



An
Bord
Pleanála

Inspector's Report

ABP-315393-22

Development	Construction of 49-unit apartment block, 6 storey apartment block, and all associated works
Location	The Former Everest Centre, Castle Street, Bray
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	221054
Applicant(s)	Bray Property Development Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Bray Property Development Ltd.
Observer(s)	No Observers.
Date of Site Inspection	30 th of November 2023.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.163 hectares and is located on the northern side of Bray town centre in Co. Wicklow. It is on north-eastern side of Castle Street, and to the south-east of the Upper Dargle Road and Dublin Road junction. Directly to the south-east of the site is the Dargle Centre which comprise a row of two storey buildings with commercial uses at ground floor level and surface car parking to the front. To the rear of these two storey buildings are additional commercial units with a commercial garage and parking area to the south.
- 1.2. Land adjoining the site to the north is largely undeveloped but forms part of the grounds of the North Wicklow Educate Together Secondary School. The site adjoining the north-eastern boundary comprises a large area of hard standing and some warehouse buildings. It forms part of a wider development site which is currently subject to a SHD application (ABP-313442-22) which has yet to be decided.
- 1.3. Directly opposite the site is the two-storey residential development of Saint Patrick's Square with residential development of a similar character and scale on St. Cronan's Road to the south. To the north-west of the site, at the junction with Upper Dargle Road and the Dublin Road is the Ravenhall building. Planning permission was granted under ABP-309613-22 to extend and redevelop this 4-storey building to a 6-storey mixed-use development.
- 1.4. The site is currently vacant and overgrown. It is secured with wooden hoarding along the boundary with Castle Street. Castle Street slopes southwards towards the River Dargle. The levels across the site are quite consistent except for the north-western corner along Castle Street which rises to 5.8m OD, with the rest of the site at levels of 5.1 – 5.2m OD approximately. Castle Street and the Dublin Road are earmarked for future road improvements as part of the Bus Connects, Bray – City Centre Core Bus Corridor Scheme. There is currently an application for this scheme with the Board under ABP-317742-23.

2.0 Proposed Development

- 2.1. Planning permission was originally sought for the construction of a 49-unit apartment building, (comprising 17 x 1-bedroom units and 32 x 2-bedroom units), new vehicular entrance, 25 sub-level car parking spaces, 108 bicycle spaces, hard and soft landscaping and the rooftop communal amenity space.
- 2.2. To address the reasons for refusal, the grounds of appeal include amendments to the original development scheme for the Boards consideration. The revised scheme replaces a 1-bedroom, ground floor apartment, (Apartment A0-4), with a multipurpose community space. This would result in the construction of 48 number apartments comprising 16 x 1-bedroom units and 32 x 2-bedroom units. The revised lower ground floor would accommodate the same number of car parking and bicycle parking spaces, along with a reduced plant room (from 103sqm to 100.4sqm), the introduction of 26.2 sqm communal bulky storage and a modest increase in the main entrance lobby circulation area.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority, (PA), for four reasons which relate to the use of the development, the scale, design and height of the building as follows,

1. The proposed development materially contravenes the Development Objectives of this OP3 site as identified in the Bray Municipal District Local Area Plan as the proposal fails.
 - (a) To provide for a mixed-use development including commercial, retail, residential, community and cultural uses and,
 - (b) To provide active street frontage onto Castle Street in particular, active commercial use shall be expected at ground floor, opening onto the street.

The proposed development would set an undesirable precedent for similar type development in the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in the construction of a 7-storey building on this restricted Town Centre zoned site which,
- (a) Due to its height and proximity to the shared boundaries with adjoining properties would have an overbearing impact on the site to the southeast and impact on the future development potential of the adjoining residential and town centre zoned lands to the northwest and northeast due to inadequate separation distances.
 - (b) Due to its design fails to provide an attractive approach on this northern bookend site of the Castle Street commercial area having regard to the northwest facing façade which is part blank and does not provide an attractive aspect as you enter Bray Town Centre.
 - (c) Fails to respond to its specific surrounding context and results in a development which turns its back on Castle Street rather than fully addressing it and providing an attractive active street frontage and,
 - (d) Would result in the overdevelopment of this restricted site.

