



An
Bord
Pleanála

Inspector's Report ABP-309613-21

Development

Demolition of single storey house to North-East of the site. The change of use of existing first, second and third floors from retail/ commercial use to residential/ apartment use, comprising of 28 new apartment units. The construction of 2 new extra floors above existing building, comprising of 14 apartments. New 6 storey extension to the North-East corner of the site, comprising of 12 apartments with new pedestrian entrance to rear of building. The proposed development provides for 54 residential units. The reconfiguration of existing development and all associated site works.

Location

Ravenhall, Dublin Road, Bray, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

20403

Applicant

Bravenhall Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Observers

None

Date of Site Inspection

19th May 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.37 hectares, contains a single-storey detached cottage which faces onto the south western side of the Dublin Road and a large four storey commercial building, with ground floor retail units and commercial uses over, which addresses the north western side of the Upper Dargle Road, all to the north west of Bray town centre in County Wicklow. An access road to the south west of the commercial building provides access to a surface car park to the south west of the site.
- 1.2. Although the site is located within an urban area, there is a significant amount of undeveloped/ low intensity developed sites adjacent to the subject lands. Surrounding land uses include light industrial development to the north west, residential in the form of apartments to the south west, and educational to the east on the opposite side of the Dublin Road. St Patrick's Square, a cul-de-sac of terraced houses is located to the south east. To the north of the single-storey cottage is a yard area behind a boundary wall and beyond that are a pair of semi-detached houses. This yard contained building materials on the day of the site visit, as well as evidence of fly-tipping.
- 1.3. The Dublin Road rises from the south east, from the bridge over the River Dargle to the north of Bray Main Street, whereas the Dargle Road falls from its junction with the Dublin Road. The existing building appears to have been built not the hillside as the car parking to the rear/ south west is accessed by a relatively steep driveway. A large area of open space which is under grass is located between the Dargle Road and the car park accessway, however this is not useable as open space due to the steep slope of this piece of ground.
- 1.4. The site is located approximately 1.35 km to the south east of Main Street, Bray and just over 1 km to the south east of Bray railway station which serves also as an interchange with a number of different bus routes/ bus operators. There are a number of Dublin Bus and Go-Ahead Ireland bus routes passing the site with bus stops in close proximity. Bus services are available to Dublin City Centre, to Bray town centre/ railway station and to a number of destinations in north Wicklow from the Dublin Road bus stops. Bus services on the Dargle Road are by Bus Éireann route 133 to Wicklow and Go-Ahead Ireland route 185 to Enniskerry.

2.0 Proposed Development

The proposed development consists of the following:

- The demolition of a 50 sq m, single storey cottage to the North East side of the site.
- The change of use of existing first floor from retail / commercial use to residential / apartment use, comprising of 10 new apartment units.
- Change of use of existing second floor from retail / commercial use to residential / apartment use, comprising of 10 new apartment units.
- Change of use of existing third floor from retail / commercial use to residential / apartment use, comprising of 8 new apartment units.
- Construction of 2 new extra floors above existing building, comprising of 7 new apartments per floor totalling 14 apartments.
- The construction of a new 6 storey building as an extension to existing building to the North East corner of the site, comprising of 2 new apartments per floor totalling 12 apartments with new pedestrian entrance to rear of building.
- The reconfiguration of existing internal and external car parking areas to cater for existing and proposed development.
- Alterations to existing services to provide connections to proposed apartment units; all together with associated site works, new boundary wall to North East of building, new refuse storage facilities, cycle parking and drainage connections necessary to complete this development.

The proposed development of 54 units on a site area of 0.37 hectares provides for a density of 146 units per hectare.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission, following the receipt of further information, subject to two reasons as follows:

1. 'The proposed development would materially contravene the development and design standards of the County Development Plan because the scale of the

development proposed materially exceeds the permitted density (maximum plot ratio) envisaged for these lands located at edge of centre location and which are zoned Neighbourhood Centre under the Bray Municipal District Local Area Plan 2018 – 2024.

Therefore the proposed development would be contrary to the objectives of the Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016 – 2022 and would be contrary to proper planning and sustainable development.

2. The proposed development would contravene the development and design standards of the County Development Plan because the quantum of car parking spaces proposed for this scheme fall below the standards set out in the County Development Plan 2016 – 2022 and because the applicant has failed to adequately justify a relaxation of this standard.

To allow this development to proceed in the absence of adequate car parking would be contrary to the amenities of future occupants and to proper planning and sustainable development’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision refuse permission for the development in accordance with the issued reasons. Further information was sought in relation to clarity on the size of floor areas the site area, clarity on what encompasses the site area, details on plot ratio/ site coverage for the existing/ proposed phases of development and details on the vehicular access to the industrial units to the rear of the site.

The applicant was also requested to reconsider the plot ratio, to demonstrate that the development will integrate with the area, demonstrate compliance with the apartment guidelines, provide additional traffic/ bicycle/ public transport details, provide additional surface water information and to provide additional details on the interaction between the extended building and adjoining boundaries.

