, Balcony Assessment and Historical Weather Data Analysis, Flood Risk Assessment, Flood Risk Technical Note, Infrastructure Statement, Engineering and Energy Report, Appropriate Assessment Screening Report, Operational Waste Management Plan, Outline Construction Waste Management Plan, Archaeological and Built Heritage Assessment, Tree Survey Report, Building Lifecycle Report, Childcare Demand Analysis and Photomontages / verified Views

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

I have reviewed and considered all of the documents and drawings submitted.

9.0 **Planning Authority's Submissions**

9.1. ***Wicklow County Council***

In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Wicklow County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 28th October 2020.

Wicklow County Council's written opinion includes minutes of a pre-planning meeting, planning history, policy context, interdepartmental reports and an assessment of the proposed development. The content of the report is summarised as follows:

Core Strategy and Settlement Strategy: The number of units is acceptable having regard to the targets outlined for the settlement in the core strategy. The development complies with the strategic objectives relating to the overall development strategy and

to the promotion of sustainable land use and transportation as set out in the LAP and development plan.

Phasing: The River Quarter as shown in the Masterplan is closer to the town centre than the subject site, Coastal Quarter. On this basis the proposal is not in accordance with the phasing policy of the LAP. However, the particular phasing objectives set out in Objective SLO3 allow for the development of housing in conjunction with a public park.

Zonings: The proposed uses are in accordance with the land use zoning objective (Mixed Use). The Masterplan indicates that Phase 2 can accommodate approx. 700 residential units, 20,000sqm retail and 5,000sqm commercial, a public park, public transport bridge and a southern access road. The overall site can accommodate all the uses for which this SLO area is zoned for.

Objective SLO3: The development is generally in compliance. However, the proposal to develop the housing in absence of the 2ha public park is not in line with the objective. In addition, the applicant shall ensure that no more than 20% of car parking is provided on open surface location.

Density: The suitability of the site for high rise apartments and the proposed density requires consideration. Objective R2 seeks a density of not less than 50 units per ha. The site is located c. 840m from the DART station and c. 750m to the bus corridor.

Housing Mix: considered acceptable. Objective HD16 requires the provision for bungalows. However, given the nature of the development bungalows would not be required in this instance.

Visual Impact: No objection to the visual impact of the development

Flooding: A portion of the southern site boundary is within Flood Zone A. Due to the River Dargle Flood Defence Scheme was completed in 2017 the applicant has considered the southern portion of the site to be classified as Flood Zone B. this requires consideration. Lands located in Flood Zone A require that a justification test be carried out.

Transport and Accessibility: Objective R09 seeks to provide a greenway along the northern side of the River Dargle, linking to the Harbour via an underpass. This is provided for within the scheme.

The linkages are provided within and through the site are acceptable and in accordance with Objective R05.

The impact of the development on junctions and capacity of the road network needs consideration. The assessment should include the overall masterplan area and indicate how the scheme is consistent with the measures outlined in the Bray Transport Plan.

The vehicular access from Ravensdale Road was considered temporary at the time that permission was granted for the schools (adjoining site). It was not envisioned that this road would serve a major development.

Childcare: If the 1-bed apartments are removed from the calculations there is sufficient capacity within the proposed creche. The applicant should consult with the Wicklow Childcare Committee to ascertain their requirements.

Quality Design and Amenity for Future Residents: the applicant shall indicate that the quality of the design is satisfactory. The open space located between the railway link and the apartment blocks is attractive, well supervised and active. The finish and treatment of the eastern elevations and landscaping proposals require careful consideration, in order to avoid a 'tunnel' effect within this open space.

Car Parking: Car parking proposals are not in accordance with development plan standards. It is noted that the plan does allow for relaxation of standards at locations where public transport and parking restrictions are available.

Non-Residential: Clarification on the proposed uses of the commercial units is required and suitability of its provision at basement level. The general approach of the non-residential uses along the southern boundary, in proximity to the underpass is welcome. Consideration should be given to the omission of residential units at the ground floor of Block 1C and provide access to the creche and café from market square.

The proposed 'landmark' building to the south of the site does not form part of this application. It would provide for mixed use commercial use and would be a hub of activity within the overall development. Consideration should be given to including this block within the development to ensure a cohesive and integrated development.

Drainage: Consideration should be given to the location of attenuation tanks within flood zone areas and close proximity to a river.

Archaeology: Need to ensure protection of the national monument within the site.

Part V: The applicant has had pre-planning discussion with the Housing Department. There is a requirement for 28 no. units. The preference would be for houses.

The Planning Authority considered that the following matters require further consideration: -

9.2. **Dun Laoghaire Rathdown County Council**

In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 23rd October 2020.

