



An
Bord
Pleanála

Inspector's Report

ABP-314913-22

Development

6 storey building (over basement for services) comprising of 36 apartment units; pedestrian and vehicular access via the existing Wyvern Road, retail/office floorspace at ground floor level, roof garden, 19 car parking spaces, bicycle and bin storage, landscaping, ESB substation and all associated site works and services.

Location

Lands off Wyvern, Main Street, Bray (site is bound by Mermaid Arts Centre to east, St. Cronan's House to south &, Crutchley Lane to North), Co, Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

22/217

Applicant(s)

Covemore Properties Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal	First Party V. Refusal.
Appellant(s)	Covemore Properties.
Observer(s)	1. Linling Lin. 2. Mermaid Arts Centre.
Date of Site Inspection	14 th January 2024.
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	6
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.3. Planning Reports.....	8
3.4. Prescribed Bodies	14
3.5. Third Party Observations	14
4.0 Planning History.....	15
5.0 Policy Context.....	16
5.1. Bray Municipal Local Area Plan 2018-2024	16
5.2. Wicklow County Development Plan 2022-2028	17
5.3. National Policy	18
5.4. Natural Heritage Designations	21
5.5. EIA Screening	22
6.0 The Appeal	22
6.1. Grounds of Appeal	22
6.2. Planning Authority Response	25
6.3. Observations	26
6.4. Further Responses.....	26
7.0 Assessment	26
7.2. Introduction	26
7.3. Principle of Development	27

7.4. Scale and Density	27
7.5. Height and Visual Impact	33
7.6. Impact on Adjoining Amenities	38
7.7. Residential Amenity	42
7.8. Access and Parking	44
7.9. Other Matters	47
7.10. Appropriate Assessment.....	48
8.0 Recommendation.....	48
9.0 Reasons and Considerations.....	48
10.0 Conditions	49
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site is located on lands known as Bray Civic Centre, to the east of Main Street, Bray, Co. Wicklow. It is towards the southern end of Main Street and currently in use as a backland surface car park (comprising 38 no. car parking spaces).
- 1.2. The site is located to the rear of retail units of no. 37-41 Main Street, which is the main thoroughfare and retail shopping street in the town.
- 1.3. The site is bounded to the north and west by a perimeter access road serving Bray Civic Centre known as Wyvern Road and further north by 2-3 storey commercial units fronting Crutchley Lane. The rear boundaries of 2-storey retail units of no. 37-41 Main Street located further west separate the access road from the subject site.
- 1.4. The eastern and southern boundaries of the site are adjacent to the remainder of the Bray Civic Centre lands comprising St Cronan's period building (former protected structure) to the south operating as a restaurant, including two apartments and the 3 storey Mermaid Arts Centre to the east.
- 1.5. A cluster of civic and office buildings ranging from 3-4 storeys adjoins the Mermaid Centre including Bray District Courthouse, Bray District Council, Bray Primary Care Centre and Adult Education and Training Centre VTOS Bray.
- 1.6. Vehicular and pedestrian access is provided from Main Street to the west via Wyvern Road (one way only). An underground car park accessed to the east of the site serves the surrounding civic buildings.
- 1.7. The appeal site is within walking distance to many services and facilities available in the town. The surrounding area is mainly characterised by a mix of civic, commercial and retail development.
- 1.8. There are several bus stops within approx. 500m of the site. The bus services are frequent and include routes connecting Bray and Dublin City Centre and various regional settlements and destinations. Bray Train and DART station is roughly 1km to the east of the site.
- 1.9. The site has a stated area of 1,389sq.m.

2.0 Proposed Development

- 2.1. The application as lodged 09/03/2022 sought permission for construction of 6 no. storey building (over basement) comprising 36 no. residential apartment units. A retail/office unit of 160sqm is proposed at ground floor.
- 2.2. The individual apartment units include balconies/terraces with access to a proposed roof garden of 400sqm.
- 2.3. Pedestrian and vehicular access is via the existing Wyvern Road. Paid car parking is proposed for use by the general public, along with secure bicycle and bin storage, hard and soft landscaping ESB substation and all other associated site works and services.
- 2.4. The application was accompanied by the following;
 - Planning Report – Brock McClure Planning & Development Consultants
 - Architects Design Statement - Opperman Associates
 - Architectural Heritage Impact Assessment – Mesh Architects
 - Site Specific Flood Risk Assessment - BM Civil & Structural Engineers
 - Civil Engineering Infrastructure Report - BM Civil & Structural Engineers
 - Traffic Assessment and Residential Travel Plan Framework – BM Civil & Structural Engineers
 - Mechanical and Electrical Services Drawings and Reports – Varming Consulting Engineers
 - Public Lighting Report - Varming Consulting Engineers
 - Sustainability and Energy Report - Varming Consulting Engineers
 - Utility Report- Varming Consulting Engineers
 - Daylight and Sunlight Report - Varming Consulting Engineers
- 2.5. The proposed development was amended in response to a further information request 29/04/2022 with further plans and details submitted on 02/09/2022. Amended proposals provide for a
 - Reduction in the no. of residential apartment units from 36 to 30,

- Change in mix of units from 11 no. 1 bed units and 25 no 2 bed units to 12 no. 1 bed units and 18 no. 2 bed units, and
- Reduction in no. of car parking spaces from 19 to 16.
- Omission of basement, reduction in volume and with distances to neighbouring properties increased on all 4 sides.

2.6. The amended application was accompanied by the following;

- Planning Report – Brock McClure Planning & Development Consultants
- Architects Design Statement - Opperman Associates
- Housing Quality Assessment – Opperman Associates
- Civil Engineering Infrastructure Report - BM Civil & Structural Engineers
- Traffic Assessment and Residential Travel Framework - BM Civil & Structural Engineers
- Sustainability and Energy Report - Varming Consulting Engineers
- Outdoor Lighting Report - Varming Consulting Engineers
- Utility Report - – Varming Consulting Engineers
- Daylight and Sunlight Report – Varming Consulting Engineers
- Photomontage Views – ARC Architectural Consultants Limited

2.7. The applicant has provided an alternative design option as part of their first party appeal for the Board to consider. The revised option includes the omission of a floor and consequent further reduction in the no. of residential apartment units to 24. The revised design option is discussed further under Section 6 and 7 below.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission 29/09/2022 for the above-described development for 2 no. reasons.

1. The proposed development would materially contravene the development and design standards of the County Development Plan because the scale of development proposed far exceeds the permitted density (maximum plot ratio) envisaged for these lands zoned Neighbourhood Centre under the Bray Municipal District Local Area Plan 2018-2024. To allow this development to proceed outside of the parameters set out in the Bray Municipal District Local Area Plan 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. By reason of its design, height and location on this prominent site, the proposed development of a six-storey apartment block (with mixed use ground floor) would be unduly obtrusive and out of character with the pattern of development in the area and would lead to excessive overbearance of adjoining buildings. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.3. Planning Reports

Basis for the planning authority decision. Include:

- The 1st Planners Report it includes.
- *Density* – Area within the direct control of the applicant is 1,110sqm. bringing the density closer to 324 units per hectare.
- *Plot Ratio* – 2.89 with site coverage of 30%. Maximum plot ratio for commercial, housing or mixed-use core town centre area (zoned TC) is 2.0.
- Based on site area within the control of the applicant plot ratio is closer to 3.96 and site coverage of 38%. The proposed plot ratio would appear to far exceed the maximum plot ratio permitted for these lands. No justification for same has been submitted.

- *Design/Scale* - Site is behind Main Street and considered to be within the retail core.
- *Building Height* - 6 storey building would exceed building heights in the area. Notes Government Policy, which states that building heights must be increased in appropriate urban locations, the infill nature of the development and the location of the development in proximity to Bray Town Centre and to public transport. Considered that the proposed development may be acceptable in principle subject to compliance with the criteria set out in the Building Height guidelines.
- *Objective BT3* - The development would exceed criteria, but where it can be shown from a design/qualitative approach that it was acceptable, and in line with the Building Height Guidelines, such increased height could be considered. Concern that the applicant is proposing an over development of the site.
- *Increased height/ massing* - fundamentally issue relates to the relationship of the proposed structures to the adjoining developments.
- *Overlooking* – Concern regarding overbearance and overlooking of the St. Cronan's structure to the south, the residential house to the north as well as oversailing of lands outside of the ownership of the applicant (i.e., balcony of Apt 1-05). In areas that may lead to severe overlooking and oversailing the proposed design should be mitigated/reconsidered.
- *Compliance with Apartment Standards* –
 - *SPPR1 Housing mix and SPPR3 Minimum apartment floor areas* complies.
 - *SPPR4 Dual Aspect* - Does not comply 13No. of the 36No. apartments are dual aspect i.e., 36% which, while acceptable many of the single aspect apartments are north-facing and do not overlook a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Concerns regarding the availability of natural light to serve of the bedrooms/living rooms within a number of

these single aspect units, particularly those apartments which are to be provided within a setback <5m from the existing building to the south.

