



An
Bord
Pleanála

Inspector's Report ABP-315185-22

Development	Demolition of warehouse, retention of boundary wall, construction of 4 apartments, and associated site works.
Location	Site at corner of Burkes Lane / Dwyer Park, Ravenswell, Bray, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	22/203.
Applicant	HT Carroll Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Grant of Permission
Appellant	Anthony and Bridget Kearns.
Observer(s)	Sinead and Bernard Crampton.
Date of Site Inspection	8 th February 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The appeal site is located on the corner of Burkes Lane / Dwyer Park, Ravenswell, Bray, Co. Wicklow. The site has a rectangular shape and comprises a partially demolished warehouse building which occupies the entirety of the appeal site. The walls of the existing warehouse remain, along with the roof's steel frame which is perched above. The site has a northern orientation and has an outlook towards the residential street of Dwyer Park. The appeal site has a stated area of c. 0.0323ha.
- 1.2.** In terms of the site surrounds, the site is located c. 50m to the north-east of the junction of Burkes Lane and Castle Street. The site is bound to the south-west by the rear gardens of Nos. 1-4 Belton Terrace. The rear garden of No. 4 Ravenshall Road is located to the south-east and the site has north-eastern abuttal with Bray Golf Club.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the demolition of the existing warehouse building (310sq.m.) and the construction of a new two storey apartment building comprising a total of 4 no. apartments. The proposal originally sought to retain the existing south-western boundary wall which it shares with the properties on Belton Terrace. This element of the proposed development was modified at additional information stage which I will discuss in further detail within the assessment section of this report.
- 2.2.** The apartment building has a contemporary architectural expression with a flat roof form and a maximum height of c. 7.6m above natural ground level. The proposed apartment building shall comprise 3 no. car parking spaces (1 no. disabled space) at ground floor level and 2 no. 2 bedroom apartments which are both served by a ground floor level terraces on the south-eastern side of the building. The ground floor level also includes bicycle parking, bins storage and a lift and stair access to the first floor level. The first floor level of the building comprises an additional 2 no. 2 bedroom apartments and terraces on their south-eastern sides.
- 2.3.** The ground floor level apartments have floor areas ranging from c. 70sq.m. to c.

75.5sq.m., with 8.8sq.m. of open space provided in the form of terraces which are directly accessible from the living room of each apartment. The first floor level apartments both have floor areas of c. 87sq.m. and are served by balconies with a stated area of 14sq.m.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council granted planning permission for the development subject to compliance with a total of 10 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Reports form the basis of the decision. The First Report provides a description of the site and the subject proposal, it sets out the planning history of the site and surrounds, notes that pre-planning consultation was facilitated and provides an overview of the policy at national and local level that is relevant to the development proposal. The report also summarises the observations on the planning file.

The Planning Authority noted that the principle of development is acceptable at this location and no concerns were raised with respect to the nature of the proposal (i.e. apartments), density or plot ratio. However, further information was requested with respect to the following matters:

- Concerns over flood risk potential.
- Revisions to minimum ground floor level floor to ceiling heights requested.
- Details with respect to existing and proposed boundary treatments and the requirement for an engineering report.
- Concerns with respect to the adequacy of the car parking and cycle parking facilities.
- Requirement to provide:
 - o A daylight and sunlight for the proposed development.
 - o revised surface water drainage proposals and details with respect to the

development's water supply.

- Details with respect footpath linkages.
- A report in relation to the construction and the long term maintenance of the proposed building and boundary walls.
- A report in relation to the presence on site of any hazardous materials, and a plan to detail with same if applicable.
- A report on the potential impact on adjoining zoned land due to the proximity of the proposed windows on the north-eastern elevation relative to the north-eastern boundary.

Following the submission of additional information, the proposed development was deemed to be acceptable, and the Planning Authority recommended a grant of planning permission subject to compliance with 10 no. conditions.

3.2.2. Other Technical Reports

Bray Municipal District Engineer: Report received recommending additional information with respect to flooding, car parking and the surface water drainage proposals.

Roads: Report received recommending additional information with respect to cycle and car parking and the provision of footpaths to serve the development.