The proposed development is therefore contrary to Objective BT3 of the Bray Municipal District Local Area Plan 2018 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development would result in residential development which is substandard in quality and residential amenity having regard to,
- (a) The quantum and quality of communal open space provided which includes narrow and overshadowed circulation areas around the building.
 - (b) The failure of a number of 1 bed apartments to achieve the minimum standard of private amenity space of 5sq.m as required under Appendix 1 of the Apartment Guidelines 2020.
 - (c) The quality of the living /kitchen /dining room areas in terms of floor area, shape and minimum width with regard to apartment numbers A0-2, A1-2, A2-2 and A3-2.
 - (d) The failure of the proposed development to satisfy SPPR3 in particular Section 3.8 of the Apartment Guidelines which requires that "The majority of all apartments in any proposed scheme of 10 or more apartments shall

exceed the minimum floor area standard for any combination of the relevant 1-, 2- or 3-bedroom unit types, by a minimum of 10%”.

(e) The failure of all apartments to achieve minimal internal storage exclusive of hot presses and boilers as required under Appendix 1 and Section 3.31 of the Apartment Guidelines 2020 and,

The inconsistencies in the measured floor areas and stated floor areas of apartments resulting in the floor areas on the schedule been higher.

The proposal would therefore be contrary to the Sustainable Urban Housing: Design Standards for New Apartments 2020 and Objectives CPO 6.3 and CPO 6.4 of the 2022-2028 Wicklow County Development Plan which seek to achieve the highest quality layout and design in all new residential development and provide the highest possible standard of living for future occupants and would therefore be contrary to the proper planning and sustainable development of the area.

4. Having regard to the height of the building and its site coverage the applicant has failed to demonstrate that fire brigade appliances have access to all sides of the building in the event of a fire and would result in a substandard level of safety and amenity for future residents. To permit the proposed development in the absence of sufficient information in this regard would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The report of the Planning Officer (PO) dated the 21st of November 2022 informed the decision of the Planning Authority (PA) and includes the following,

- The location of the site within the boundary of the Bray Municipal District LAP (Bray LAP), the Town Centre zoning for the site and its identification as Opportunity Site 3 in the LAP is noted.
- The PO did not accept the arguments put forward by the applicant for 100% residential use on the site and considered that the lack of an alternative use at

ground floor level contravenes the development objective for the OP3 site as set out in the LAP which is *'To provide for a mixed use development including commercial, retail, residential, community and cultural use'*.

- Regarding density standards, the PO references Table 6.1 of the Development Plan which requires a minimum density of 50 uph for the subject site which is in a large town and within, *'500m walking distance of a bus stop and 1km of light rail stop or train station'*. The development would have a density of 300 uph.
- Reference was made to the plot ratio for the site which the PO considered to be high. Plot ratio was calculated by the PO at 1:2.7 and at 1:3.4 by the applicant.
- The PO notes that whilst the LAP recommends a higher density and plot ratio for the site, this must be delivered in accordance with other objectives for the site and where such standards would not result in adverse impacts.
- Concerns are expressed regarding the scale of the development on the restricted site, its response to the streetscape on Castle Street, its impact on the existing businesses to the south-east of the site and its impact on the adjoining development sites to the north-east and north-west.
- The proximity of the development to site boundaries is referenced. The building would be c. 2.2-5.2m from the north-western boundary where lands are zoned for high density development; c. 2.1-6m from the north-eastern boundary, which is subject to SHD ABP-313442-22 for 139 apartments, creche and associated works and has yet to be decided.
- The lower ground level of the building would be built up to the south-eastern boundary with two 6-storey elements constructed just 1.2m to 4.3m from the shared boundary.
- The PO considered that the proposal would result in overdevelopment of the site which would impact on the development potential of other sites, which would be counterproductive to the development objectives and would not result in proper planning and sustainable development.