- *SPPR5 Floor to Ceiling Heights* - Inconsistency between the applicant's drawings and planning report. A higher floor to ceiling height may also provide greater natural light to lower-level units.
- *SPPR6 12 Apartments per floor per core – complies.*
- *Internal and Private Storage adequate provision.*
- *Private and Communal Amenity Space adequate provision.*
- *Impact on Adjoining properties* - Proposed development has potential to result in overlooking of adjoining properties particularly existing residential units within St. Cronan's to the south and two storey units on Main Street to the west. Potential impact could be mitigated through innovative design.
- *Daylight and Sunlight Impacts* - Concern that many (11no.) of the proposed KLD areas (primarily galley kitchens component) in single aspect apartments fail to achieve sufficient ADF (i.e., 2%), additional amenity for the occupants of these units should be proffered to compensate for these shortcomings.
- *Overshadowing* - Domestic house to the northeast is impacted negatively. Analysis does not assess the apartments within St Cronan's to the south, but as these are within 5m of the proposed development the impact on Visible Sky Component (VSC) is likely to be negative.
- *Access /Parking* - Having regard to the lack of car parking spaces on site, the proposed provision of quality cycle facilities is acceptable in this central urban and accessible location. No resident dedicated car parking spaces proposed which is in line with the 2020 Apartment Guidelines which aims to reduce private car dependency on central sites in favour of sustainable transport modes.

Further information was requested 29/04/2022 with further plans and details submitted on 02/09/2022.

- The 2nd Planners Report dated 23/09/2022 following the further information included:

- **Item 1 - Scale of Development** - Area of the ground floor is given as 329sqm. The proposed ground floor element of the development is at least 630sqm. Therefore, the GFA figure appears to be closer to 3,545sqm (allowing for the entire ground floor, i.e., commercial, residential access areas, bin storage, bike and car parking spaces).
- **Site Area** - Applicant argues site area should be calculated as 1,389sqm as they have the necessary consents. The applicant has not submitted any additional supporting information as requested i.e., clarifying the corrected site area. Based on this lack of clarification, the lands that make up part of the existing public realm and continued inconsistencies the area calculation/transposition of consents map it is considered appropriate that the area of the land holding (i.e., 1,110sqm outlined in blue) shall be used in the calculation of plot ratio.
- **Overlooking** - Recessing of balconies remedies concern. Welcome use of opaque screens with regards the residential amenity of neighbouring properties, however, raise concern regarding internal residential amenity of future residents.
- **Plot Ratio & Site Coverage** - Applicant's response and proposal in respect of the further information request is not considered acceptable.
- A plot ratio of c.3.2 (a reduction from the previously proposed plot ratio of c.3.62) as proposed would materially contravene the development standards set out in the CDP.
- Even by omitting of 2No. of the larger floors (i.e., 2nd and 3rd floors) the plot ratio would marginally exceed a plot ratio of 2 however, this marginal exceedance may be considered a non-material contravention that may be justified at the current location' Unfortunately the applicant has not explored/proffered this option.
- **Item 2 – Plot Ratio** - In accordance with the standards set out in the CDP the maximum Plot Ratio envisaged for these lands is 2. While there is some flexibility in this standard, the proposed Plot Ratio at 2.3* would far exceed that envisaged for these lands and in fact would exceed that envisaged for

core Town Centre areas. Considered that this has not been adequately justified in the submitted documentation. A plot ratio of 2.3/3.2 as proposed would materially contravene the development standards set out in the development Plan.

- **Item 3 – Overbearance and overlooking** – Accept the applicant has made a genuine attempt to improve the issue of overbearance and overlooking. Notwithstanding the broader issue of overbearance/overlooking affects houses adjoining Crutchley Lane to the north, St Cronan's building to the south, the Mermaid centre to the east, and the two storey structures on Main Street.

Note marginal increases of c.1m separation distances, however, there is still a significant level of overlooking of nearby properties. The overbearance of two storey structures on Main Street is acute. Even by omitting 2No. of the larger floors (i.e., 2nd and 3rd floors) the dominance/overbearance may be significantly mitigated to an acceptable level. The issue of overlooking would need to be nuanced further. The issue of overbearance has not been resolved and therefore the proposed development is considered to be unacceptable with regards to visual amenity and being out of character with the area.

- **Item 4 – Building Height** - Proposed development, as amended with setback of 4th and 5th floor, entry detail to the courtyard and recessed balconies, would now accord with the criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
 - *Design* - Proposed alterations have resulted in a much-improved design with better architectural sympathy to the existing high quality of architectural structures nearby.
 - *Visuals* - Submitted detail of the upper floors of the building finishes lighter in colour to reduce the perception of scale.
 - *Landscaping and communal open space* - Proposals and provision in the form of a roof terrace, and also at ground level have been amended and are welcome. This area will contribute to the public realm and the amenities of future occupants.

- *Amenity* - Revised scheme would provide for an adequate level of amenity for future occupants in terms of natural light and ventilation.
- *Undercroft Parking* - Concern parking creates a large swathe of poorly designed inactive frontages i.e., over half of the ground floor appears to be sterile and unwelcoming. This creates a poor element of public realm at this important town centre location. Unclear how this could be resolved without a fundamental redesign (especially to the northwest).
- **Item 5** – *Compliance with Sustainable Urban Housing – Design Standards for Apartments 2020* - Applicants response to provide 100% dual aspect units with 2.7m floor to ceiling heights acceptable. Many of the larger two-bed apartments exhibit storage rooms in excess of 6sqm. Notes that storage rooms do not exceed 3.5sqm.
- **Item 6** – *Balcony space overhangs/over sails lands not in the control of the applicant* – Amendments to balconies acceptable.
- **Item 7** – *Pedestrian entrance access* – Proposed changes are an improvement and are acceptable.
- **Item 8** – *Access to third party lands* – Revised plans and design scheme address issues raised.
- **Item 9** – *Access Car Parking and Public Lighting* – Revised plans and design scheme address issues raised.

3.3.1. Other Technical Reports

- **Bray District Engineer:** Report recommends further information in relation to landscaping proposals located outside the site boundary, future management of the public car park, revised drainage proposals and SuDS proposals rather than attenuation, and visibility of commercial premises at ground floor level which is not visible to motorists proceeding to the public parking area.
- **Roads:** Report dated 06/04/2022 recommends further information (in relation to a one-way entry and exit layout, safety of car park space 5 and

details in respect to details of public lighting requirements and taking in charge).

- **Water and Environmental Services:** No report received.
- **Housing:** Report dated 11/04/2022 recommends further information.

3.4. Prescribed Bodies

- **Irish Water:** Report dated 07/04/2022 recommends further information in relation to the existing and proposed watermain layout. Report dated 02/09/2022 recommends no objection subject to requirements.
- **Development Applications Unit (DAU):** Report dated 11/05/2022 recommends no objection subject to standard archaeological site investigation works, monitoring and reporting requirements.
- **Chief Fire Officer:** Report dated 04/04/2022 recommends no objection subject to conditions.

The application was circulated to An Taisce, Fáilte Ireland, An Chomhairle Ealaíon, The Heritage Council with no responses received.

3.5. Third Party Observations

A number of third-party submissions were submitted to the PA from the following parties;

- Linling Lin - St. Cronan's, 44A Main St. Bray.
- Cherry Zhou -
- Karl and Louise Coffey - 7 Wyvern, Bray.
- Darren Coogan - Mermaid County Council Arts Centre.
- Wypark Management Co. Ltd.

Issues raised can be summarised as follows;

- Over development
- Density

- Building Height
- Overlooking
- Overbearing
- Visual obtrusion and scale
- Poor quality of public realm
- Traffic Impacts loss of parking
- Build Process – Lack of Access/Parking Congestion

4.0 Planning History

Appeal Site

PA Reg.Ref.06/306 ABP Reg.Ref.39.223352: Permission **granted** 05/03/2008 for modifications to Reg.Ref.00/66 comprising change of permitted use of 'Building A' from hotel complex to retail, office and residential uses and change of permitted use of the St. Cronan's building from hotel (part of) to restaurant, Saint Cronan's, Main Street, Bray Co. Wicklow to Newlyn Construction Ltd.