Chief Fire Officer: Report received stating no objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

Irish Water: First report recommending additional information. Second report received stating no objection subject to compliance with conditions.

Development Applications Unit: Report received stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

A total of four (4) no. Third Party observations were initially received. The issues raised within the observations can be summarised as follows:

- It is highlighted that works were already carried out on site to remove the roof of the warehouse and it was apparent that the roof had asbestos materials in it. Concerns were highlighted with respect to the improper disposal of hazardous materials. The Third Parties requested a copy of the asbestos survey that was conducted on site and reassurance that the building itself and the retained wall does not contain asbestos.
- It was stated that there has been evidence of illegal dumping in the distant past, predominantly of waste building and hazardous materials on the appeal site. If this development is to go ahead, it is extremely likely that vibrations associated with the demolition of the warehouse and building would disturb this dumped asbestos. Suitable conditions should be attached to a grant of permission for this to be professionally removed.
- Drainage related concerns.
- Concerns that the proposal will impact the structural integrity of the existing boundary wall which it shares with the properties to the south west.
- The height of this southwestern boundary wall which is proposed to be retained and forms the boundary with the properties to the south west is incorrectly identified on the submitted plans and the actual height exceeds 5m.
- Concerns raised that the proposal would result in an increased flood risk that may impact the properties to the south west.
- Environmental concerns associated with the proposed development and its impact on nesting birds.
- Concerns raised with respect to the insufficient level of car parking proposed and that the proposal will result in the loss of three informal car parking spaces on the street.

Three (3) no. additional observations were received following the Applicant's submission of additional information. The issues raised within the observations can be

summarised as follows:

- Concerns raised that the asbestos report provided as part of the further information response does not include a survey of the walls or floors. The Planning Authority is requested to engage directly with the Applicant in relation to the asbestos survey and removal to ensure the Applicant follow all necessary regulations.
- Concerns highlighted that there is asbestos dumped on the appeal site.
- It is highlighted that there is a shed connected to the existing south western wall associated with No. 3 Belton terrace which should also be included in the asbestos survey.
- Concerns are highlighted with respect to the increase in height of the proposed building and the potential impact in terms of loss of daylight and sunlight to the properties to the south west.
- Concerns raised regarding the lack of clarity with respect to the south western wall which forms the rear boundary of the properties to the south west. It is requested that any demolished or damaged section of the wall is replaced with the same height and depth, will be built at no cost to the residents of Belton Terrace and the residents of Belton Terrace must be consulted in the design and construction.
- Flood risk related concerns.
- Drainage related concerns and the lack of clarity on the submitted plans and particulars.

4.0 Planning History

4.1. Appeal Site

None

4.2. Surrounds (north-east)

20/672: Extension of Duration granted by the Planning Authority in September 2020 for a mixed-use development comprising residential (603 units), community and commercial and all other associated works on a site of c.15.99 hectares.

07/630194 (ABP Ref. PL39.230246): Planning permission granted by the Planning Authority and the Board in June 2010 for a mixed-use development comprising residential (603 units), community and commercial and all other associated works on a site of c.15.99 hectares.

5.0 Policy and Context

5.1. Wicklow County Development Plan, 2022-2028 (CDP)

The plan states that 'For larger towns in Levels 1-5, where more significant growth is targeted that is unlikely to be possible to accommodate wholly within the existing built up envelope, a minimum of 30% of the targeted housing growth shall be directed into the built up area of the settlement. In cognisance that the potential of town centre regeneration / infill / brownfield sites is difficult to predict, there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites.

The policy notes that town centre regeneration / infill / brownfield developments normally located within the existing built-up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.

Relevant policy objectives of the current CDP include:

- **CPO 4.2:** Town centre regeneration / infill / brownfield developments normally located within the existing built up part of the settlement, generally on lands zoned 'town centre', 'village centre', 'primary area', 'existing residential' and other similarly zoned, already developed lands will be prioritised and promoted in the first instance for new housing development.
- **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.