The further information response proposed a reduction in unit numbers from 54 to 51 as follows:

Original Proposal		Revised Proposal	
One Bedroom	4	One Bedroom	6
Two Bedroom	50	Two Bedroom	45
Total	54	Total	51

In summary the following details were provided at further information stage:

- Site areas and schedule of areas were provided. The site area is clarified to be 0.37 hectares and the yard to the north west of the site is required as a fire escape route for the 'Yippi Trading' business. It is proposed that an access be provided here to the laneway to the rear of the site.
- Site ratio is 2.12 and site coverage is 32%. Acknowledged that this exceeds the requirement of the Wicklow County Development Plan, but this is an infill development/ reuse of a commercial building.
- Traffic/ transport details are provided in the Traffic & Transport Assessment prepared by Aecom. Traffic impacts would be minimal on the local network. Full details on car parking etc. are provided. Contact has been made with the Bus Connects design team in relation to the upgrade works in the vicinity of the site.
- A Landscape Visual Impact Assessment Report has been prepared by Parkhood. Combined with the Architectural Design Statement and Planning Report, this demonstrates how the development will integrate into its setting.
- A detailed assessment of sunlight and daylight impact was reviewed by Chris Shackleton Consulting – Sunlight and Daylight Assessment report.
- Alterations have been made to the building layout and elevational treatment – northern elevation has been revised to animate this side.
- 54% of the units are now dual aspect.
- A communal south facing open terrace of circa 550 sq m is now provided.
- The Housing Quality Assessment demonstrates that the development is fully compliant with the requirements of the Apartment Guidelines 2018 in relation to storage.

- Revised refuse storage proposals have been provided.
- Drainage details are provided in a report prepared by Aecom.

The Planning Authority Case Officer considered that the revised design was an improvement in terms of design, but the development would contravene the development and design standards of the Wicklow County Development Plan. In addition, the shortfall in car parking has not been addressed.

3.2.2. **Other Technical Reports**

Chief Fire Officer: No objection subject to conditions.

Bray Engineer's Planning Report: The development is premature pending the finalising of Bus Connects proposals for the Dublin Road and Upper Dargle Road. Insufficient surface water drainage details have been provided. Insufficient traffic impact, parking or disabled access assessment have been provided. The lack of a suitable site plan results in uncertainty as to the extent of the site layout.

Senior Engineer Roads: Request that a detailed car parking and bicycle parking report be provided. Clarity sought on the capacity of the junction of Dublin Road and Upper Dargle Road – this depends on the Area Engineer clarifying this, car parking details are not acceptable (County Development Plan provides for minimum not maximum parking provision) and revised bicycle parking details are acceptable.

Housing Directorate: No objection.

Water & Environmental Services: On receipt of the further information response, no objection to the development.

3.2.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII): No observations to make on the submitted application or on the submitted further information response.

Irish Water: No objection subject to conditions.

3.2.4. **Objections**

- None received.

4.0 Planning History

P.A. Ref. 03/6301012 (Bray Town Council Ref. 03/102) refers to a March 2004 decision to grant permission for the demolition of no. 43 and St Vincent's, and associated out buildings and the construction of a three-storey commercial building with basement and two floors of residential, subject to 21 no. conditions. Condition no. 3 omitted the 2 no. residential floors, thereby reducing the overall building height by 7 m.

The permitted development was modified by the following permitted developments:

P.A. Ref. 06/630066 (Bray Town Council Ref. 06/066) – refers to a May 2006 decision to grant permission for alterations to elevation and internal arrangements, with an increase to the floor area from 3,385 sq m to 3,409 sq m as a revision of previously approved permission ref. no. 03/102, subject to 7 no. standard conditions.

P.A. Ref. 06/630109/ ABP Ref. PL39.218629 refers to a January 2007 decision to grant permission for revisions to previously approved permission P.A. Ref 03/102 and application P.A. Ref. 06/66 for a new third floor with office / recreational use of approx. 235 sq m with minor relocation to the north-west of the existing retaining wall to the south-east of existing surface car parking and associated site works.

P.A. Ref. 07/630066 refers to a June 2007 decision to grant permission for revisions to previously approved permissions ref 03/102, 06/66 and 06/109 An Bord Pleanála reference no. PL39.218629 for an extension of 568 sq m to the rear of the 3rd floor with office/ commercial recreational use, a new stairway to the 3rd floor to the rear of the building, relocation of the existing internal stair at ground to first floor, to the external at the rear, minor changes to the front elevation resulting from this, an additional basement carpark beneath the existing carpark to the rear of the building providing an additional 22 spaces and associated site works.

P.A. Ref. 08/630035 refers to a May 2008 decision to grant permission for the change of use from licensed premises comprising of 235 sq m of bar, lounge facilities and off-licence at ground floor to retail, the subsequent elimination of

basement car park beneath the existing car park to the rear of the building as previously approved under planning permission ref. 07/66, the reinstatement of 8 No. spaces to the west of the access road to the existing rear car park as previously approved under planning permission ref. 06/109, a metal guardrail to the eastern edge of the access road and all landscaping and associated site works.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The Wicklow County Development Plan 2016 – 2022 is the statutory plan for Co. Wicklow.