This permission provided for the replacement of permitted 3-storey over semi-basement Building 'A' with a new 4- storey building.

PA Reg.Ref.13/14: Extension of Duration Permission **granted** 10/4/2013 for a period of 5 years up to and including 1st June 2018 to Centiliaco Ltd. This permission was never implemented, and permission has now expired.

St. Cronan's House to the South

PA Reg Ref 15/671: Permission **granted** 24th August 2015 for first floor extension to previously granted first floor apartment with balcony, to a protected structure to C X Ling & LL Ning.

PA Reg Ref 14/1507: Permission **granted** 14th August 2014 for conversion of existing building which is a protected structure and previously used as civic offices to a restaurant at ground floor level and two 3-bedroom apartments at first floor level,

internal alterations, new entrance at ground floor level to south to C X Ling & LL Ning.

5.0 Policy Context

5.1. Bray Municipal Local Area Plan 2018-2024

Zoning

The site is zoned 'Town Centre' under the Bray Municipal District Local Area Plan 2018-2024 ('LAP / Local Area Plan'). This plan came into effect on the 10th June 2018.

The LAP states that the objective of this zoning is to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation.

The zoning seeks to develop and consolidate existing town centres, to improve vibrancy and vitality with the densification of appropriate commercial and residential developments, ensuring a mix of commercial, recreational, civic, cultural, leisure, and residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life for residents, visitors and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise town centre conservation, ensure priority for public transport, pedestrians and cyclists, while minimising the impact of private car-based traffic and enhance and develop the existing centres' fabric.

Bray Town Centre **Specific Objective BT3**

Generally, a height of 4 storeys (including ground floor) will be considered appropriate in the Bray 'town centre' zone, irrespective of adjoining property heights. However, the Council may permit heights above this, where the specific context of the site and the design of the building allow it (for example where additional storeys are set back from street frontage).

The site is within a Zone of Archaeological Potential (Map H3 'Heritage Objectives'), see attached.

5.2. Wicklow County Development Plan 2022-2028

The Wicklow County Development Plan 2022-2028 ('County Development Plan') took effect on 23rd October 2022.

Chapter 4: Settlement Strategy

- Bray is a Level 1 Metropolitan Key Town as per the County Wicklow Settlement Strategy.
- It is identified as a Key Town in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region. These are identified as 'large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres'.
- There is significant potential to deliver compact growth and regeneration in the established town centre and built-up area.

The following objectives are considered relevant:

CPO 4.2 - To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.3 - Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

CPO 4.13 - To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

Chapter 6: Housing

CPO 6.1 - New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside

when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

CPO 6.3 - New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

Placemaking for Town and Village Centres (Chapter 5)

Section 5.4.2 of the Development Plan is in relation to 'Infill & Brownfield Development'. It states that: 'The redevelopment of infill and brownfield lands within town and village centres presents a significant opportunity to consolidate the town and village centres.'

Development & Design Standards (Appendix 1)

Appendix 1 sets out the Planning Authority's requirements with respect to development and design standards.

The standards and guidance contained within set out the principal factors to be considered in the design of new development.

5.3. National Policy

5.3.1. National Planning Framework - Project Ireland 2040, DoHP&LG 2018

The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. National Policy Objective 13 refers to urban areas, and that 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.

5.3.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 15th January 2024

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the

planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

The Guidelines replace the Sustainable Residential Developments in Urban Areas- Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked).

The density ranges support the application of densities that respond to settlement size and to different place contexts, recognising in particular the differences between cities, large and medium sized towns and smaller towns and villages. The development standards for housing will allow for greater flexibility and innovation and support the delivery of a greater range of housing options.

Appendix B: Measuring Residential Density (see attached)

SPPR 3 - Car Parking

It is a specific planning policy requirement of these Guidelines that:

- (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.
- (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.

Applicants should be required to provide a rationale and justification for the number of car parking spaces proposed and to satisfy the planning authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. The maximum car parking standards do not

include bays assigned for use by a car club, designated short stay on–street Electric Vehicle (EV) charging stations or accessible parking spaces. The maximum car parking standards do include provision for visitor parking.

5.3.3. **Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2022.**

In general terms, apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.

Apartment design parameters addressed in these guidelines include:

- General locational consideration
- Apartment mix within apartment schemes
- Internal space standards for different types of apartments
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair/lift core ratios
- Storage spaces
- Amenity spaces including balconies/patios
- Car parking; and
- Room dimensions for certain rooms.

The focus of this guidance is on the locational and planning specific aspects to apartments developments generally.

SPPR 1 Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

5.3.4. Urban Development and Building Heights Guidelines for Planning Authorities (2018) ('Building Height Guidelines')

Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas. For example, if much of the future development in and around existing urban areas, where two- storey development is currently the norm, was of four-storey form as the default objective, it would be possible to provide substantially more population growth within existing built-up areas where there is more infrastructure already in place, rather than in greenfield locations which would need services. Therefore, these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.3.5. Design Manual for Urban Roads and Streets (2019).

This manual seeks to achieve better street design in urban areas by facilitating the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. The Guidelines set out that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users, in particular more sustainable forms of transport.

5.4. Natural Heritage Designations

No natural heritage designations apply to the subject site or are within its immediate vicinity.

- The closest European Site is Bray Head SAC (Site Code: 000714), which is approximately 1.4km to the southeast. The site is also a designated pNHA (Site Code: 000714).
- The Ballyman Glen SAC and pNHA (Site Code: 000713) is roughly 2.1km to the west.
- The Knocksink SAC (Site Code: 000725) is roughly 4.2km to the west.
- The Wicklow Mountains SAC (Site Code: 002122) and SPA (Site Code: 004040) are roughly 7.6km to the west, respectively.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development, in an established urban and serviced area, it is considered that 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. A First Party Appeal has been made by Brock McClure Planning and Development Consultants on behalf of the Applicant. The two reasons for refusal are addressed in turn.
- 6.1.2. A number of revised drawings illustrating details of an alternative design option, including corresponding photomontages prepared by ARC Architectural Consultants accompanied the appeal.
- 6.1.3. The overall scale and height of the proposed development has been reduced with the removal of 1 no. floor. This further reduces the no. of residential apartments units proposed to 24. The amended design is discussed further under Section 7 of this report.

6.1.4. The main grounds of appeal can be summarised as follows;

- *Planning Policy* - Submit proposed scale, mass and height of the development is in keeping with National, Regional and Development Plan Policy. This infill site is ideal for development of this nature, and proposed density, design and layout provides for a sustainable use of land.

Reason for Refusal No.1

- *Zoning Objective* - Notes incorrect reference to 'Neighbourhood Centre' instead of 'Town Centre' zoning.
- *Plot Ratio and Site Coverage* - Notes plot ratio of the proposed development is calculated by the PA to be 3.2 with a site coverage of c.57%. Submits that the PA calculation has used an incorrect overall site area and gross floor area figure. The applicant has calculated the plot ratio of the proposed development as 2.3 with a site coverage of c.24%. A comparison of the calculations carried out by the PA and the applicant are presented in Table 3 of the appeal report.
- *Site Boundary Area* – Submit that the PA has used the blue line area shown on the site plan of 1,110 sqm as the site boundary and not the true site boundary of 1,389 sqm included within the red line boundary.
- *Ground Floor Gross Floor Area* – Submit that the PA calculated the gross floor area of the ground floor as 630sqm, compared to that calculated by the applicant as 329sqm due to the use of a section of the site at ground floor level as undercroft public paid parking spaces.
- *Plot Ratio* – The new Wicklow CDP 2022-2028 does not list a blanket maximum plot ratio for development on Town Centre zoned lands. Submit that a plot ratio of 2.3 at this central TC zoned site within Bray is appropriate for development of the subject site.

Reason for Refusal No.2

- *Overshadowing* - A shadow analysis was carried out at further information stage by Varming, which showed the effect of overshadowing which is considered to be at an acceptable level.