Section 6.3.5 (Densities) of the Plan notes that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. In the case of Large Towns (Bray), the following density standards apply:

- Public Transport Corridors: Minimum density of 50 units per hectare within 500m walking distance of bus stop or 1km of light rail stop or rail station.
- Outer Suburban / Greenfield Sites: Minimum density of 35 - 50 dwellings per hectare.
- Development at net densities less than 30 dwellings per hectare should generally be discouraged particularly on sites in excess of 0.5 hectares.

Relevant Appendices

- Appendix 1: Development and Design Standards.

5.2. Bray Municipal District Local Area Plan 2018 – 2024 (LAP)

The site is zoned TC – Town Centre. The objective of which is to: ‘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 description for the zoning is ‘To develop and consolidate the 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, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor 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 where applicable, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing centres’ fabric’.

Page 26 of the written statement states: ‘In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands.

The Council reserves the right to refuse permission for any development that is not consistent with this principle.'

Policy objectives contained within the LAP which are relevant to the assessment of the proposed development include:

- **R1:** All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.
- **R2:** In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. Lands zoned Residential - High Density will be expected to achieve a density of not less than 50 units / hectare.
- **R3:** Housing development shall be managed and phased to ensure that infrastructure and in particular, community infrastructure, is provided to match the need of new residents. Where specified by the Planning Authority, new significant residential or mixed use development proposals, may be required to provide a social and community facility/facilities as part of the proposed development or the developer may be required to carry out a social infrastructure audit, to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents. Where deficiencies are identified, proposals will be required to either rectify the deficiency, or suitably restrict or phase the development in accordance with the capacity of existing or planned services.
- **R4:** To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.
- **R14:** A full range of unit sizes, including smaller 2 and 3 bedroomed units shall be provided in all new housing developments (i.e. developments exceeding 4 units). Generally, no more than 50% of the units in any new development shall exceed 3 bedrooms or 120sqm in size.

In terms of flooding, the following policies are relevant to the consideration of this appeal:

- **FL1:** To implement the 'Guidelines on the Planning System and Flood Risk Management' (DoEHLG/OPW, 2009).
- **FL2:** The zoning of land that has been identified as being at a high or moderate flood risk (flood zone A or B) shall be in accordance with the requirements of the Flood Risk Guidelines and in particular the 'justification test for development plans' (as set out in Section 4.23 and Box 4.1 of the guidelines).
- **FL3:** Applications for new developments or significant alterations/extension to existing developments in a flood risk area shall comply with the following:
 - o Follow the 'sequential approach' as set out in the Flood Risk Guidelines.
 - o Flood risk assessments will be required with all planning applications proposed in areas identified as having a flood risk, to ensure that the development itself is not at risk of flooding and the development does not increase the flood risk in the relevant catchment (both up and down stream of the application site).
 - o Where a development is proposed in an area identified as being at low or no risk of flooding, where the planning authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, an appropriate flood risk assessment may be required to be submitted by an applicant for planning permission.
 - o Restrict the types of development permitted in Flood Zone A and Flood Zone B to that are 'appropriate' to each flood zone, as set out in Table 3.2 of the 'Guidelines for Flood Risk Management' (DoEHLG/OPW, 2009).
 - o Developments that are an 'inappropriate' use for a flood zone area, as set out in Table 3.2 of the guidelines, will not be permitted, except where a proposal complies with the 'Justification Test for Development Management', as set out in Box 5.1 of the Guidelines.
 - o Flood Risk Assessments shall be in accordance with the requirements set out in the Guidelines.

- Generally a Flood Impact Assessment will be required with all significant developments and a certificate (from a competent person stating that the development will not contribute to flooding within the relevant catchment) will be required with all small developments of areas of 1 hectare or less.

5.3. Project Ireland 2040 National Planning Framework (NPF)

The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).

National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.4. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

A key National Strategic Outcome (NSO 1) in the NPF and Regional Strategic Outcome (RSO 2) in the RSES is the need to achieve ambitious targets for compact growth in our urban areas. Urban regeneration and infill sites can contribute to sustainable compact growth and revitalisation of existing settlements of all scales. This will help to address National Policy Objective 3a, 3b and 3c of the NPF which targets the delivery of new homes within the footprint of existing settlements.