5.1.2. Bray is listed as a Level 1 – Metropolitan Consolidation Town in Chapter 3 - Settlement Strategy.

5.1.3. Chapter 9 refers to Infrastructure and the following objectives are noted:

- ‘TR1 To cooperate with NTA and other relevant transport planning bodies in the delivery of a high quality, integrated transport system in the Greater Dublin Area’.
- ‘TR7 To promote the delivery of improved and new bus services both in and out of the County but also within the County by:
 - facilitating the needs of existing or new bus providers with regard to bus stops and garaging facilities (although unnecessary duplication of bus stops on the same routes / roads will not be permitted);.....
 - promoting the growth of designated settlements to a critical mass to make bus services viable and more likely to continue’.
- ‘TR35 New / expanded developments shall be accompanied by appropriate car parking provision, with particular regard being taken of the potential to reduce private car use in locations where public transport and parking enforcement are available. At such locations, the car parking standards set out in Appendix 1 Table 7.1 shall be taken as maximum standards, and such a quantum of car parking will only be permitted where it can be justified.

In locations where public transport and parking enforcement are not available, the car parking standards set out in Appendix 1 Table 7.1 shall be taken as minimum standards. Deviations from this table may be considered in the following cases:

- In town centres where there is a parking enforcement system in place or a town car park in proximity to the site. In such cases, only the needs of long-term users (e.g. employees, residents) will have to be addressed by the developer;
- in multi-functional developments (e.g. hotels, district centres), where the developer provides a robust model of car parking usage to show that dual usage will occur and that peak car parking demand at any time of the day / week will always be met; and
- other situations will be considered on a case-by-case basis.

In situations where a developer cannot meet the necessary car parking requirement on or near the development site, the developer may request the Local Authority to accept a special payment in lieu, to be utilised by the Local Authority in providing car parking in the area’.

5.1.4. Appendix 1 refers to ‘Development and Design Standards’ and I note the contents of Section 1 – ‘Mixed Use and Housing Developments in Urban Areas’. Some important points to note:

- Intensity of development (density):

Location	Maximum plot ratio
Commercial, housing or mixed use core town centre area (zoned TC)	2 (20,000sqm of development per hectare)
Commercial, housing or mixed use edge of centre (zoned TC)	1 (10,000sqm of development per hectare)
Housing only edge of centre	0.5 (5,000sqm of development per hectare)
Housing only greenfield	0.35 (3,500sqm of development per hectare)

- ‘Density’ will only be allowed to be generated from land that is capable of being built upon; land which is ultimately unsuitable for such purposes (e.g. due to excessive slope) will not be considered to be part of the density equation even if it forms part of the overall site. Any such areas should be clearly shown on planning applications drawings;
- The density that can be achieved on any site will ultimately depend on compliance with ‘qualitative’ standards such as fit with surroundings, height, open space provision, adequate privacy, car parking etc and the density ultimately proposed should be the outcome of the design process rather than the starting point;
- In certain circumstances, such as brownfield sites in urban areas or sites in very close proximity to a high quality, reliable public transport network, departures from the maximum density standards specified may be considered, subject to the highest quality of design’.
- Car Parking:
‘2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided. Parking for non-residential uses shall be provided in accordance with the standards set out in Table 7.1 to follow except where a deviation from the standard has been justified’.

Car parking standards are provided in Table 7.1 and Bicycle parking standards are in Table 7.2.

5.2. Bray Municipal District Local Area Plan - 2018

5.2.1. Under the Bray Municipal District Local Area Plan 2018, the subject site is zoned NC – Neighbourhood Centre and with the objective ‘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.

5.2.2. Chapter 3 refers to ‘Residential Development’ and I note the following objectives:
‘R1 All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.
‘R4 To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher

residential densities at appropriate locations, subject to a high standard of design, layout and finish’.

5.2.3. The following objective is noted:

- ‘BT4 Within designated neighbourhood centres at Boghall Road / Ballywaltrim, Vevay Road, Dargle Road, Dublin Road – Little Bray, Albert Road and walk, Fassaroe and Bray Southern Cross Road, it is the objective of the Planning Authority to protect, provide for, and improve the mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community, to a degree that is akin to their role and function as outlined in the Retail Strategy and the objectives of this plan’.

5.3. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
 - National Policy 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’.
 - National Policy 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’.
 - National Policy 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’.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Design Manual for Urban Roads and Streets (DMURS).

- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHLGH, 2020).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas. The following sections, summarised, are of particular relevance to this development:

- Specific Planning Policy Requirement 1: Developments may include up to 50% one bed/ studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Mix to be in accordance with evidence-based Housing Need and Demand Assessment.
- Specific Planning Policy Requirement 3: Minimum apartment standards are provided.
- Specific Planning Policy Requirement 4: Standards for minimum number of dual aspect units. 50% in the case of suburban or intermediate locations.
- Specific Planning Policy Requirement 5: Minimum floor to ceiling heights.
- Specific Planning Policy Requirement 6: Maximum of 12 apartments per core.
- Appendix 1 provides ‘Minimum Floor Areas and Standards’.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).
- Permeability Best Practice Guide (NTA).

5.4. Natural Heritage Designations

- 5.4.1. Bray Head is a Special Area of Conservation (Site Code 000714) and is approximately 2.1 km to the south east of the subject site.
- 5.4.2. Ballyman Glen SAC (Site Code 000713) is approximately 1.956 km to the west of the site.