Revised Design Option

- *Removal of a floor* - The proposed development has been revised to include the removal of the 3rd floor which reduces the height of the proposed building. The removal of 6 no. 2 bed apartment units, have results in a total of 24no. units proposed.
- *Relationship with existing buildings* - Submit reduction in height will further improve relationship between the proposed development and surrounding existing buildings at Bray Civic Centre and St. Cronan's.
- *St. Cronan's Building* - From the ground floor level of the St. Cronan's Building the proposed building has a maximum height of c. 18.455metres. The St. Cronan's building has a maximum height from ground floor level of 13.25metres. Submit that the Alternative Design Option building height of c.5.1 metres taller than the adjacent St. Cronan's building improves the relationship between the proposed development and this existing building.
- Proposed building submitted to the PA at FI stage was c. 8.3 metres taller than the adjacent St. Cronan's Building. Reduction in height significantly reduces the potential for any overbearing impact.
- Civic Plaza - Overall height of the ADOB is c.20.2 metres from the Plaza level. The plaza is c.1.75 metres lower than the ground level along the southern façade of the existing St. Cronan's building.
- *Mermaid Arts Centre* – Relationship improved by the removal of 1 no floor. Proposed set back before the 4th and 5th storey of the proposed scheme is level with the top of the adjacent Arts Centre. Submit the setback design feature allows the proposed building to appear to be a level height with the neighbouring Mermaid Arts Centre when viewed from immediately adjacent to either building at ground level. Submit that this set back feature allows for any overbearing or over massing impact that could arise from a building on the subject site to be mitigated against.
- *Reduced GFA and Plot Ratio* - Decrease in height of the building results in a reduction in the total Gross Floor Area to 2,614sqm and consequent plot ratio of 1.9.

- *View No. 2* – Submit when viewed from walkway area adjacent to the café of the Mermaid centre (to the west of the development site) gives rise to a consistent overall building height in the civic plaza area. Contend that the proposed development does not appear out of character in terms of scale or height to the existing buildings on the perimeter of the civic plaza area from this viewpoint.
- *View No. 3* - Submit when viewed from the east of the Mermaid Centre looking NW into the development site that almost the entirety of the buildings mass disappears behind the adjacent Mermaid Arts Centre Building. Contend that proposal will have minimal to no visual impact given the similarity of materials used to the adjacent Civic Centre buildings and the small visible section.
- *View No. 5 - from Main Street looking NE* – Submit that existing building cover from buildings located along the Main Street and the St. Cronan’s building further minimises the visual impact of the scheme. Contend that the development is almost entirely not visible due to shielding from existing mature tree cover and the adjacent St. Cronan’s Building.
- *View No. 6 - from Main Street looking SE* - Submit that the building will not be visible from this location to pedestrians traversing the eastern main street.
- *Roof Profile* - Submit that the proposed development features a flat roof whilst other buildings along the eastern side of Bray Main Street feature a traditional pitched roof. Note that any development of any height above 2 storey will be increasingly visible on the back land plot behind these units.
- *Colour Palette* – Submit those proposed are light and help create a lightweight appearance that breaks up the mass of the building when viewed from this location.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. A number of observations were submitted from the following parties.

- Linling Lin St. Cronan's House, 44A Main St. Bray
- Darren Coogan Mermaid Arts Centre, Bray Civic Buildings, Main St. Bray

6.3.2. Issues raised are similar to those raised in third party submissions to the PA and are on file.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Principle of Development
- Scale and Density
- Height and Visual Impact
- Impact on Adjoining Amenities
- Access Car Parking and Traffic
- Appropriate Assessment

7.2. Introduction

7.2.1. I refer the Board to the previous history on this site under (PA Reg.Ref.06/306 ABP Reg.Ref.39.223352) 4 storey mixed use development comprising retail, office and residential uses as part of the overall Bray Civic Centre. This permission was extended under an extension of duration permission PA Reg.Ref.13/14, but that permission was not implemented, and permission has now expired.

7.2.2. The main differences between the previous application and this current application relate to the adoption of the Bray Municipal Local Area Plan 2018-2024 and Wicklow

County Development Plan 2022-2028, the removal of St. Cronan's House as a Protected Structure, significant increase in height and no. of units. My assessment however will focus on the current proposal on its own merits.

7.3. Principle of Development

- 7.3.1. The Wicklow County Development Plan 2022-2028 ('County Development Plan') took effect on 23rd October 2022 just after the notification of decision by the PA on 29th September 2022. In the interests of clarity, I will base my assessment on the current Bray Municipal Local Area Plan 2018-2024 and Wicklow County Development Plan 2022-2028.
- 7.3.2. The grounds of appeal note that under the previous and current County Development Plan the appeal site is zoned 'Town Centre' and not 'Neighbourhood Centre' as incorrectly referenced in the first reason for refusal. I note no response to the appeal was submitted by the planning authority however, I am satisfied that the planning application was assessed with reference to the correct zoning objective as illustrated in the planners reports. I am satisfied, therefore, that reference to a 'Neighbourhood Centre' zoning objective rather than 'Town Centre' zoning is nothing more than a typing error.
- 7.3.3. The appeal site is currently in use as a privately owned surface car park. The proposed retail, office and residential uses are appropriate town centre uses and are in accordance with the zoning objective which seeks to develop and consolidate existing town centres, to improve vibrancy and vitality with the densification of appropriate commercial and residential developments.
- 7.3.4. I am satisfied therefore, that the proposed mixed-use development is acceptable in principle subject to design requirements as set out in the Bray Municipal Local Area Plan 2018-2024 and Wicklow County Development Plan 2022-2028.

7.4. Scale and Density

- 7.4.1. The first reason for refusal relates to the scale and density of the proposed development. The scale and density exceed the permitted density (maximum plot ratio) envisaged on lands zoned Neighbourhood Centre under the Bray Municipal District Local Area Plan 2018-2024. The proposal which is outside of the parameters

set out in the Bray Municipal District Local Area Plan would therefore be contrary to the objectives of the Bray Local Area Plan and the Wicklow County Development Plan 2016-2022.

- 7.4.2. The grounds of appeal include an alternative design option with a further reduction in scale and density of development. It is also submitted in the appeal that that the calculation of the proposed density and plot ratio by the PA in the planning assessment was incorrect. In this regard I note the PA did not make a response to the issues raised in the first party appeal.
- 7.4.3. CPO 4.13 of the Wicklow County Development Plan 2022-2028 requires that ‘the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.’
- 7.4.4. Scale is described in the guidelines as referring to ‘*the size of a building and how it is perceived in relation to its surroundings (based on its height and massing).*’ The quantitative criteria to measure the scale of a development are explored below. Measures used to determine height and massing are discussed in more detail in section 7.4 of this report.
- 7.4.5. A Design Statement was submitted with the application and further amended in response to the further information request. The alternative design option which accompanied the appeal includes the omission of a floor and consequent further reduction in the no. of residential apartment units.
- 7.4.6. For ease of reference, I have set out some details such as, gross floor area, no. of floors and no. of units in respect of the development as it has evolved over the course of/stated in the application and in the appeal in Table 1 below.

	Proposed Development as lodged	Amended FI Calculated by PA	Amended FI Calculated by Applicant	Revised on Appeal
Gross Floor Area	4,016 m ²	3,545 m ²	3,244 m ²	2,614 m ²
No. of Floors/ Building Height	6	6*	6*	5*
No. of Appt. units	36	30**	30**	24**

* Set back at two upper floors

**Change to mix

7.4.7. In quantitative terms a reduction in floor area from 4,016m² to 2,614m² and no. of units from 36 to 24no. is clearly a significant reduction in scale from that originally proposed.

Density

7.4.8. It is submitted in the appeal that that the calculation of the proposed density and plot ratio by the PA in the planning assessment was flawed. This assertion is made on the basis that the overall site area and gross floor area used by the PA in the calculations was incorrect.

7.4.9. In terms of overall site area, the first party submits that the area identified as within the red line boundary should be used, rather than the area identified within the blue line as relied on by the PA.

7.4.10. For ease of reference, I have set out a comparison of the calculations in the application of density, plot ratio and site coverage in respect of the development as it has evolved over the course of the application in Table 2 below.

Table 2

	Proposed Development as lodged		Amended FI Calculated by PA	Amended FI Calculated by Applicant	Revised on Appeal
Density Units/ha	36 units/site of 0.1389ha = c.259	36 units/site of 0.111ha = c.324	30 units/site of 0.111ha = c.270	30 units/site of 0.1389ha = c.216	24 units / site of 0.1389ha = c.173
Plot Ratio	2.89	3.96	3.2	2.3	1.9
Site coverage	29%	38%	57%	24%	19%

7.4.11. The application outlines that the lands within the red line boundary have an area of 1,389m². The overall site includes the access road (Wyvern) which runs through the site and is in third party ownership. The area outlined within the blue line boundary and owned by the applicant are c.1,110m² in area.