5.5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, the Department of Housing, Local Government and Heritage, December 2022 (Last updated March 2023). (Referred to herein as the Apartment Guidelines)

5.6. Design Manual for Urban Roads and Streets (DMURS), 2019.

5.7. The Planning System and Flood Risk Management, Guidelines for Planning Authorities (DoEHLG/OPW, 2009).

5.8. Natural Heritage Designations

The nearest designated site is the Bray Head SAC (Site Code: 000714), located c. 1.76km to the south-east of the appeal site.

5.9. EIA Screening

Having regard to the nature and scale the proposed development which consists of the demolition of the existing warehouse and the construction of 4 no. apartments, and its location on zoned land within the settlement boundary of Bray, 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

A Third Party appeal has been prepared by Anthony and Bridget Kearns, of No. 4 Belton Terrace, Castle Street, Bray, Co. Wicklow. The appellant's dwelling is located to the immediate south-west of the appeal site and their main grounds of appeal can be summarised as follows:

- The appeal submission highlights the issues raised by the appellant throughout the consideration of the application and the key issues concerning drainage proposals, the shared boundary wall and flood risk. It is acknowledged that two pieces of unsolicited further information submitted by the Applicant have addressed issues concerning drainage and flood risk.
- The key outstanding issue for the appellant is that of the boundary wall with their property. Following this submission of additional information, the appellant outlines that there was no explanation for the change to the boundary wall adjacent to their property and they have requested information as to why this section of the wall is now proposed to be demolished. It is stated that if the

wall section had to be demolished, then it must be replaced to the same height as per the original planning drawings and the appellant must be consulted on the design and construction of the wall.

- It is noted by the appellant that there has been no responses issued to the appellant's questions on the boundary wall and this matter has not been dealt with adequately in the Planning Authority's report on file. The appellant does not consider the encroachment into an area of land not belonging to the developer to remove waste a justification for now demolishing and not replacing the section of wall. It is stated that in both of the appellant's submissions, they were very clear that if the Applicant was unable to retain the wall, then it must be replaced.

6.2. Planning Authority Response

None.

6.3. Observations

An observation has been received from Sinead and Bernard Crampton of No. 5 Belton Terrace, Bray, Co. Wicklow. The matters raised in the observation can be summarised as follows:

- Car parking concerns associated with the proposed development.
- Concerns raised with respect to the inadequacy of asbestos management on the appeal site. The observer wishes to ensure that the Applicant is in compliance with the law on asbestos removal during the upcoming phase of the development.
- The submitted asbestos report is inadequate as it has failed to survey the walls of the existing structure which are proposed to be demolished. A further more comprehensive assessment is required that includes the walls and immediately adjacent areas that will be disturbed during the build.
- Concerns highlighted regarding the demolition of a portion of the existing south-western boundary wall. It is stated that there is no rationale as to why this is needed, and it appears from the submitted plans that it is to be replaced by opaque glass which is unacceptable. It is stated that a commitment has been

given by the Applicant to remove dumped asbestos which are located immediately outside the site boundary. This area can be accessed without requiring the demolition of the existing boundary wall behind No. 4 Belton Terrace.

- There is an existing shed roof within the property at No. 3 Belton Terrace which is connected to the appeal site. It is requested that this be included within the asbestos report. Although not in the ownership of the Applicant, it should be included within the report and regard must be given to it within the asbestos management plan.

6.4. Further Responses

None.

7.0 Assessment

The main issues are those raised in the Third Party's grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Demolition Works & Boundary Walls
- Design & Residential Amenity
- Flood Risk
- Car & Bicycle Parking
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The proposal seeks planning consent for the demolition of the existing warehouse building and the construction of a two storey residential development, comprising a total of 4 no. apartments. I note the proposal also seeks to retain the majority of the south-western boundary wall which it shares with the properties to the south-west on Belton Terrace. Under the Bray LAP, the site is zoned TC (Town Centre). This zoning objective seeks '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'. I note that residential development is identified as a permitted in principle use on lands zoned TC.