5.4.3. The Rockabill to Dalkey Island SAC (Site Code 003000) is approximately 4.9 km to the north east of the subject site.

5.5. EIA Screening

Having regard to the nature of the proposed development comprising the provision of a residential development in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has engaged the services of Brock McClure – Planning & Development Consultants to prepare an appeal against the decision of Wicklow County Council to refuse permission for this development.

Issues raised in the appeal include:

- The site/ proposed development is described, and a brief planning history is also given.
- The development is assessed in accordance with local policy in the form of the Wicklow County Development Plan and the 2018 Bray Municipal District Local Area Plan – 2018. The site is located in an established urban area and the site is zoned NC – Neighbourhood Centre.
- The proposed plot ratio is 2.12, the maximum specified in the development plan is 2.
- The appeal identifies a number of amenity spaces in the area.
- Car parking and bicycle parking is provided. 37 residential car parking spaces will be available, a ratio of 0.72 spaces per apartment and 23 spaces will be allocated for retail and visitors. Five of these spaces will be suitable for electric vehicle charging. 136 bicycle spaces will be provided.

- Appendix A of the Appeal includes a letter from Aecom which seeks to justify the car parking provision. This is on the basis of provision being ‘in line with current guidelines for car parking requirements’, complies with policy to encourage a greater use of sustainable forms of transport and adequate car parking is provided on site to ensure ‘that the development can function without overflow of car parking onto the surrounding streets’.
- The development is assessed against National Policy. The density at 138 units per hectare is appropriate for such a location adjacent to high quality public transport.
- The development (as revised by further information) provides for 51 units in a six-storey development. It will avail of existing services and will provide for a good use of this site.
- All units meet necessary standards for floor area, storage provision and private amenity space.
- The Wicklow County Development Plan requires that 15% of a site be allocated to open space use and the 560 sq m of south facing roof terrace exceeds this requirement.
- 54% of the units are dual aspect and the development complies with the requirements of the ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)’ and ‘BS8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting’.

6.2. Observations

- None.

6.3. Planning Authority Response

- None.

7.0 Assessment

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design and Impact on the Character of the Area
- Density and Plot Ratio
- Quality of the Residential Amenity for Future Occupants
- Impact on Existing Residential Amenity
- Drainage and Water Supply
- Traffic and Parking
- Other issues
- Conclusion
- Appropriate Assessment Screening

7.2. Principle of Development

- 7.2.1. The subject site is zoned 'NC' – Neighbourhood Centre development, which allows for residential development. The proposed development allows for the continued use of the ground floor for retail use and the upper floors, currently designed for commercial use, will be converted into residential use in the form of apartments. The provision of two additional floors will allow for additional residential accommodation. There is no objection to the development of this site for a mixed-use proposal.
- 7.2.2. From the information provided in the appeal, it appears that it is the development as submitted by way of further information to the Planning Authority that is now the subject of this appeal, i.e. a proposed development that provides for 51 residential units and not 54 as originally submitted. This reduces the density from 146 to 138 units per hectare. From the available information, I consider that the development as submitted by way of further information is the appropriate one to consider under this appeal as there is a greater amount of supporting documentation with this version. The reduced density (from 146 to 138 units per hectare) is considered to be acceptable for this site.
- 7.2.3. As part of the development, a single storey cottage to the northern side of the site is to be demolished and the land used to extend the existing commercial development. This cottage was vacant on the day of the site visit and although it may be habitable,

I have no objection to its demolition and the incorporation of these lands into the overall development site.

7.3. Design and Impact on the Character of the Area

- 7.3.1. Guidelines in the form of the 'Sustainable Urban Housing: Design Standards for New Apartments' and 'Urban Development and Building Heights Guidelines for Planning Authorities' allow for greater densities in urban areas and with a presumption that taller buildings be allowed, but not at the expense of existing residential amenity. I will comment later in this report on the potential impact on residential amenity.
- 7.3.2. The existing structure on site provides for a landmark building in this location through its design and prominent location; the prominent nature is due to its design, height, and location on the junction of the Dublin Road and Upper Dargle Road.
- 7.3.3. I am not aware of the development history of this site when originally proposed in the early 2000s. It may have been the case that the building or similar structure was to be constructed to the northern side of the site, where the cottage is located, as the northern elevation provides for a blank façade at present. The existing four-storey building is somewhat out of character with the area, which consists of mostly two-storey buildings though it is on the edge of the centre of Bray, it is zoned for neighbourhood centre uses and at this stage is a very well-established building. The front elevations of the existing building have been carefully considered as the commercial use on the ground floor, slight projection forward of the first and second floors and set back of the upper floor, ensures that the building is not of a monotonous design and has some regard to the character of the area. A projecting feature at the doorway to the southwest also provides some architectural interest in the design when viewed from the Upper Dargle Road section of the site.
- 7.3.4. I am not convinced that the design submitted by way of further information is acceptable in this location. The extra two floors would make the building very dominant on the streetscape/ skyline and this is confirmed by the 'Townscape and Visual Impact Figures and Photomontages' prepared by Parkhood. The submitted photomontages suggest that the lower part of the building will retain the light-coloured wall tiles/ finish and the upper levels (three floors) will be utilise a dark coloured finish. I accept that this is a rebuild/ extension of an existing building and may be limited by the substructure/ existing building design. Considering the

prominent location, it would probably be better if a lighter colour finish were used on the upper floors. It may be possible to revise/ agree the external finishes by way of condition if permission is to be granted for this development.