- 7.4.12. I am satisfied that the site as described in the public notices as having an area of 1,389m² and as outlined in red in the application is the basis for calculating the density and plot ratio area.
- 7.4.13. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities note that '*A gross density measure is best applied to estimating overall land areas required for mixed-use developments or for Local Area Plans and Planning Schemes*'.
- 7.4.14. '*A net site density measure is a more refined estimate than a gross site density measure and includes only those areas that will be developed for housing and directly associated uses as detailed in Table 1.....*'
- 7.4.15. I am satisfied that the area identified in the application as within the red line site boundary (which includes the access route/Wayleave/right of way) is the basis for calculating the Gross Density, and that the area identified as within the blue line site boundary (which excludes the access route) is the basis for calculating the Net Density.
- 7.4.16. The guidelines state that when calculating residential densities within mixed use schemes, planning authorities shall exclude the % of non-residential uses in proportion to the net site area.
- 7.4.17. In the application as lodged the Design Statement states the office/retail space at ground floor is 160sqm, this was reduced to 150sqm in response to further information. The ground floor area of the development has not been altered in the revised plans submitted on appeal.
- 7.4.18. In terms of gross floor area (GFA) the first party contends that the GFA used by the PA was incorrect. It is submitted that the floor area at ground floor level calculated by the PA as 630sqm, should have been 329sqm. The PA included the bin storage bike parking, car parking areas which brought the proposed ground element of the development up to at approx. 630sqm. On this basis the PA calculated the GFA as 3,545sqm (which allowed for the entire ground floor, i.e. commercial, residential access areas, bin storage, bike and car parking spaces).

7.4.19. In my opinion in calculating the net density the commercial floor space at ground floor which accounts for 150sqm should be excluded from the ground floor area of 329sqm. resulting in an area of 179sqm.

Plot Ratio

7.4.20. The appellant submits that a plot ratio of 2.3 at this central TC zoned site within Bray is appropriate for development of the subject site. By comparison the 'Alternative Design Option' submitted on appeal provides for a plot ratio of 1.9.

7.4.21. The PA noted that the plot ratio for the proposed development as lodged and as amended was contrary to the Wicklow County Development Plan requirement which allowed a maximum plot ratio for commercial, housing or mixed-use core town centre area (zoned TC) as 2.0. I would note that under the new CDP plot ratios are not prescribed in Appendix 1 Development and Design Standards.

7.4.22. The Guidelines state that Plot Ratio 'Expresses the proportionate relationship between the area of a site and the total gross floor area of a building(s). It is a measure of the intensity of land use and is calculated by dividing the gross floor area of a building(s) (sum of floorspace within the external walls of the building) by the site area.'

Site Coverage

7.4.23. The appellant submits that a site coverage of 24% at this central TC zoned site within Bray is appropriate for development of the subject site. By comparison the 'Alternative Design Option' submitted on appeal provides for a site coverage of 19%.

7.4.24. The PA calculated the site coverage for the proposed development as lodged as and as revised on further information and considered it excessive.

7.4.25. The Guidelines state that Site Coverage refers to 'The percentage of the site covered by building structures excluding public roads and footpaths. It is a control for preventing the adverse effects of overdevelopment'.

7.4.26. I have carried out my own assessment of the application, having regard to issues raised in the application and appeal and am satisfied that the proposed development as amended on appeal represents a significantly reduced and appropriate scale of development for this town centre site as set out in Table 3 below.

	Application as Lodged	Application as Amended on FI	Revised on Appeal
Overall Site Area	0.1389ha	0.1389ha	0.1389ha
Net Site Area	0.111ha	0.111ha	0.111ha
Overall GFA	4,016sqm	3,545sqm	2,614sqm
Residential GFA	714x3+592x2 2,142+1,184= 3,326sqm	630x3+476x2 1,890+952= 2,842sqm	630x2+476x2 1,260+952= 2,212sqm
Non-Residential GFA	4,016-3,326= 690sqm	3,545-2,842= 703sqm	2,614-2,212= 402sqm
No. of residential units	36	30	24
Residential GFA as a portion of the development	3,326/4,016= 83%	2,842/3,545= 80.2%	2,212/2,614= 84.6%
Site area for density purposes	0.1389ha*83%= 1.152ha	0.111ha*80.2%= 0.89ha	0.111ha*84.6%= 0.939ha
Residential Density	36/1.152ha= 31.25dph	30/0.89ha= 33.7dph	24/0.939ha= 25.559dph

7.4.27. In summary, I am satisfied that the 'Alternative Design Option' submitted at appeal stage is acceptable in terms of scale and density and, in my opinion, addresses the first reason for refusal. The scale of development proposed is acceptable in quantitative terms and in the context of this town centre site and land use zoning.

7.4.28. I am satisfied therefore, that the amended design submitted on appeal is in accordance with the Bray Local Area Plan 2018-2024, Wicklow County Development Plan 2022-2028 and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities January 2024.

7.5. Height and Visual Impact

- 7.5.1. The second reason for refusal refers to the proposed design, 6 storey height and location of this prominent site, which would be unduly obtrusive and out of character with the pattern of development in the area and would lead to excessive overbearance of adjoining buildings. The proposed development would seriously injure the amenities of the area and of property in the vicinity.
- 7.5.2. Objective BT3 of the Bray LAP states that generally, a height of 4 storeys (including ground floor) will be considered appropriate in the Bray 'town centre' zone, irrespective of adjoining property heights...the Council may permit heights above this, where the specific context of the site and the design of the building allow it (for example where additional storeys are set back from street frontage). The main issue requiring assessment therefore centred on the proposed height being sought and the potential residential amenity and visual impacts that would arise as a result.

Height

- 7.5.3. The proposed development as lodged provides for 6 no. storeys. The PA had concerns in relation to the building height and intimated in the planning assessment that the omission of 2 of the larger floors (i.e., 2nd and 3rd floors) would address these concerns. The proposed design was amended by further information to provide a set back at 5th and 6th floor upper levels. This allowed for a reduction in volume and separation distances to neighbouring properties were increased on all 4 sides. This is reflected in the overall reduction in floor area as discussed above in section 7.3.
- 7.5.4. Notwithstanding these changes, the lack of reduction in overall height to the proposed the 6-no. storey development (between c.19.325m and c.23.325m ground to roof garden/lobby roof height) was not considered acceptable to the PA.
- 7.5.5. Revised design proposals submitted on appeal outline the omission of the 3rd floor (6 no. 2 bed apartment units) which results in an overall reduction in height of 3m. The revised design proposal provides for a proposed building height is 5 no. storeys, with a set back at 4th and 5th floor upper levels.
- 7.5.6. The Planning Authority granted permission for the construction of a mixed-use development on the site in 2008 under ABP39.223352 which provided for a 4-storey

building. This permission was never implemented despite an extension of duration permission in 2013 which has since expired in 2018.

Original Scheme

- 7.5.7. The original scheme, lodged at application stage is articulated in the drawings, plans and particulars submitted to the PA. The application was accompanied by a detailed Design Statement and Photomontage Views which were updated to reflect changes to the design height and massing of the development at further information stage. I have carried out a physical inspection of the site, and its surrounding vicinity, and viewed the technical drawings on file for both the original scheme and its amended version.
- 7.5.8. The appeal site although located within a central location in Bray town centre, it has no direct frontage onto Bray Main Street. It is located within the northeast corner of the existing Bray Civic Centre which comprises a number of modern civic buildings and former protected structure known as St. Cronan's. It is adjoined by neighbouring commercial, community and residential uses. It is bounded by established developments along Crutchley Lane to the north, Mermaid Arts Centre to the east, Civic Plaza to the southeast, St. Cronan's House in use as a restaurant to the south and the rear of No. 40 and 41 Main Street, Bray to the west.
- 7.5.9. The subject site primarily addresses the Civic Plaza within the Bray Civic Centre.

Planning Guidelines

- 7.5.10. The need to secure more compact forms of development in urban and serviced areas is referenced at both national, regional and local policy level, and increased building height is recognised as a measure in which to achieve this. Policy SPPR1 of the Building Height Guidelines states that it is government policy to support increased building height and density in locations with good public transport and accessibility, particularly in town/city cores. The site is centrally located within a short walking distance of the town centre (the main commercial shopping district) and has good access to several public transport services, including Dublin Bus routes and Bray train station. The site is also in an area which has a changing and emerging urban character and has the capacity to absorb a building taller than those directly adjoining it.