7.1.2. Given the nature of the proposed development and the characteristics of the appeal site, the proposal can be described as infill development. Policy Objective R4 of the Bray LAP is therefore relevant to consideration of this appeal, whereby it is policy of the Plan 'To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.' There is also policy support for infill type development under Objective CPO 4.3 of the current CDP, whereby it is policy of this Plan to '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.' On the basis of the site area, a density of c. 124 units per hectare is proposed in this instance. As per Section 6.3.5 of the current CDP, higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements and in the case of Large Towns such as Bray, minimum density of 50 units per hectare within 500m walking distance of bus stop or 1km of light rail stop or rail station shall apply. This minimum density is also prescribed within Table 3.1 (Density Standards) of Appendix 1 of the current CDP. I am therefore satisfied that the overall density of development at this town centre location is acceptable.

7.1.3. In addition to the local level policy support for developments of this nature, I am satisfied that the proposed development would represent a more efficient use of a brownfield site which benefits from good access to public transport and range of amenities and services given its location with the town centre of Bray. This is particularly relevant in the context of national policy objectives which seek to ensure that 40% of future housing delivery is to be within the existing footprint of built up areas

(National Policy Objective 3a). Section 2.6 (Securing Compact and Sustainable Growth) of the National Planning Framework (NPF) also highlights that the preferred approach to development would be compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. I consider this to be directly applicable to the development proposal given the national policy objectives which now seek to secure compact and sustainable growth. I am therefore satisfied that the principle of an infill development on a vacant brownfield site at this location is acceptable and is in accordance with local through to national policy. The issue that needs to be ascertained is whether the proposed development is acceptable on this specific site, taking into consideration the design and layout, the impact on the amenities of adjoining residents and the sustainable planning and development of the area.

7.2. Demolition Works & Boundary Walls

- 7.2.1. The appeal site shares a south-western boundary with a terrace of double storey dwellings known collectively as Belton Terrace. The dwellings have a south-western orientation, and each dwelling is served by a rear amenity space which has a direct abuttal with the appeal site. As noted in the foregoing, the proposal seeks to retain the majority of the south-western boundary wall. Initially, the proposal sought to retain the south-western wall of the warehouse in its entirety. However, the proposal was modified at additional information stage to partially demolish this wall and a photographic record of the warehouse walls was submitted. This record identified which walls were to be retained. I note that there is a kink in the south-western wall at its eastern end (opposite Nos. 3 & 4 Belton Terrace) and it is now proposed to demolish this section of the warehouse wall. I note that this section of the boundary wall does not directly abut the boundaries of Nos. 3 & 4 Belton Terrace and there is a separation distance between the two boundaries of c. 1.3m at this location.
- 7.2.2. The Third Party appellant and the observer to the appeal have raised significant concerns with respect to the proposals for the demolition of this section of the Applicant's boundary wall. Concerns have been highlighted with respect to the visual

impact of the development at this location, given the ground floor terrace and upper floor level balcony will be exposed as a result of the removal of this wall. The appeal submission contends that these issues had been raised throughout the application stage but had not been addressed by the Planning Authority nor had the Applicant outlined a rationale as to why it was necessary to remove this wall in the first instance. It was acknowledged that the Applicant had undertaken a commitment to remove hazardous waste in the area between the two site boundaries. However, it stated within the appeal submission that the wall's removal is not necessary to undertake said works. The appellant has requested this wall to be either retained or reconstructed if necessary, and a requirement for the appellant to be consulted during this process.

- 7.2.3. Whilst I acknowledge that a rationale as to why this wall is being removed has not been included as part of the additional information response nor has it been clarified at appeal stage, I note that the proposed building will still be clearly visible from the rear amenity spaces of these properties, irrespective of whether this wall would be demolished or retained. As illustrated on the submitted south-western elevation, the ground and first floor level of the building can be seen above the 1.4m high raised plinth. The proposed ground and first floor level terraces are set back from the boundary and opaque glazing is proposed on its south-western elevation to a height of 1.9m to preclude overlooking of the adjoining private amenity areas. Having inspected the appeal site and examined the submitted documentation, I do not share the concerns of the appellant with respect to the potential visual impact of the proposal. Whilst the terraces and their associated screening will be visible from the adjoining rear amenity spaces, I note that the ground floor terrace is set within the site boundary and the upper level terrace is set back a further c. 3m from its south-western boundary (c. 4m from the boundary with Belton Terrace). However, given the visibility of the building from the adjoining property, there is a need to ensure that the materials and finishes of the building are of a high standard and quality. Therefore, I recommend the inclusion of condition requiring details/samples of same to be submitted and agreed with the Planning Authority prior to the commencement of development on site. Subject to compliance with this condition, I am satisfied that the proposal will not unduly compromise the residential amenity of the adjoining property by reason of