- Objectives 3 and 4 of OP3 relate to the provision of street frontage and active street frontage across the site. The PO is of the opinion that the street frontage provided is of poor quality as it comprises the lower ground floor level car park and bin storage area and would not contribute to the pedestrian environment.
- Objective BT3 of the LAP relates to height. The report of the PO states that the visibility of the lower ground floor level results in the building reading as a 7-storey development which is out of context with this section of Castle Street. Due to its construction on a podium level the development appears to be overbearing when viewed from the commercial development on the site to the southeast.
- Regarding compliance with the Apartment Guidelines, the PO notes that the apartments are in accordance with SPPRs1, 2, 4, 5 and 6, but the minimum standards for floor areas set out in SPPR3 have not been met. None of the apartments have the required storage space for 1 & 2 bed apartments exclusive of hot presses or boiler spaces. Four apartments at ground floor level fall short of the recommended 2% ADF for kitchen/living/dining rooms.
- The PO does not consider that the ground floor level walkways and courtyards are functional communal space. Therefore, the required quantum of communal space is not achieved in the development. Concerns are also expressed regarding the amenity of the ground floor level courtyard which will be in shade by 2pm on the 21st of June.
- A portion of the site is in Flood Zone A with the remainder in Flood Zone B. A SSFRA was prepared for the development, the results of which are acceptable to the PA.

3.2.3. Other Technical Reports

- **Roads Department** – Comments regarding compatibility with DMURS and Bus Connects along Castle Street.
- **Chief Fire Officer** – The height of the building requires access for an aerial appliance to be facilitated. As the perimeter building does not allow for fire

service vehicles this should be addressed. Compliance with Table 5.1 and 5.1 of TGD Part B should be demonstrated. Conditions are recommended.

- **Housing** – No objection.

3.3. Prescribed Bodies

- **Uisce Éireann** – No objection.
- **National Transport Authority (NTA)** – The development interfaces with Bus Connects. No objection regarding car parking provision. Conditions recommended regarding the provision of EV charging points and access to a car club/car sharing.
- **Transport Infrastructure Ireland (TII)** – No observation.

3.4. Third Party Observations

- None received.

4.0 Planning History

On the subject site –

ABP-319338-24 – The site is currently subject to an appeal against a Vacant Site Levy, which has yet to be determined.

19/286 – Planning permission refused for the temporary use of the site for 57 surface car parking spaces with associated lighting, temporary accommodation on site and perimeter fencing.

On the adjoining site to the north-east –

ABP – 313442-22 – Planning permission was sought for a Strategic Housing Development under the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), for the demolition of existing buildings and the construction of 139 no. apartments in two blocks which range from 1 to 7 storeys, creche and associated site works. Block B of the development would have frontage along Castle Street (to the south of the appeal site and separated by existing development at

the Dargle Centre) and would range in height from 1 to 6 storeys. Block B would have two retail/non-retail/restaurant units at ground floor level with a separate single level pavilion building for community use. A decision has not yet been made on this application.

On a site to the north of the subject site -

ABP-309613-21 (PA Ref. 20/403) – Planning permission granted by the Board on the 25th of February 2024 on a corner site to the north of the appeal site and at the junction of Dublin Road and Castle Street. The development is known as Ravenhall and permission was granted for a change of use of existing first, second and third floors from retail/commercial use to residential/apartment use, (comprising 28 new apartments), the construction of 2 new extra floors above the existing building, (comprising 14 apartments), a new 6-storey extension to the northeastern corner of the site to provide an additional 12 apartments. The application is referenced in the grounds of appeal as setting a precedent for scale and height. The permitted development had a density of 138 units per hectare and a plot ratio of 2.12.

To the west of the site -

ABP-617742-23 – Planning permission is sought for the Bray – City Centre Core Bus Connects Corridor Scheme. The scheme will include future road and transport improvements to Castle Street at the front of the subject site. A decision is pending on this application.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2022-2028 (WCDP)

- Bray is designated as a ‘Level 1 – Metropolitan Key Town’ in Wicklow Settlement Hierarchy, (Table 3.3). It is also identified as a Key Town in the Regional Spatial and Economic Strategy, (RSES), for the Eastern Midland Region.