- 7.5.11. Given the underutilised nature of the existing surface car parking use of the appeal site, it is clear to me that activating these lands through the delivery of a mixed-use scheme would result in significant planning gain and allow for the consolidation and regeneration of a site in the centre of an important Level 1 Metropolitan Key Town.
- 7.5.12. During my physical inspection of the site, I observed that the context of the surrounding area comprised buildings predominantly 2 storeys (the highest building in the area being the existing Arts/Civic Centre building at 3 storeys).
- 7.5.13. The northern boundary of the site is onto Crutchley Lane, which is a narrow laneway, cul-de-sac serving the rear gardens and garages of existing commercial buildings on main street, and backland two storey residential development. The lane runs east - west and I note that the closest house (Nirvana) is a two-storey house with pitched roof. The units on the east side of Main Street are mainly two storeys in height. There are some taller three-storey units intermittently along the western side of the street. However, these are few and so the prevailing height of the surrounding area to the north and west can be accurately described as two storeys.
- 7.5.14. The southern boundary of the site partly addresses St. Cronan's House and partly the Civic Plaza. St. Cronan's formerly a protected structure and currently in use as a restaurant includes living units to the rear. This building which is located at the entrance to the Bray Civic Centre from the main street is two storeys in height. The Civic Plaza is an open amphitheatre, hard surfaced area which steps down to a lower site level to the adjoining ground levels. Existing buildings within the Civic Centre address the public plaza.
- 7.5.15. The eastern boundary of the site addresses the western elevation of the Mermaid Arts Centre a modern three storey block. The western elevation of the Arts Centre includes a café.
- 7.5.16. The subject site is not at a prominent location within the town centre as it is largely screened by existing two storey commercial development along the main street and is located to the rear of St. Cronan's. The current use as a surface car park does not currently have a strong visual presence apart from the Civic Plaza within the Bray Civic Centre. There are only glimpses of the appeal site from within the town centre, on approaches from the south and the west from Parnell Road junction with main street. Having regard to this, a key consideration is whether the proposed

redevelopment of the site employs a high-quality, sensitive design that is cognisant of the town centre skyline and established character of the surrounding vicinity. The decision, in essence, comes down to the appropriateness of the building height, including its massing, appearance and design quality, whilst also acknowledging the highly accessible location of the site.

- 7.5.17. The height of a proposed structure should not, in of itself, render a development proposal unacceptable, particularly if the new building is of a high-quality design. However, I note that the receiving environment is characterised by an existing urban grain and appropriate building heights for the area can make an important contribution to the character of the town centre, and its surrounds, and this should be given careful consideration.
- 7.5.18. The proposal seeks to use a relatively standard palette of materials. The primary finishes to be used as part the building façade include painted render, limestone cladding and a façade system of spandrel or aluminium wall panels. I am satisfied that the materials are appropriate and help create a light and visually attractive modern finish that complement the civic nature of the area.
- 7.5.19. As noted above, the proposed development is for five floors of residential apartments over ground floor comprising retail and office uses. Therefore, it comprises six storeys overall. I consider that a building of this scale would be a significant intervention in the skyline of Bray Town Centre, notwithstanding the setback at fifth and sixth floors proposed in revised plans submitted at further information stage.
- 7.5.20. It is likely, in my opinion, notwithstanding the separation distance from the Main Street that the building would be very visually apparent from several further afield settings, some potentially well outside the main town centre core, and not just from Main Street, Crutchley Lane, and other immediate locations within Bray Civic Centre.
- 7.5.21. I consider that the original version of the scheme (i.e., the version submitted at application stage and as revised at further information stage) would jar and present as an incongruous form of development with its receiving context. The scale of development proposed is excessive, in my opinion, and would be overly dominant from a visual impact perspective. The proposed development would also likely have a negative domineering presence over Crutchley Lane and St. Cronan's, and I am not satisfied that it would integrate well with its setting, or the character of its

surrounding environment, which is characterised by lower two and three storey buildings.

Alternative Design Option (submitted at appeal stage)

- 7.5.22. The third floor has been omitted to provide for four floors of residential apartments over a ground floor. Therefore, the alternative design option provides for five storeys overall with a further reduction in height of 3m.
- 7.5.23. Further photomontages were submitted on appeal. The photomontages illustrate the alternative design option as contrasted with the revised scheme submitted at further information stage. I have examined these and consider the omission of the third floor to be a significant design alteration. I note Views 5 and 6 from Bray Main St. which in my opinion, illustrate the proposed alternative design option as having a much-reduced visual impact on the skyline.
- 7.5.24. In terms of views from within the Bray Civic Centre I would also accept the case made by the applicant and as illustrated in the photomontages that the set back at fourth and fifth floor now reads more in line with the flat roof height of the Mermaid Arts Centre and pitched roof height of St. Cronan's.
- 7.5.25. In terms of making a comparison between the three design options (i.e., application as lodged, as amended by way of FI and as submitted on appeal), I consider the section drawings submitted as part of the appeal, including contiguous elevations, particularly useful. The information clearly illustrates the level of change between the design options and how the scheme would be reduced in height and stepped back at its upper fourth and fifth floor levels which integrates more successfully with adjoining buildings.
- 7.5.26. I acknowledge that the applicant has demonstrated a genuine attempt to reduce the scale and massing of the proposed development by submitting these design changes. In my opinion, the proposal would still have a significant visual impact, particularly as viewed from the north with the transition in scale, however given the prevailing town centre zoning I consider the reduction in scale as presented on appeal as the alternative design option to be an acceptable and appropriate scale of development in its context.

Conclusion

- 7.5.27. In summary, I am satisfied that the 'Alternative Design Option' submitted at appeal stage is acceptable in qualitative terms and, in my opinion, addresses the second reason for refusal in terms of height and visual impact. The 5-storey building proposed includes a set back at 4th and 5th storeys is acceptable in the specific context of this town centre site and land use zoning. I am satisfied that the site lends itself to accommodating the amended scale of development proposed on appeal.
- 7.5.28. I am satisfied therefore that the amended design submitted on appeal and is in accordance with Objective BT3 of the Bray Local Area Plan 2018-2024, Wicklow County Development Plan 2022-2028 and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities January 2024.

7.6. Impact on Adjoining Amenities

- 7.6.1. The second part of the second reason for refusal refers to the proposed development as leading to excessive overbearance of adjoining buildings, which it considered would seriously injure the amenities of the area and of property in the vicinity.
- 7.6.2. As outlined above the proposed development has a particular relationship with a number of existing buildings and uses in the immediate vicinity of the appeal site. These include St. Cronan's House with restaurant and residential units to the south, Mermaid Arts Centre with theatre gallery and café to the east, and residential property 'Nirvana' to the north located along Crutchley Lane. I would also note from the outset that existing buildings and uses in the immediate vicinity are all within the town centre zoned lands.

Overlooking

- 7.6.3. Concern was raised by the PA in respect of overlooking of adjoining residential properties to the south and north from the proposed angled balconies to residential units at upper floors and from the roof garden. Revised proposals were submitted by the applicant in response to a further information request which included recessed balconies, increased separation distances on all four sides and a set back of the fourth and fifth floors.
- 7.6.4. Concern is raised by one of the observers to the appeal in respect to overlooking of the rear amenity space to the residential unit at the rear of St. Cronan's House. The

observer notes a separation distance of 4m from the entrance to the apartments within St. Cronan's, and potential overlooking from proposed bedrooms of existing bedroom in St. Cronan's. I would note also that the private amenity space associated with the residential unit includes a north facing balcony at first floor. I have also had regard to the impact of the proposed development on the two-storey residential property 'Nirvana' located to the north along Crutchley Lane.