Dun Laoghaire Rathdown County Council's written opinion includes a description of the proposed development, planning history, policy context, departmental reports and an assessment of the proposed development. The content of the report is summarised as follows:

Principle of Development: The principle of residential infill development at this location is acceptable.

Density: Having regard to the context of the site, and proximity to public transport the proposed development is generally compliant with the development plan and national guidance.

Building Heights: Proximity of the blocks to the coast could unduly impact on the visual amenity of the coastal environment. Proximity of Block 1D to the northern

boundary would unduly impact on the adjoining residents. The height of the duplexes and houses is generally considered acceptable. The proposed building heights require further consideration.

Policy UD1 requires that all design is of high quality. Further consideration is required of the proposed north west corner of the development.

Housing Mix: Is considered acceptable.

Residential Standards: No objection in principle. There are discrepancies between the drawings and the text provided. With regard to dual aspect units. The internal layout drawings should include dimensions / sizes to allow for a full assessment and consideration of all units. Details of proposed screening / treatments of balconies and terraces should also be provided.

Clarity is also required regarding the proposed number of houses / duplex units.

The development plan requires 75sqm of private open space for 4-bed units. The open space provision for House Types H5 does not achieve the minimum standards.

Design and Massing: Generally acceptable in principle.

Having regard to the transitional zoning objectives, the proposed separation distances and potential impact on residential amenity consideration of the layout of the proposed apartment elements is recommended.

External Finishes and Elevations: Having regard to the coastal location of the site, durable materials should be well considered. Additional photomontage and CGI's relative to the existing built form would be advisable. A Landscape Visual Impact Assessment would be welcomed.

Residential Amenity: Potential negative impact on existing adjoining residential properties.

Permeability: The principle of proposed access routes and public realm spaces access the site and proposed connections to the existing pedestrian and cyclist links are considered acceptable subject to the orderly management of same.

Open Space / Public Realm: The provision of open space is in accordance with development plan standards and national guidance.

Sunlight and Daylight: it is recommended that shadow cast analysis images be included for 21st March, 21st June and 21st December.

Childcare: it is noted that no details of existing childcare provision were submitted. The applicant should ensure that adequate provision is provided to serve the proposed development.

Built Heritage: A portion of the lands is identified as an archaeological site (DU-026-124: Linear Earthwork – Possible Site). This area has informed the layout of the scheme and would be used as open space. The contents of the Archaeological and Built Heritage Assessment are noted.

Drainage: In sufficient details have been submitted to full assess the application. A number of issues relating to site investigation details, green roof areas, attenuation storage and run-off, details pertaining to interception and treatment volumes and calculations, plans and particulars and site-specific flood risk assessment are outstanding. The applicant is revised to review the contents of the Drainage Planning Report.

Transportation: There are a number of issues of concern, including car parking provision; EV infrastructure; bicycle provision and typology; capacity of surrounding road network; provisions of the Bray Transportation Study; pedestrian and cycle links; road alignment with reference to DMURS; refuse vehicular movements; mobility management; and construction management details. The applicant is advised to review the contents of the Transportation Planning and that details of all finished surface of all routes should be provided.

Parks and Landscaping: The quality and quantity of open space is considered acceptable in principle.

Taking in Charge: The specifics of areas to be taken in charge should be provided in detail. This is particularly relevant for proposed pedestrian and cycle links from and through the development.

Part V: It is proposed to provide 56 units across the entire site, 29 units would be located within the administrative boundary of Dun Laoghaire Rathdown.

Waste Management: The contents of the Outline Construction Waste Management Plan and Operational Waste Management Plan are noted.

Having regard to the scale of the development the applicant should consider the potential to provide a local bring centre element as part of the scheme.

Other Issues: It is noted that there are some discrepancies in the drawings submitted including the location of doors. These should be removed and clarified prior to lodging an application.

It is noted that the eastern site boundary would be located in excess of 30m from an overhead power line.

EIAR and AA Screening: It is noted that an EIAR would be submitted with the application.

It is noted that it is not intended to submit an NIS.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place via a Conference Call on the 15th December 2020, commencing at 15.30. Representatives of the prospective applicant, both Planning Authorities and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

10.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Settlement Strategy – core strategy, phasing, Objective SLO3 of the Wicklow County Development Plan
2. Development Strategy – height, density, scale and massing, materiality, permeability
3. Open Space
4. Childcare Provision / Social Infrastructure
5. Water Services – flooding and drainage

6. Transportation and Car Parking

7. Any Other Matters

Item 1: In relation to the **Settlement Strategy** set out in the Wicklow County Development Plan 2017 – 2023 and Objective SLO3 of the Bray Local Area Plan, ABP representatives sought further elaboration / discussion / consideration on the following:

- Rationale for the proposed development having regard to the phasing principles set out in the Bray LAP and the justification for this development site above the Harbour Quarter site, which is within the ownership of the applicant and sequentially closer to Bray Town Centre.
- Rational of the proposed development having regard to the number of units allocated to Bray in the Wicklow County Development Plan and to the site in the Bray LAP.
- Consideration of the phasing of the development having regard to the proposed number of units, the mix used zoning objective on the southern portion of the site and the provision of adequate social infrastructure to support the development.
- Consideration of the inclusion of the 'Landmark Building' identified within the Masterplan and the mixed-use zoning objective of the southern portion of the site.
- Rationale for the provision of open space within the scheme having regard to Objective SLO3 of the Bray LAP to provide a '2 acre' area of public open space on the overall lands.
- Consideration of any material contravention of the Development Plans or the Bray Local Area Plan.

Item 2: In relation to the **Development Strategy**, ABP representatives sought further elaboration / discussion / consideration on the following:

- Rationale for the proposed building height and density of the scheme and the visual impact at this coastal site. Consideration of the impact of height of Block 1D on the Open Space zoning objective 'F' to the north of the site.
- Rationale for the scale and massing of Block 1D and the potential negative impact on the adjoining existing residential estate of Corke Abbey.

- Rationale for the design and layout of Block 1C, which provides for 3-storey town houses along the southern site boundary, fronting out onto Market Square and the future Luas Line. Consideration of relocation of the café and creche unit to front onto the Market Square to provide a strong urban edge.
- Consideration of the relationship between the area of public open space to the east of Blocks 1A and 1B and the ground floor residential units.
- Rationale for location of commercial units at basement level and consideration of the proposed uses within these units.
- Rationale for the location of a car park along the southern site boundary and the potential negative impacts on the public realm.
- Consideration of the proposed elevational treatments and external materials / finishes having regard to the coastal location and the requirement for durable materials.

Item 3: In relation to the proposed level of **Open Space** associated with the apartment units ABP representatives sought further elaboration / discussion / consideration on the following:

- Justification / rationale for open space provided having regard to Objective SLO3
- Rationale for the 'Coastal Garden' located in the south east portion of the site having regard to its relationship to the overall development and the future 'Landmark Building'. Consideration of the active and passive uses within this space and potential anti-social behaviour having regard to the lack of surveillance and proximity to a high boundary wall with the railway line.
- Consideration of open space at the 'Market Square' differentiating between areas of hard and soft landscaping.
- Justification for 'The Orchard' and the area of private open space and car parking and its impact on open space provision and the public realm.
- Consideration of the visual impact of the podium level car parking and the area of public open space to the east of Blocks 1A and 1B.
- Justification for the proximity of Block 1D to the area of open space to the north of the site which is Zoned 'F' and the impact of the development on this transitional zone, as identified in the Dun Laoghaire Rathdown County Development Plan.

Item 4: In relation to childcare provision / social infrastructure, ABP representatives sought further elaboration / discussion / consideration on the following:

- Justification for the proposed capacity of the creche having regard to the housing mix proposed on site and the capacity of existing facilities within the surrounding area.
- Consideration of the capacity of social infrastructure within Bray and the requirement for uses within the scheme to accommodate the number of residential units proposed.

Item 5: In relation to the **Water Services**, ABP representatives sought further elaboration / discussion / consideration in relation to:

- Clarification of Irish Water infrastructure located underneath 'The Orchard' in the south west portion of the site and its potential negative impact on the development of the site. Consideration of the relocation of this infrastructure.
- Clarification of the flood defence works along the River Dargle, to the south of the development site and the impact of these works on the development potential of the site.
- Clarification of potential pluvial, fluvial and tidal flooding and the location of flood zones within the site.
- Justification of the location of attenuation tanks within flood zones
- Consideration of the need for attenuation within the site and further discussion of the proposed drainage network within the site and its impact on potential flooding.
- Consideration of the report from Irish Water regarding the capacity of the wastewater network and upgrades that are required to facilitate the development.

Item 6: In relation to the **Traffic and Car Parking**, ABP representatives sought further elaboration / discussion / consideration in relation to:

- Clarification of the existing access to the site and legal right of way / ownership of the surrounding road network.
- Clarification on the operation of the pedestrian / cycle link via the underpass to the east of the site.

- Consideration of future public transport infrastructure within the vicinity of the site and ensure that the proposed development does not impede development.
- Consideration of the impact of traffic generated by the development on the surrounding road network and ensure the information provided in the traffic assessment is robust.
- Consideration of the objectives outlined in the Bray and Environs Transport Study
- Consideration of the cumulative impact of the proposed development and the overall masterplan area.
- Consideration of access for emergency vehicles
- Rationale for the proposed level of car parking having regard to the proximity to existing and proposed public transport infrastructure and the potential negative impact of surface level car parking on the public realm, in particular the surface car park proposed at 'The Orchard' along the southern site boundary.