- The subject site is within the boundary of the Bray Municipal District Local Area Plan 2018-2024 (Bray LAP) and 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 site is immediately adjacent to an area/zone of archaeological potential and significance (ID No. 13). The appeal site also contains a national monument (ID No. WI004-001001) after an archaeological feature was discovered and subsequently removed to the National Museum of Ireland (NMI Register 1965:50).

Chapter 4 – Core Strategy

4.3 – Settlement Strategy Objectives

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.

Chapter 6 – Housing

Table 6.1 – Density Standards – The density standards in the Development Plan reflect the standards in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The standards for Bray are – minimum of 50 units per hectare (uph) on public transport corridors; minimum of 30-50 uph in outer suburban/greenfield sites; development at net densities of less than 30 uph should generally be discouraged.

6.4 – Housing Objectives

CPO 6.2 – The sale of all development of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

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.

CPO 6.4 - All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

CPO 6.7 - The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013).

CPO 6.13 - To require that new residential development represents an efficient use of land and achieves the minimum densities as set out in Table 6.1 subject to the reasonable protection of existing residential amenities and the established character of existing settlements. In promoting higher densities and more compact development, new development should demonstrate compliance with:

- the Sustainable Urban Housing Guidelines for Planning Authorities (DEHLG 2009) and accompanying Urban Design Manual – A Best Practice Guide;
- Quality Housing for Sustainable Communities (DoEHLG 2007);
- Design Standards for New Apartments Guidelines for Planning Authorities (2018) Design manual for Urban Roads and Streets; and any subsequent Ministerial guidelines.

CPO 6.16 - To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well designed high quality

outcomes and public safety is not compromised and the environment is suitably protected.

CPO 6.17 - To facilitate development incorporating higher buildings (i.e. buildings that exceed the contextual prevailing height) where it has been adequately demonstrated that the development complies with the assessment criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG 2018) or any subsequent height guidelines.

CPO 6.18 - To ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views. Require all development proposals, including infill development, to include an analysis of the impact of building height and positioning of buildings on:

- The immediate & surrounding environment - streetscape, historic character; Adjoining structures.
- Open spaces and public realm.
- Views and Vistas.

Appendix 1 – Development & Design Standards

2.1.7 – Car Parking

2.1.8 – Bicycle Parking

3.0 – Mixed Use & Housing Developments

3.1.1 – Density - The potential of brownfield sites to consolidate the built form and deliver higher densities should be capitalised subject to protecting existing amenities and achieving high quality standards for future occupants. The density that can be achieved on any site will ultimately depend on compliance with ‘qualitative’ standards such as fit with surroundings, height, open space provision, adequate privacy, car parking etc.

3.1.2 – Building Height - building height shall be assessed having regard to the building’s function, location, setting and whether it can be successfully integrated into

the existing streetscape without being unduly overbearing, obtrusive or impacting adversely on existing amenities.

3.1.4 – Open Space

3.2.8 – Building Design

Bray Municipal District Local Area Plan 2018-2024, (Bray LAP).

This LAP came into effect on the 10th of June 2018 and at the time of writing was still in effect.

- The subject site is within the LAP boundary and 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’*. Residential development is listed as a use which is ‘generally appropriate’ within the TC zoning objective.
- The site is also identified as an Opportunity Site (OP3) which would, if developed, contribute to the enhancement of the public realm, vibrancy and vitality, and the retail/services offer in the town. At the time the LAP was prepared the Everest Centre site was vacant with all former buildings demolished. The LAP notes the importance of the site which forms the northern bookend to the Castle Street commercial area and being located immediately adjoining the likely main route to the golf course development to the east, which is designated for development under Specific Local Objective 3 (SLO 3).