- 7.3.5. The views along the Upper Dargle Road and when heading south along the Dublin Road are of concern. The existing two semi-detached houses on the Dublin Road will be dominated by this development. The public frontage along the Upper Dargle Road is acceptable but this site through its location is visually prominent from a number of different points. As I have reported, it may be possible to revise this design to provide for an improved building in this location, but the development as submitted does not provide for an acceptable development having regard to the impact on the visual amenity of the area.

7.4. Density and Plot Ratio

- 7.4.1. The first reason for refusal as issued by the Planning Authority states: 'The proposed development would materially contravene the development and design standards of the County Development Plan because the scale of the development proposed materially exceeds the permitted density (maximum plot ratio) envisaged for these lands located at edge of centre location and which are zoned Neighbourhood Centre under the Bray Municipal District Local Area Plan 2018 – 2024'. The maximum plot ratio for such lands is 1 and the development proposes a plot ratio of 2.12, with a density of 138 units per hectare (51 units/ site area of 0.37 hectares).
- 7.4.2. The appeal puts forward the argument that the site is suitable for such a level of development as it is adjacent to the zoned TC – 'Town Centre' area of Bray. This is correct but the fact remains that the subject site is zoned NC – Neighbourhood Centre. On the south western side of the Dublin Road between the TC zoned lands and the subject site, the lands are zoned RE – 'Existing Residential'. On the north eastern side of the road (to the south east of the site), the TC zoned lands extend much further north but opposite the subject site, to the east, the lands are zoned R-HD – new residential. The lands to the north east are located within the Dun Laoghaire-Rathdown County Council area. The NC zoned lands extend northwards on the western side of the road as far as the county boundary. There is a substantial area of residentially zoned land to the west and south west of the subject site.

- 7.4.3. The plot ratio for NC zoned lands is therefore 1 (10,000 sq m of development per hectare) as per the table in Section 1 of Appendix 1 which refers to 'Development and Design Standards'. Departures from this may be considered in the cases of '...sites in very close proximity to a high quality, reliable public transport network...subject to the highest quality of design'. The site is located adjacent to bus stops with a minimum of 9 buses an hour, daytime, to Dublin City Centre (routes 145 and 155 combined) and significantly more buses to Bray town centre and railway station. The subject site is also within walking distance of Bray town centre.
- 7.4.4. The site is therefore suitable for increased density and consequent plot ratio increase. The proposed development will result in the reuse and redesign of an existing mixed-use commercial/ retail development for use as a residential development over a ground floor retail element. The proposed density at 138 units per hectare is high but it is appropriate in this location considering the range of services and facilities available. I therefore disagree with the Planning Authority for the first reason for refusal and I consider that the development of 51 units on this site to be acceptable and to be in accordance with national policy for the reuse of lands and for the provision of suitable density of residential development in appropriate and established urban locations.

7.5. **Quality of the Residential Amenity for Future Occupants**

- 7.5.1. **Room sizes and floor areas:** The proposed development provides for adequate room sizes in accordance with the apartment guidelines and adequate storage provision is available to future occupants. Storage is provided within the apartment units and in the landing areas outside the units. These storage areas also serve as bicycle storage spaces, which is somewhat unusual. The applicant has clearly provided this information in the Housing Quality Assessment. The mix of units is limited to 6 one-bedroom units and the remaining 45 are two-bedroom units.
- 7.5.2. **Lift and stair cores:** Floor to ceiling heights are in excess of 2.7 m, which is acceptable. The floor plans indicate that a single lift and stairwell is provided from the south western entrance and a stair core only is located to the north east. This results in a maximum of 11 units per floor being served by a single lift, which is acceptable in terms of SPPR6 of the apartment guidelines.

7.5.3. I would be concerned that this lift is going to see a high level of usage and when out of use for maintenance etc., no alternative is proposed. This is especially the case when the lift will have to be used to transfer bicycles from ground level to storage areas on the individual floors serving the apartments and vice versa.

7.5.4. **Daylight and Sunlight:** The submitted 'Sunlight, Daylight and Shadow Assessment', prepared by Chris Shackleton Consulting, considers the potential daylight/ sunlight provision within the scheme and the potential for overshadowing. This assessment was undertaken based on best practice guidance set out in the following documents:

- 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice BRE, 2011 (BR209)'.
- 'BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting'.

Note: This document has been replaced with 'BS EN17037: 2018, Daylight in Buildings'.

7.5.5. From the information provided in the 'Sunlight, Daylight and Shadowing Assessment', I am satisfied that the target 'Average Daylight Factor (ADF)' of 1.5% is appropriate and is met and that the requirements of sunlight for open space areas are within the required standards. Compliance with these targets/ standards will ensure that all units are provided with suitable residential amenity.

7.5.6. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room and I accept that the higher figure may not be achieved for the kitchen area in all cases.