Item 7: In relation to the ***Environmental Considerations***, ABP representatives sought further elaboration / discussion / consideration in relation to:

- Clarification on the timeframe for the application for the 'landmark building' located to the south of the subject site and the requirement for an EIAR to be submitted for this development. Consideration of the cumulative impact on the proposed development and the future / concurrent application for the 'landmark building'.
- Consideration of any potential impacts generated by the development on any designated sites in relation to AA.

10.3. The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 308291' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

11.0 Conclusion and Recommendation

- 11.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 11.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the Section 28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 11.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **requires further consideration and amendment in order to constitute a reasonable basis** for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 11.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

12.0 Recommended Opinion

- 12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and

amendment in order to constitute a reasonable basis for an application under section 4.

12.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and amendment to constitute a reasonable basis for an** application for strategic housing development to An Bord Pleanála.

Design and Layout

1. Further consideration / amendment or justification of the design and layout of Block 1C to provide a strong urban edge for the development, in particular the ground floor uses on the southern elevation which front onto the 'Market Square' and future potential Luas Line.
2. Further consideration / amendment or justification of the scale and bulk of Block 1D having regard to the residential amenities of the adjoining properties and the visual amenities of Woodbrook Glen and the open space zoning objective of lands located to the north of the site.
3. Further consideration / amendment or justification of the proposed surface level car parking at 'The Orchard' along the southern site boundary, having regard to the proximity to existing and proposed public transport infrastructure and the potential negative impact of surface level car parking on the public realm.

Water Services

4. Further consideration of the relocation of Irish Water infrastructure located underneath 'The Orchard' in the south west portion of the site having regard to its potential negative impact on the development potential of the site and the public realm. In the event that the infrastructure is not to be relocated then a justification should be submitted at application stage that seeks to address, inter alia, the potential negative impact on the development potential of the site and the public realm at this location.
5. Further consideration / amendment or justification of the design of the storm water management proposals, including the location of attenuation tanks,

having regard to existing underground infrastructure within the site and to all available flood maps / information regarding the potential for pluvial, fluvial and coastal / tidal flood risk within the site. A site-specific Flood Risk Assessment should be submitted. Further consideration of the concerns raised in the report of Dun Laoghaire Rathdown County Councils Drainage Planning Section dated 12th October 2020 and concerns raised under the Drainage section of Wicklow County Councils written opinion dated 28th October 2020.

6. Further consideration / amendments of the documents as they relate to foul water drainage proposals to service the development. The documents should provide details of necessary upgrade works required to facilitate the development to include, *inter alia*: plans and particulars, having regard to the wastewater network constraints raised by Irish Water in their report dated 22nd October 2020.

Transportation

7. Further consideration of the documents as they related to access and emergency access to the site. Clarity is to be provided concerning who is to deliver the proposed road network; the status of any planning and other consents required to deliver the infrastructure; the timelines involved in the delivery of the required infrastructure in the context of the proposed strategic housing development. Further consideration of the concerns raised in the report of Dun Laoghaire Rathdown County Councils Transportation Planning Section dated 13th October 2020 and concerns raised in the report of Wicklow County Councils Roads Section dated 15th October 2020.

12.3. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information** should be submitted with any application for permission:

1. A report that addresses and provides a clear 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.

2. A report that addresses and provides a justification for the proposed housing mix.
3. A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
4. 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.
5. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
6. Childcare demand analysis, including but not restricted to the justification for size of the proposed crèche, having regard to the existing childcare facility in the vicinity of the site, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.
7. School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
8. A landscape and permeability plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces, areas to be gated and proposed boundary treatments, in particular the eastern boundary at the interface with the railway line.
9. Submission of a Traffic and Transport Assessment, including a quality audit of the junctions and road network between the proposed entrance and Castle Street / Dublin Road. The audit should include details of the capacity of the surrounding road network and the impact of the proposed development, details of available sightlines, pedestrian and cycle facilities and recommendations for potential improvements to the public road, if required.
10. Submission of an Archaeological Impact Assessment.
11. 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, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Department of Education and Skills
2. Irish Water
3. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
4. The Heritage Council
5. An Taisce
6. The Commission for Railway Regulation
7. Iarnrod Eireann
8. Transport Infrastructure Ireland
9. Wicklow County Childcare Committee
10. Dun Laoghaire Rathdown Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the

Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Elaine Power
Planning Inspector

1st February 2021