being visually overbearing. Whilst it is not specifically mentioned in the application documents, it is likely that solar access to the terrace and living room of the of Apt. G2 will be significantly improved by the demolition of this wall given the site's orientation and the location of existing wall relative to the ground floor level apartment. I am therefore satisfied that the removal of this wall can significantly enhance the amenity of this unit without unduly compromising the residential amenity of the adjoining properties and is therefore an acceptable arrangement in this instance.

- 7.2.4. Concerns have been highlighted by the Third Party observer with respect to the management of potentially hazardous materials on site, including asbestos. This issue was highlighted by observers throughout the application stage and the Planning Authority requested the Applicant, by way of additional information, to submit a report in relation to the presence of any hazardous materials and to submit a plan to deal with same, where any exists. The appeal submission also contends that an asbestos management plan should be provided which has regard to the existing shed structure within the property on Belton Terrace that has a direct abuttal with the appeal site. In response to the Planning Authority's additional information request, the Applicant submitted a Refurbishment and Demolition Asbestos Survey, the objective of which was to ascertain, locate and describe all asbestos containing materials prior to demolition on site. Having reviewed the Refurbishment and Demolition Asbestos Survey, I note that no asbestos material had been detected within a number of areas of the appeal site. However, in terms of the floor slab of the existing warehouse, it was assumed that there will be a presence of asbestos debris. I note that a Third Party observer has raised concerns that the survey has not examined the potential of asbestos being present within the walls of the existing structure and an asbestos management plan should be prepared given the extent of boundary wall removal and the potential impact of the proposed development on the integrity of the walls that are proposed to be retained. Although I note that reference is made within the Planning Authority's assessment and the observations on file in terms of the presence of asbestos waste and a commitment by the Applicant to remove same, I note that this refers to lands which are located outside the red line boundary and therefore do not form part of my assessment. Notwithstanding this, given the extent of demolition works

proposed and the potential for asbestos waste and debris within the floor slab of the existing building, I recommend the inclusion of a condition which shall require the Applicant to submit a construction demolition and waste management plan for the written approval of the Planning Authority prior to the commencement of development. This plan should clearly set out the proposals for the safe removal of asbestos should it be recorded on site.

7.3. Design & Residential Amenity

- 7.3.1. Although the appeal site has a Town Centre zoning, the site is located outside the core retail area and the immediate surrounds of the site display a residential character. The proposed apartment building will have a double storey form with a contemporary architectural expression and a flat roof form. Car parking is provided within the site frontage and a stepped access is provided leading to the elevated ground floor level. I note that passive surveillance of the street is provided from the bedroom windows of the first floor level apartments. Overall, I am generally satisfied that the design of the development is acceptable at this location and is of a scale, height and form which is sympathetic to the character of the surrounding area. Materials and finishes comprise a combination of brick (lower plinth wall) and a self coloured render for the principal elevations. However, there are other features on the elevations that have not been specified. I therefore consider that all materials and finishes should be clearly specified and I recommend the inclusion of a specific condition requiring details/samples of materials to be submitted to the Planning Authority for written agreement prior to the commencement of development on site. Subject to compliance with this condition, the proposed development is considered to be consistent with the pattern of development within the surrounding area and is therefore considered to be acceptable having regard to the visual amenity of the site and surrounds.
- 7.3.2. In terms of the surrounding residential properties, I note that the appeal site is located to the north-east of the residences on Belton Terrace and to the north-west of a number of vacant properties on Ravenswell Road. The building has a total length of c. 19.5m on its south-western and south-eastern sides and has a maximum height of c. 8m above ground level. I note that the rear amenity spaces of the properties on