7.5.7. The assessment was not undertaken for every apartment/ floor, only those on the 1st and 4th floors were tested. The table on page 12 of the report provides the results for the 1st floor and that on page 13 provides the results for the 4th floor. I note that

living rooms, which all include kitchen areas, will provide for an ADF of less than 2%. Therefore, these units will have kitchens that do not meet the required ADF of 2%. Those units that are below 2% include:

Floor	Unit no.	ADF:	Shortfall
1 st	4 – Living Room	1.8	0.2
1 st	6 – Living Room	1.8	0.2
1 st	10 – Living Room	1.7	0.3
4 th	39 – Living Room	1.7	0.3

7.5.8. Information has only been provided for the first and fourth floors. It can be assumed that the units in the north west corner on every floor will marginally fail to reach 2% ADF, but it is not certain from the available information if any other units on the south east elevation will fail to comply with the 2% requirement. It has to be said that the units are close to 2% and all units easily exceed the 1.5% requirement for a living room. The units in the north west corner (units 19 on the first floor and unit 39 on the fourth floor) are problematic through their location and layout and rely on an east facing window to achieve the received results. The units on the south east elevation are restricted by the positioning of the balconies and the setback nature of the front windows.

7.5.9. The applicant has provided a summary of the ADF for the first and fourth floors. The Average ADF for the first floor is 2.9% for living rooms and 3.6% for living rooms on the fourth floor. Overall, the samples provided demonstrate a very good result in terms of ADF for the tested floors. All bedrooms pass the required 1% and again the averaged-out figures for the first floor at 2.6% and fourth floor at 3% demonstrate very good results.

7.5.10. A further assessment undertaken was to determine the Annual Probable Sunlight Hours (APSH)/ Winter Probable Sunlight Hours (WPSH) and again this was tested for the first and fourth floors. The APSH as provided in BR209 assesses if a 'building has a particular requirement for sunlight, will appear reasonably sunlit provided:

- at least one main window wall faces within 90 degrees of due south and
- the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March’.

Details of the assessment are provided in a table on page 14 of the report. The following units failed to meet the 25% annual and 5% winter targets:

Floor	Unit no.	25% Target/ actual - APSH	5% Target/ actual - WPHS
1 st	9 – Living Room	18.9 (-6.1)	4.4 (-0.6)
1 st	10 – Living Room	9.6 (-15.4)	6.0 (+1)
4 th	38 – Living Room	18.6 (-6.4)	4.2 (-0.8)
4 th	39 – Living Room	9.7 (-15.3)	6.0 (+1)

7.5.11. In conclusion in relation to the APSH, 80% of units tested meet the annual targets and 90% meet the winter target. All units receive some sunlight and only a very limited number face north. I note that units no 10 and 39 fail on the annual target and these units did not meet the 2% ADF requirement either.

7.5.12. **Private Amenity Space:** All units are provided with private amenity space in the form of balconies for the upper floors and patio/ open space for the two ground floor units. The proposed floor areas for these private amenity spaces are acceptable and meet minimum required floor area standards. The balconies serving Units no.12, 23, 32, 41 and 50 on the north western side of the building have a depth of 1.1 m which is less than the minimum of 1.5 m as specified in Section 3.37 of the ‘Design Standards for New Apartments’. It appears that the measurements on the submitted drawings are from the back of the balcony to the front of the balcony railing – the true depth cannot meet the 1.5 m requirement. The units on the south eastern side of the building all have balcony depths that do not meet the requirement of 1.5 m.

7.5.13. Balconies are accessed off the living rooms of these apartments and Section 3.36 of the ‘Design Standards for New Apartments’ states ‘Balconies should adjoin and have a functional relationship with the main living areas of the apartment’. Unfortunately,

a number of the balconies cross in front of bedrooms. Access is provided from the bedrooms to the apartments, but this may result in a reduced level of amenity space if the balcony cannot be used if a person is sleeping in the adjacent bedroom.

Taking the first floor as an example, balconies adjoin/ cross in front of bedrooms in the case of apartment no. 4, 5, 6, 7, 8, 9, 10, 12 & 13. Whilst this may be acceptable in the case of one-bedroom units, it does create an amenity issue in the case of the two-bedroom units. I note that apartment no. 7 is stated to be a one-bedroom unit, but the floorplans indicate a two bedroom/ three person unit.

7.5.14. I would be concerned about the proposed private amenity space located to the western side of this building in terms of receipt of daylight and sunlight. This building was not originally constructed for use for residential development and as such there are significant restrictions on what can be done here. Whilst the provision of suitable floor areas, layouts and design can be achieved, the provision of amenity space and especially private amenity space may be more difficult to achieve in a satisfactory manner. The submitted 'Sunlight, Daylight and Shadow Assessment', prepared by Chris Shackleton Consulting, includes a shadow/ sunlight assessment of the private amenity areas for the first and fourth floors of this development. The BRE guidelines recommend that at least 50% of a garden/ amenity area should receive at least two hours of sunlight on the 21st of March.

7.5.15. The balconies serving units no. 11, 12, 40 and 41 fail to meet the minimum standards in terms of receipt of sunlight. It can be assumed that the corresponding units on the other floors will also fail. The assessment finds that 80% of the balconies pass the requirement. I accept that it is not always possible to comply with minimum standards in an established urban area, however the failure rate of these units is very poor with the balconies of Apartment no. 11 and no. 40 receiving no sunlight on the 21st of March. It may be possible to extend this balcony to align with the elevation wall, however this may not resolve the issue of sunlight as a shadow may be cast on the balcony below.