The objectives for the site are as follows:

- To provide for a mixed-use development including commercial, retail, residential, community and cultural uses.
- A high-density development, that makes the best use of this serviced urban land will be expected, with a high plot ratio.
- Any development on the lands shall include full street frontage across the majority of the site onto Castle Street, ideally with limited set back across the

frontage of the site; (other than that required for adequate pedestrian / cyclist usage); any set back in excess of 5m from the road kerb will require to be justified based on specific design criteria and in any event buildings shall not be set back any further than 15m from the kerb;

- Those parts of any proposed development that adjoin Castle Street shall provide for an active street frontage; in particular, active commercial use shall be expected at ground floor, opening onto the street.

Residential Development Objectives (General)

- **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.

5.3 – Bray Town Centre Specific Objectives

- **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).

6.1 – Open Space & Play Objectives

- **CD2** - In all new residential development in excess of 50 units, where considered necessary by the Planning Authority, the developer shall provide, in the residential public open space area, a dedicated children’s play area, of a type and with such features to be determined following consultation with Community, Cultural & Social Development Office of Wicklow County Council. The location of any such proposal shall be situated within a centrally located area capable of being passively supervised by surrounding developments.

5.2. National Planning Policy

5.2.1. Project Ireland 2040, National Planning Framework, (NPF).

The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements. Some of the NPO's are listed below.

- NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements.
- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.
- NPO 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

Section 28 Guidelines –

5.2.2. Sustainable Residential Development and Compact Settlement Guidelines 2024

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it will be necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

Section 3.3.3 - Bray is identified as a 'Metropolitan Key Town' and the subject site is 'Centre and Urban Neighbourhood'. It is a policy and objective of the Guidelines that residential density in range of 40-100 dph (net) shall generally be applied in these areas.

Section 5 sets out the Development Standards for Housing and contains four specific planning policy requirements (SPPR's) which take precedence over Development Plan standards.

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses.
- SPPR 3 – relates to car parking standards.
- SPPR 4 – relates to cycle parking and storage facilities.

5.2.3. Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2023.

- The guidelines support the use of infill sites in urban locations to provide higher density apartment developments.
- Within the guidelines, the site would be defined as a Central and/or Accessible Urban Location as it is within walking distance of the town centre and within reasonable walking distance to a high-capacity urban public transport stop, (Bray DART station).
- Central or Accessible Urban Locations are generally suitable for small to large scale and higher density development.

- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units, (with no more than 25% as studios).
- SPPR2 – For urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, (notwithstanding SPPR1), there shall be no restriction on dwelling mix.
- SPPR3 – Sets out the standards for minimum apartment floor areas.
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity.

5.2.4. Urban Development and Building Heights, (Guidelines for Planning Authorities), 2020.

- The guidelines require that the scope to consider general building heights of 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.
- Criteria for considering additional height are set out in Section 3.2 of the Guidelines.

5.3. Natural Heritage Designations

5.3.1. No designations apply to the subject site.

5.4. EIA Screening

5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal address the reasons for refusal on an individual basis and include the following,

Refusal reason 1 – failure to provide a mixed-use development and does not provide active frontage to Castle Street.

- The appeal states that comprehensive retail and commercial assessments were submitted with the appeal which justified the fully residential use of the proposal. The assessments identified number of vacant units throughout the town centre and on Castle Street and concluded that another commercial unit was not required and could potentially increase the level of vacancy.
- To address the concerns of the PA the appellant submits a revised layout for the Boards consideration. Drawing P21242.A115 shows the removal of a ground floor apartment, Apartment A0-4, and its replacement with a multi-use community room with direct own-door access from Castle Street.
- The adaptable space can be accessible to both the residents of the development and the wider community and would be the responsibility of the apartment blocks management company.

- The appellant is of the opinion that there is no reasonable justification to incorporate a non-viable retail or commercial unit for it to lie vacant indefinitely.

Refusal reason 2 – Inappropriate form of development by reason of height, proximity to properties, inadequate separation distances and impact on future development potential of adjoining lands.