Belton Terrace have a direct abuttal with the appeal site. Having regard to the existing characteristics of the site (i.e. existing warehouse building), the scale, height and form of the proposed building, the orientation of the appeal site and its siting relative to the properties to the south-west and south-east, I am satisfied that the proposal will not unduly compromise the residential amenity of the adjoining properties by reason of overshadowing, loss of daylight and sunlight or by being visually overbearing. In terms of the potential for overlooking, I note that all windows above ground floor level on the south-western elevation of the proposed apartment building have been identified as opaque glazing. In addition, the ground and 1st floor level terraces have been screened to a height of 1.9m above finished floor level. I am therefore satisfied that the proposal will not result in overlooking of the adjoining properties. As indicated in Section 7.2 of this report, I have no concern with respect to the removal of a section of the site's south-western boundary wall which was raised as an issue by the Third Party appellant. The proposed development is therefore considered to be acceptable having regard to the residential amenity of the surrounding area.

- 7.3.3. In terms of the amenity of the proposed apartments, I note that all apartments are at a minimum dual aspect (triple aspect at first floor level) and the internal floor areas range from between c. 70sq.m. (1 no. 3 person apartment) to 87sq.m. Private open space is provided in the form of ground and first floor level terraces with floor areas of between 8.8sq.m. and 14sq.m. Storage for each apartment also varies between 5sq.m and 6sq.m. I note that the design of the building was modified at additional information stage to ensure that a minimum ground level floor level floor to ceiling height of 2.7m was provided. Although no communal amenity space is proposed, I noted that Section 4.12 of the Apartment Guidelines notes that for urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. In this instance, I am conscious of the restricted nature of the site and its town centre location and a relaxation in this regard is therefore acceptable. Having reviewed the Applicant's Daylight Analysis Report, it is evident the apartment's principal living areas and terraces will benefit from good solar access. I am therefore satisfied that the proposal is generally in accordance with the Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines and will afford a

good standard of amenity to its future occupants.

7.4. Flood Risk

- 7.4.1. In support of the application, the Applicant has submitted a Flood Risk Assessment (FRA) given the location of the appeal site within an area designated Flood Zone A of the Strategic Flood Risk Assessment of the Bray LAP. Included within the FRA is a Justification Test as required by the policy of the LAP. The FRA notes that the proposed development has been deemed to have passed the justification test on the basis that the proposed development complies with the land zoning objectives of the site, will provide housing to contribute to the projected population increase of the settlement and will not increase the risk of flooding elsewhere given that this is an infill development of previously developed land and will include flood storage mitigation measures as detailed in the submitted Civil Design Report. The proposed building has also been designed to incorporate a raised ground floor level which is set 1.225m above the street level. I note that the application documents include Storm Sewer Calculations. However, the application does not appear to be accompanied by a Civil Design Report as detailed within the FRA.
- 7.4.2. During the assessment of the application, the Planning Authority's Engineer raised no objection to the principle of the proposed development. However, additional information was requested with respect to a number of items. The Engineer's report notes that the raised ground floor level with void underneath is appropriate to maintain on site flood storage but should be raised to at least 3.9m OD to maintain an adequate freeboard. It is also stated that a pathway for flood waters through the void when the flood relief channel is required and the proposals for cleaning and ensuring the void is maintained free of obstruction should be shown. In addition, the report noted that it should be shown that power outlets and all electrical connections and appliances will be safely located above any potential flood level. In response to these concerns, revised drawings had been submitted showing the ground floor level being raised to 3.9m OD in order to maintain adequate freeboard. In addition, it was stated that detailed electrical drawings could be submitted prior to any building work and it is proposed that all power outlets and all electrical connections and appliances would be

safely located above any potential flood level. This was deemed to be acceptable by the Planning Authority. However, in terms of the proposed void, the Applicant indicated that it is now proposed to fill up the void to the underside of the floor level in order to prevent floodwaters running through the underside of the building as a measure to address the Planning Authority's concerns regarding flooding and maintenance. A further report on the additional information response was not provided by the Planning Authority's Engineer. However, it is noted within the Planning Officer's Report that the Applicant's response provided a different solution, which after discussion with the Planning Authority's Engineer was considered to be acceptable.