7.5.16. The proposed private amenity space for a significant number of these apartments does not demonstrate compliance with minimum standards. Insufficient balcony depth and lack of sunlight penetration will provide for a poor quality of residential amenity for the future occupants of these units. The submitted information in relation to daylight is only tested on the first and fourth floors, but it is reasonable to expect

similar issues of concern on the second and third floors and perhaps on the fifth floor.

- 7.5.17. **Communal Amenity Space:** The applicant has proposed the provision of a south facing roof terrace with a stated area of 560 sq m, which will function as the communal open space area. This is a slightly unusual location for such open space, but the restricted nature of the site does not allow for many alternatives that would provide for an acceptable level of residential amenity for the future occupants of these apartments.
- 7.5.18. **Conclusion:** I have reported that it is accepted that a development such as this may be difficult to achieve having regard to the constraints of the site and the level of reuse of an existing building that is proposed. However, the proposed development does not provide for a suitable quality of residential amenity for future occupants. A significant number of private amenity areas are deficient in terms of balcony depth, sunlight penetration and in terms of location. The provision of one lift to serve the development may comply with the requirements of the 'Design Standards for New Apartments', but there will be an extra loading on this lift as bicycle storage is proposed outside the individual apartments on the respective floors. Whereas a person may choose to take the stairs to access their floor/ to leave the building, this will not be the case if you are collecting/ using your bicycle.
- 7.5.19. I would have concern about the results of the 'Sunlight, Daylight and Shadow Assessment' in terms of individual units and again some units will not demonstrate compliance with recommended requirements. I therefore consider it appropriate to recommend refusal for the development due to the poor quality of residential amenity that is proposed.

7.6. Impact on Existing Residential Amenity

- 7.6.1. **Daylight and Sunlight and Overshadowing:** The submitted 'Sunlight, Daylight and Shadow Assessment', prepared by Chris Shackleton Consulting, considers the potential impact on adjoining properties through establishing the quantity and quality of skylight (daylight) available to the window of a room – Vertical Sky Component. Properties to the south west, north west and north east were assessed, and it was found that all units passed the requirements.

7.6.2. Similarly, the Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) were assessed and all units passed the required standard. A shadow test of gardens was undertaken and there was no significant change from the current situation. From the available information the proposed development will not give rise to overshadowing of adjoining properties to an unacceptable level and loss of daylight/ sunlight is not foreseen.

7.6.3. **Overlooking:** I do not foresee that the proposed development will give rise to overlooking of properties in the vicinity of the subject site. There are good separation distances to the existing residential units in the area including the apartments to the south west and houses to the north west. The topography of the site reduces the potential for overlooking. The proposed development will not therefore have a negative impact on existing residential amenity.

7.7. **Drainage and Water Supply**

7.7.1. The proposed method of surface water drainage is acceptable. The proposed development does not significantly extend the footprint of an existing building and the provision of a green roof will provide for an additional level of rainwater attenuation/ treatment.

7.7.2. The report from Irish Water did not raise any concerns and the provision of suitable water supply and foul drainage should be achievable in this serviced, established, urban area.

7.8. **Traffic and Parking**

7.8.1. The second reason for refusal as issued by the Planning Authority refers to insufficient provision of car parking. Aecom have been engaged by the applicant to prepare a response in support of the appeal and I note this report. A total of 60 car parking spaces are provided with 37 in the basement level allocated for residential use and the remaining 23 outside spaces for visitor and commercial/ retail use.

7.8.2. The standards set out in the Wicklow County Development Plan are minimum parking standards and not maximums as set out in the Aecom report. I note a number of errors in the Aecom report in particular the understating of existing public transport provision in the area. The 145 (not 45 as stated in the report) and 155 bus routes, combined, provide for a high frequency/ capacity service to Dublin City Centre from Bray. In addition to this being an advantage to the development of this

site, consideration has to be given to potential impact on the bus network during any development of this site. Upgrade/ alteration works are proposed at this junction as part of the Bus Connects Core Bus Corridor Infrastructure Works.

- 7.8.3. I note the report of the Roads Section of Wicklow County Council in relation to the shortfall in car parking provision. I would disagree with sections of this report. It is preferable that residential and commercial car parking be separated from each other and not be mixed as suggested by this internal report. The submitted floor plans demonstrate that the lift provides access from all floors to the basement car park and the clear allocation of the basement car parking to one user type provides for a sense of security/ certainty. It is considered that all residential car parking should be provided with a means of electric vehicle charging, the users of these spaces may not have any alternative means of charging such vehicles. I have no objection to the location of the commercial car parking area as it is within easy walking distance of the individual retail units.
- 7.8.4. I note the comments made in the submitted reports about the location of this site in a designated Neighbourhood Centre, the shortfall in car parking provision and non-compliance with the requirements of the Wicklow County Development Plan 2016 – 2022 and the Bray plan. The development may strictly be defined as an ‘edge of centre location’ but it is less than 500 m from Main Street Bray and between the site and Main Street is Castle Street which provides for a range of retail/ commercial uses including a large Supervalu supermarket unit. In reality it forms part of the central area of Bray, probably better defined as the northern fringe of the town centre. I refer to the ‘Design Standards for New Apartments’ (2018) and the site can be described as a Central and Accessible Urban Location in accordance with Section 4.19 of the guidelines.
- 7.8.5. A bus service of up to nine services in the off-peak to the City Centre/ Bray station and which is augmented by a range of other bus routes, demonstrates that the site is very well served by public transport. This easily meets the requirements of Section 4.20 of the guidelines – ‘within 5 minutes walking distance of high frequency (min 10-minute peak hour frequency) bus services’. I therefore have no objection to the reduction in the proposed car parking provision as the area is currently very well served by public transport, both in terms of capacity and in terms of frequency of service.