- 7.6.5. I have examined the site layout plan, floor plans, elevation and cross section drawings as submitted and as revised by way of further information.
- 7.6.6. I have considered the relationship between the residential unit to the rear of St. Cronan's and the proposed residential units within the development at its southwest corner. From my examination of the drawings submitted, the separation distance from the rear building line of St. Cronan's House was approx. 6.5m and was increased to approx. 7m in revised plans submitted. I accept that the separation distance to the edge of the first-floor private amenity space is closer to approx. 4m and is a pinch point within the development.
- 7.6.7. I have considered the recessed balconies which include opaque finishes to provide screening to adjoining developments. I would also note that while there may be some perceived overlooking from the southwest corner units (apart. 1-02 at first floor, apart 2-02 at second floor, and apart 3-02 at third floor), the two other corner units at fourth and fifth floor are set back a further 1.6m. The roof garden also includes a glazed guard rail to address overlooking.
- 7.6.8. I note the recessed balconies on these southwest corner units serve the proposed living dining areas, however I also note the proposed block is set off the western building line established by St. Cronan's and does not extend along the entire length of the balcony. I also note that the southwest corner units are 1 bed units.
- 7.6.9. Similarly, I have examined the potential for overlooking from the rear elevation of the proposed development on the two-storey residential property 'Nirvana' located to the north along Crutchley Lane. This property benefits from a generous front garden, high boundary wall and mature planting. A separation distance of approx. 17.5m between the front elevation of this property and the rear elevation above first floor level of the proposed development is approx. 17.5m. In my opinion this separation

distance along with opaque glazing to recessed balconies will help protect the amenities of the property.

- 7.6.10. I also note further revised plans submitted on appeal which provide for the removal of one entire floor which would further address overlooking of adjoining developments.
- 7.6.11. On balance therefore, I am satisfied that in an urban setting where the predominant use of existing buildings to the south and north is non-residential that the proposed separation distances, and relationship with the existing residential units is acceptable in a town centre location.

Overshadowing

- 7.6.12. Concern was raised by the PA in respect of overshadowing of neighbouring properties to the north and domestic house to the northeast which would be negatively impacted. The observers to the appeal have also raised concern in relation to overshadowing of the rear north facing elevation of St. Cronan's House and west facing elevation of the Mermaid Arts Centre located to the east of the proposed development.
- 7.6.13. The PA expressed strong reservations in relation to overshadowing and considered the omission of two floors had the potential to reduce the degree of overshadowing. The application was revised but proposed a set back to the development at fourth and fifth floors only. The amended design submitted at appeal provides for the option of omitting a floor.
- 7.6.14. A Day Light and Sunlight report prepared by Varming Consulting Engineers, accompanied the application and was amended at further information stage to reflect the design changes.
- 7.6.15. The Day Light and Sunlight analysis carried out includes an assessment of the Average Daylight Factor to the apartments in the proposed development, Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) to nearby receptors. The receptors include the dwelling and workshop located to the north.
- 7.6.16. The report concludes (section 6.1) that there will be limited adverse impact on the dwelling to the north and transient overshadowing to the surrounding buildings. The report also notes the presence of mature trees and vegetation shielding the dwelling

to the north which will eliminate any potential impact due to their overshadowing effect.

- 7.6.17. I can confirm on the day of my site inspection around midday in January that the rear north facing elevation of St. Cronan's was already in shadow. I also noted the existing mature trees and vegetation along the northern boundary of the site which are evergreen. I did note the existing high stone boundary wall to Crutchley lane and the shadow cast by this wall on the Lane and adjoining workshop.
- 7.6.18. I have examined the shadow diagrams presented illustrating a comparison between the existing and proposed developments at hourly intervals from 8am to 6pm for both solstices and equinoxes. I am satisfied that these represent a realistic and comprehensive analysis.
- 7.6.19. The shadow diagrams demonstrate significant overshadowing of existing properties to the north from midday on the 21st September, 21st December and 21st March. I would note however that in December the proposed development will not cause significantly more overshadowing than already exists from shadows cast by existing buildings to the east and southeast.
- 7.6.20. I accept that the south facing elevation of the existing two storey house, and high-level windows along the south facing elevation of the existing workshop located to the north of the appeal site will be overshadowed by the proposed development at certain times of the day.
- 7.6.21. I note the context of the site which in its current form is underutilised and any form of new mixed-use development above three floors will result in a significant degree of overshadowing to the north. I would also note however that both properties identified as being affected by overshadowing are back land developments within a town centre location and north of the previously permitted Bray Civic Centre.

Overbearing

- 7.6.22. Concern is raised in submissions to the PA and by observers to the appeal that the proposed development would tower over/dominate the skyline and completely dwarf the surrounding civic buildings in the Civic Building complex.
- 7.6.23. In terms of overbearing, I accept that the existing streetscape within Bray and established developments to the north and south of the appeal site are

predominantly 2 storeys. I also note this is the remaining Infill site within the Bray Civic Centre, and the prevailing scale and 4 storey height of adjoining office and civic buildings to the east.

7.6.24. PA - when the Verified Views prepared for the proposal by ARC are consulted (see Views 5 and 6). There are a number of views that show the dominance/overbearance by the proposed structure i.e. Views 7, 8 and 11

7.6.25. I am satisfied in this instance that the appeal site has the capacity to absorb development and that the amended design submitted as part of the appeal is a more appropriate scale of development which will help assimilate the proposed development into its surrounding environment.

Conclusion

7.6.26. I am satisfied that the proposed development as amended on appeal is acceptable in terms of overlooking and overshadowing and

7.6.27. In summary, I am satisfied that the ‘Alternative Design Option’ submitted at appeal stage is acceptable in terms of overlooking and overshadowing and, in my opinion, will not give rise to significant overbearance of property in the vicinity, and addresses the second reason for refusal. The scale of development proposed is acceptable in quantitative terms and in the context of this town centre site and land use zoning.

7.7. Residential Amenity

7.7.1. The unit mix comprises a mix of one and two-bedroom units. The number, mix and configuration of residential units was altered on foot of the response to the further information response and further altered in revised plans submitted on appeal.

7.7.2. A comparison between the scheme as proposed, as amended in response to the further information, and as revised in response to the refusal is set out in Table 4 below.

Apartments	Proposed	Amended by way of FI	Revised on Appeal
One Bed	11	12	12
Two Bed	25	18	12

Total	36	30	24
--------------	-----------	-----------	-----------

- 7.7.3. The proposed development as lodged and as amended by way of further information provided for a mix of units which was acceptable to the PA and in accordance with the SPPR1. The proposals submitted on appeal provide for the maximum 50% allowable of one bed apartments and accords with SPPR1 of the Apartment Standards.
- 7.7.4. The internal layout of the units and compliance with the requirements of the development plan is set out in the Housing Quality Assessment submitted with the application and in the revised proposals submitted by way of further information and on appeal. SPPR3 Units sizes, layout and room sizes are all in accordance with the relevant standards and are considered acceptable.
- 7.7.5. The PA expressed concern initially over the number of single aspect north facing units and no. of dual aspect units proposed having regard to compliance with SPPR4 which requires a minimum of 33% dual aspect units. The scheme was revised by way of further information as noted above and provided for 100% dual aspect units. The proposals submitted on appeal similarly provide for 100% dual aspect units.
- 7.7.6. The PA also noted concern in relation to floor to ceiling height requirements of SPPR5 and this was addressed in revised plans submitted to the PA. Floor to ceiling heights proposed for apartments are 2.7m and 3.5m for the commercial units.
- 7.7.7. Private amenity space is to serve each unit is provided in the form of projecting balconies which extended beyond the facades of the building on all four sides. These balconies were revised in the application to form recessed balconies. The size of the recessed balconies is consistent with the requirements set out in the current County Development Plan.
- 7.7.8. The Landscape Masterplan drawing indicates an area of communal amenity open space at roof level with a stated area of 400sqm. Revised landscape masterplan proposals were submitted to the PA in response to the request for further information also detail a smaller area of landscaped open space at ground floor level adjoining the Civic Plaza, which has an area of 180sqm. The roof terrace provides for a variety of elements including raised planter, roof pergola, communal seating,

communal roof kitchen, play equipment and informal seating areas. These and planting are arranged around both lift and stair cores and solar panels.

Summary

- 7.7.9. I am satisfied that the commercial and retail use at ground floor would provide animation and vibrancy in this area of the Civic centre. The uses would complement the adjoining restaurant and theatre, gallery and café uses. Combined with residential use at upper floors would provide passive surveillance of the adjoining pedestrian routes through the civic centre and also of the civic plaza onto which it also addresses, thus acting as a deterrent to anti-social behaviour.
- 7.7.10. I am satisfied therefore, that the proposed development provides for and has access to an adequate level of amenity for future residents.