- 7.4.3. Whilst I am generally satisfied that the proposed development has passed the justification test and the raising of the floor levels is an acceptable design solution in this instance, I have some concerns with respect to the Applicant's proposals to now fill in the void beneath the building. It was previously noted by the Planning Authority's Engineer that the pathway for flood waters through the void should be shown as well as a request for proposals to be submitted for cleaning and ensuring the void is maintained free of obstruction. As this void is now proposed to be filled in and in the absence of an identified pathway, it is unclear whether this may have an adverse impact on immediately adjoining sites, and I note that this issue has not been elaborated on further within the Planning Authority's assessment. I therefore consider it appropriate in this instance to recommend the inclusion of a condition, requiring the Applicant to submit a Civil Design Report and associated drawings, which clarifies this matter and provides details of all flood storage mitigation measures which are to be agreed in writing with the Planning Authority prior to the commencement of development on site.

7.5. Car & Bicycle Parking

- 7.5.1. In terms of car parking for the proposed development, a total of 3 no. undercroft car parking spaces (1 no. disabled space) are proposed to serve the 4 no. apartments. Concerns have been raised by the observer to the appeal with respect to the impact of the proposal in terms of increased car parking pressures. I am conscious of Section 4.29 of the Apartment Guidelines which notes that for urban infill schemes on sites of

up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location. The site is located on lands zoned Town Centre and is within a 10 minute walk of Bray Train Station which benefits from high frequency Dart and rail services. The site is also located within close proximity to a number of existing bus routes. Given the nature and scale of the proposed development and the quantum of spaces proposed, the overall size of the site and its central urban location, I am satisfied that the proposed development is acceptable in this instance.

- 7.5.2. In terms of cycle parking, the proposals were modified at additional information stage to provide a total of 16 no. secured cycle spaces. I note that these undercroft spaces are to be located on the south-western side of the building. The Planning Authority has raised no concerns with this element of the proposal, and I am satisfied that the cycle parking provision is in accordance with the provisions of the Apartment Guidelines and is therefore considered to be acceptable.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, an infill development of 4 no. apartments on a serviced site, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and 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. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to Project Ireland 2040: The National Planning Framework, and the relevant objectives which seek to consolidate residential growth in urban areas, and the objectives of the Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan 2018–2024, including the TC zoning objective for

the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall comply with the plans and particulars lodged with the application submitted and as amended by Further Information received on 17/10/2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The first occupation of any residential unit shall be by individual purchasers and shall not be by a corporate entity.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing in the common good.</p>
3.	<p>Details of the materials, colors and textures of all external finishes to the development shall be submitted to the Planning Authority for written consent prior to the commencement of development on site.</p> <p>Reason: in the interest of visual amenity.</p>
4.	<p>Prior to commencement of development, the Applicant shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p>

	Reason: In the interest of public health.
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to the commencement of development on site, the Applicant shall submit a Construction Demolition and Waste Management Plan for the written approval of the Planning Authority. This plan should clearly set out the proposals for the safe removal of asbestos should it be recorded on site.</p> <p>Reason: In the interest of residential amenity and public health.</p>
7.	<p>Prior to the commencement of development on site, the Applicant shall submit a Civil Design Report and associated drawings, which provides specific details of all flood storage mitigation measures which are to be agreed in writing with the Planning Authority prior to the commencement of development on site.</p> <p>Reason: In the interest of public health.</p>
8.	<p>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.</p> <p>Reason: In the interests of proper planning and development and amenity.</p>
9.	<p>Any external lighting of the proposed development shall be cowled and directed away from the public road and adjacent residential properties.</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>In the event of any remains of archaeological or historic interest being discovered on the site, the council shall be informed immediately. Works affecting these remains shall cease immediately and shall not recommence until the Department of the Environment, Heritage and Local Government agrees in writing.</p> <p>Reason: To facilitate the investigation of any remains of archaeological or historic interest discovered on the site in the interests of proper planning and development.</p>

6.	<p>Prior to the commencement of development, the Applicant shall prepare and submit a Construction Management and Demolition Plan to the Planning Authority for their written agreement. The Construction Management and Demolition Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation.</p> <p>Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>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 or 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.</p> <p>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.</p>

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.

Enda Duignan

Planning Inspector

02/08/2023