- 7.8.6. A suitable management scheme should be provided to allocate/ manage the car parking provision that is to be provided on site. Consideration should also be given to the introduction of a car sharing club; there are a number of such schemes in operation around the country and the introduction of such a scheme may further reduce the demand on carparking need.
- 7.8.7. In general, the bicycle parking provision is acceptable in terms of the quantity/ type of parking space provided but I would be concerned about the provision of bicycle parking areas on the landing area/ outside the individual apartments. As I have already reported, access to these parking spaces will be by way of a single lift and during times that the lift is not available, the useability of these storage areas for bicycle parking may become problematic. The location of the visitor parking area to the south western corner of the site is not acceptable in terms of accessibility and passive surveillance.

7.9. **Other Issues**

- 7.9.1. I note that the Local Authority Housing Department have no objection to the development and that details can be agreed following a grant of permission. The submitted floor plans indicate the proposed Part V units. The same issues of concern in relation to the location of balconies in relation to bedrooms applies to these units as to any other in the development.
- 7.9.2. The submitted landscaping plan and associated detail are considered to be acceptable in terms of the rooftop communal amenity space. The provision of a landscaped path and escape corridor to the north west of the site and which will provide a link between the site and the existing pedestrian laneway is desirable as it improves permeability in the area, though I note that a gate with restricted hours is also proposed that will control access to the site.

7.10. **Conclusion**

- 7.10.1. The Planning Authority decided to refuse permission for two reasons, non-compliance with the maximum plot ratio of 1 and insufficient car parking. I disagree with the Planning Authority in both cases in that the site is suitable for increased density having regard to location and the existing form of development on site and in the case of car parking, the site is located on an edge of centre location with a very good provision of public transport and other services.

- 7.10.2. I am satisfied that a development of this scale and density can be provided in this location. There are no negative impacts foreseen on the adjoining character/ residential amenity of the area. I am concerned about the visual impact of this development when viewed from the Upper Dargle Road and when viewed from the northern side of the site.
- 7.10.3. Having assessed the proposed development, I have concerns regarding the level of residential amenity proposed for the future occupants of this development. Poor quality private amenity in the form of balconies is proposed and the location of the bicycle parking combined with the provision of a single lift is only going to create significant problems into the future. These issues can be addressed but are likely to result in significant revisions to the building design and whilst this may be possible in a new build development, this may not be possible in this case.
- 7.10.4. Permitting the proposed development would set an undesirable precedent for similar developments providing for substandard residential amenity for future occupants, especially in the form of substandard balcony areas and the provision of poor access bicycle storage areas.

7.11. Appropriate Assessment Screening

- 7.11.1. There are no hydrological connections between the subject site and Bray Head SAC which is a designated Natura 2000 site. There are no ecological receptors between the subject site and any designated Natura 2000 site.
- 7.11.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to its location at the edge of central Bray, it is considered that the proposed development would be visually out of character with the pattern of development in the area and would result in an overly dominant building when viewed from the south west along the Upper Dargle Road and from the north on the Dublin Road. The design and proposed materials used to alter and extend this existing building give rise to this concern and the submitted 'Townscape and Visual Impact Figures and Photomontages' prepared by Parkhood.com only reinforce these concerns. The proposed development would thereby constitute a substandard form of development which would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development provides for a poor standard of residential amenity, that fail to meet the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020) through:

- a) The provision of balconies that fail to provide for a minimum of 1.5 m in depth.
- b) The provision of a number of balconies that do not demonstrate that they will receive adequate or any sunlight on the specified date of the 21st of March.
- c) The provision of balconies that directly adjoin to bedrooms, thereby providing for a poor standard of residential amenity.

The proposed development will fail to be provided with adequate private amenity space for the beneficial use of the future occupants of this development and would thereby constitute a substandard form of development and be contrary to the proper planning and sustainable development of the area.

3. The proposed development provides for bicycle storage on the individual floors of the apartments in the form of a combined bicycle and general storage area. Only one lift is provided to serve all floors of this development. This arrangement does not promote the use of sustainable forms of transport and requires the use of the single lift for every use of a bicycle parked in the storage area. The only alternative

access arrangement to the bicycle storage is by way of proposed staircases in the building. This is considered to be a substandard form of development and is contrary to the proper planning and sustainable development of the area.

4. The failure to provide for adequate residential amenity in the form of private amenity areas and that the proposed storage/ bicycle storage is not in a suitably accessible form, results in a substandard form of residential amenity for future occupants of this development and would set an undesirable precedent for similar development in the Bray/ County Wicklow area, which would be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

21st December 2021