7.8. Access and Parking

- 7.8.1. The appeal site comprises an existing surface car park providing 38 no. public car parking spaces and is accessed via a one-way entry and exit route known as Wyvern Road. The car park is privately owned and operated on a pay and display basis. It provides parking adjacent to the adjoining civic buildings including the Mermaid Arts Centre, Bray District Offices and Bray District Court, restaurant, office and commercial uses.
- 7.8.2. It is proposed to reduce the no. of public car parking spaces to 16 which includes one disabled space. These car parking spaces are to be provided as undercroft car parking spaces located along the western and northern sides of the proposed building at ground floor level. The amended proposals submitted at further information stage provide for 15 no. car parking spaces.
- 7.8.3. The proposed development does not provide any dedicated car parking within the proposed development to serve the retail and residential uses. The application was accompanied by a Traffic Assessment and Residential Travel Plan prepared by Barrett Mahony Civil and Structural Engineers. This was further amended at further information stage.

Loss of Public/Civic Parking

- 7.8.4. Concern was raised in submissions to the PA over the loss of public car parking spaces. which it is submitted will result in illegal parking on Wyvern Road and impede access to residential houses on Wyvern. These houses are located to the east of the Bray Civic Centre but accessed via Wyvern Road which serves the Civic Centre.
- 7.8.5. Concern is also raised by an observer to the appeal in relation to the closure of the current access road to the carpark during the build which will impact on parking in the immediate area. The Mermaid Arts Centre which includes a gallery theatre and café, raises concern regarding the loss of car parking and build process which it is submitted will deter audiences from returning to the Mermaid Arts Centre.
- 7.8.6. The Roads Section of the planning authority raised concern in relation to traffic safety issues. Further information was sought in relation to a one-way entry and exit layout, safety of car park space no. 5 and details in respect to details of public lighting and taking in charge requirements.
- 7.8.7. Revised plans submitted by way of further information indicate a defined 1.2m footpath to the west and north of the under-croft parking. A vehicular carriageway of 4.8m is shown outside of this path. The building and car parking layout was revised, removing all obstructions to visibility to the car parking spaces provided. Issues raised in items no. 6-9 of the further information request were addressed to the satisfaction of the Roads Section of the PA.
- 7.8.8. There will be public parking retained on site albeit at a reduced no. to that on site at present. I did note from my site inspection that there are also other parking facilities in the vicinity including the basement car park provided within Bray Civic Offices. On the day of my site inspection directional signage for parking for visitors to the Bray Civic Centre was displayed outside the entrance to the basement car park.
- 7.8.9. In my opinion, the issues raised in relation to disturbance/nuisance and potential obstruction to access issues during the construction phase to the operation of the Mermaid Arts Centre and residential development in Wyvern are unavoidable. The construction works will be temporary, and arrangements will need to be put in place to facilitate vehicular access along Wyvern Road. Access and parking issues during construction are typically resolved between the operators and the applicant and or their agents to limit inconvenience caused and agreed with the PA prior to

commencement of development on site. Arrangement would normally be agreed and set out during the construction phase and form part of a construction management plan. If the Board are minded granting planning permission a condition requiring the submission of a construction management plan to the PA for agreement in writing would be prudent.

Car Parking

- 7.8.10. As noted the proposed development does not provide any dedicated car parking to serve the proposed residential, retail and office uses. The applicant notes that this can be justified due to the development's location in the heart of Bray Town Centre. The sites' location within walking distance of a variety of facilities and amenities, the proximity to frequent high quality public transport links, Dublin Bus and Dart, which offer frequent connections towards Dublin City Centre and to the south towards Wicklow Town.
- 7.8.11. This rationale was considered acceptable by the PA on this Town Centre site and in accordance with the 2020 Apartment Guidelines (updated 2022) which aims to reduce private car dependency on central sites in favour of sustainable transport modes.
- 7.8.12. Having regard to specific planning policy requirement SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, I am satisfied that the appeal site is an accessible location, where car-parking provision should be substantially reduced.
- 7.8.13. I note the rationale and justification for the zero number of car parking spaces proposed as presented by the applicant and outlined in the accompanying Traffic Assessment and Residential Travel Plan Framework. I note that the applicant has satisfied the planning authority that this is necessary and appropriate, particularly when there are 'civic car parking spaces' proposed as part of the overall development.
- 7.8.14. I accept the case made by the applicant that in providing zero car parking there will be less traffic generated by the proposed development.
- 7.8.15. I am satisfied that the proposal is in accordance with the requirements of the Bray Local Area Plan, Wicklow County Development Plan and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

Bicycle Parking

7.8.16. The proposal provides for two no. bike storage rooms each providing storage for 42no. bicycles (total 84no.). The proposed bike room accommodates 80no. bikes with 10 additional spaces provided outside the front entrance, all at ground floor. The bike storage is provided in two separate indoor bike storage areas and comprise of stacked frames. 10 additional external spaces are provided near the retail/office space.

Revised plans submitted at further information stage indicate no changes to the no. of cycle parking spaces despite the reduction in the no. of units and change of mix with consequent no. of bedspaces.

7.8.17. The development as lodged includes 61no. bedrooms between the 36no. units. The minimum required was 79 bike spaces (61+18 = 79). The Apartment Guidelines require that 1 cycle storage space per bedroom should be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. The proposal was acceptable to the PA on the basis that provision complies with requirements in relation to parking.

7.8.18. I have had regard to the proposed provision of cycle parking, in terms of quantum, location and accessibility. I have also had regard to the Traffic Assessment and Residential Travel Plan Framework which provides a justification and rationale for the parking and am satisfied that the provision is acceptable.

Conclusion

7.8.19. I am satisfied that the proposed development is acceptable in terms of traffic safety and parking provision, would not endanger public safety by reason of a traffic hazard and is in accordance with the requirements of the Bray Local Area Plan, Wicklow County Development Plan and Planning Guidelines.

7.9. Other Matters

Water Supply and Drainage

7.9.1. The development is proposed to connect to the public water supply and drainage networks. A submission from Irish Water following a request for further information states that there is no objection to the development subject to conditions including

regarding a connection agreement with Irish Water being in place. There is no indication on file that this is not acceptable to the local authority.

7.10. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, which is a mixed-use scheme (apartments and retail uses), within an urban and serviced area, and the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission be **granted** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

Having regard to

- (a) the existing use on site,
- (b) to the existing and permitted development in the area,
- (c) to the policies and objectives set out in the Wicklow County Development Plan 2022-2028 and Bray Municipal Local Area Plan 2018-2024 which support the consolidation of existing town centres, to improve vibrancy and vitality with the densification of appropriate commercial and residential developments.
- (d) the nature, scale and design of the proposed development which provides for a mixed-use scheme and
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing Design Standards,
- (f) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or out of character with the surrounding area, would not seriously injure the amenities of adjoining properties, would provide satisfactory standards of amenity for the future occupants of the development, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 9th March 2022, as amended by further information on 2nd September 2022 and further amended on appeal on 24th October 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Planning permission is granted for 24 no. residential units only as indicated on further amended plans submitted on appeal on 24th October 2022.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development,

Reason: In the interest of visual amenity.

4. The proposed retail / office shall not operate outside the period of 0700 to 2200 hours Monday to Friday inclusive except public holidays, and not operate outside the period of 0800 to 2200 hours on Saturdays, Sundays or

public holidays. Prior to the operation the operator shall submit to, and agree in writing with, the planning authority details of the proposed signage.

Reason: In the interest of residential and visual amenity.

5. The internal noise levels, when measured at the windows of the proposed development, shall not exceed:

- (a) 35 dB(A) LAeq during the period 0700 to 2200 hours, and

- (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

6. The site and roof garden shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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

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

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

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

Reason: In the interest of urban legibility

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide, inter alia, details of intended construction practice for the development, including noise management

measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme, providing adequate measures for the future maintenance of open spaces, roads and communal areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

14. The internal road network serving the proposed development, including junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Areas.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting

system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

17. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual amenity.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

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

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

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

Reason: In order to conserve the archaeological heritage of the area and

to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

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

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

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed

between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan McHugh
Senior Planning Inspector

25th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314913-22		
Proposed Development Summary	6 storey building (over basement for services) comprising of 36 apartment units; pedestrian and vehicular access via the existing Wyvern Road, retail/office floorspace at ground floor level, roof garden, 19 car parking spaces, bicycle and bin storage, landscaping, ESB substation and all associated site works and services.		
Development Address	Lands off Wyvern, Main Street, Bray (site is bound by Mermaid Arts Centre to east, St. Cronan's House to south &, Crutchley Lane to North), Co, Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	<input checked="" type="checkbox"/>
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	<input checked="" type="checkbox"/>	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____

Date: _____