- The development proposal is consistent with current government advice and expectations towards high density and consolidated growth within urban centres.
- A multi storey extension and residential change of use to the Ravenhall building to the north-west of the site, was permitted under ABP-309613-21. This permission would allow an additional two floors on the existing building to provide a six-storey building. The appellant argues that this development is a key generator of scale for future development within the immediate area.
- The application contains massing diagrams which show the proposed development with the Ravenhall development as it is and as permitted. The appellant contends that the scale of the proposed development is appropriate for the context of the site.
- Refusal reason 2 references the proximity of the development to the adjoining sites to the north-east and north-west and the potential impact this would have on future development. Opportunity Site 2 (OP2) is located to the north-east of the subject site and has been vacant for years. It is argued in the appeal that it is inappropriate to predict how a development may or may not affect the development potential of vacant ground.
- The PA submits that the blank north-western façade fails to provide an attractive aspect as you enter Bray Town Centre. It is argued in the appeal that the blank gable forms 8m of the 35m north-western or Castle Street elevation which provides a physically and visually important terminus between the primary south elevation and the northeastern/side elevation. The appellant is of the opinion that the design, layout and physical / visual articulation of the front and side elevations will present an attractive entrance to the town.

- Regarding the lack of active frontage to Castle Street, the grounds of appeal argue that both resident and public entrances open onto Castle Street, as does the vehicular and pedestrian access. However, the proposed active street frontage may be enhanced with the introduction of the community facility and the subsequent alterations to the elevation.
- Refusal reason 2 also refers to the overdevelopment of the site. The development would yield a density of c. 300 dph. The appellant argues that whilst the Apartment Guidelines and the Bray LAP specify a minimum density, no maximum density is specified. Furthermore, multi-storey developments can inflate density calculations.
- The appellant references a difference between the plot ratio calculations submitted with the application and those carried out by the PA. Notwithstanding the difference, the proposed plot ratio of 2.7 is above the limit of 2.0 specified in the Bray LAP. It is argued in the appeal that the central, urban location of the site and its proximity to public transport allows for an increased level of density and plot ratio. The Ravenhall development (ABP-309613-21) is referenced as an example of a development with high density. (Note – the permitted density for this development is stated as 138 units per hectare).
- Refusal reason 2 states that the development is contrary to Objective BT3 of the Bray LAP which restricts building heights to four storeys in Bray town centre. Objective BT3 also allows for heights above this where the site context allows for it. The appellant is satisfied that policies with Government advice, national design guidelines, the Wicklow County Development Plan and the Bray LAP provide appropriate context for a development of the proposed scale, height and mass, which the development complies with.

Refusal reason 3 relates to substandard development and the failure to meet the qualitative and quantitative standards set out in the Apartment Guidelines.

- Inconsistencies between measured and stated floor areas was noted in Refusal reason 3. The appeal states that upon examination of the plans and drawings submitted it was discovered that a 2% scale reduction error had occurred when transferring the digital drawings to paper prints. The deviation

was slight but significant enough to skew any measurements taken off the physical plans. The application plans and drawings submitted with the appeal have been corrected.

- The PA was not satisfied with the quantum and quality of communal space. The revised development of 48 apartments, (16 x 1 bed and 32 x 2 bed), equates to a requirement for 304sqm communal space. The revised development would yield 306sqm of communal open space. Drawing No. P2142.A102A illustrates the provision of communal open space at ground floor level with 158sqm in the principal courtyard and 67sqm in the entrance courtyard. Drawing No. P2142.A107A shows the revised fifth floor plan with a roof garden of 81sqm.
- In their assessment the PA excluded the space in front of the principal entrance as it was considered circulation space. The appeal rejects this and submits that the Apartment Guidelines do not preclude any particular space from consideration and also allow for amenity space standards to be relaxed on a case-by-case basis.
- Revised floor plans submitted with the appeal fully comply with all the quantitative and qualitative standards set out in Appendix 1 of the Apartment Guidelines. In providing the corrections and modifications to the layouts, Reason 3(d) of the PA's refusal is comprehensively addressed and the development is in compliance with objectives CPO 6.3 and CPO 6.4.

Refusal reason four relates to fire safety and the failure to demonstrate that fire tenders had access to all sides of the building.

- The appellant contends that fire safety issues are more appropriately addressed under the Fire Services Act 1981-2003, associated regulations and Technical Guidance Document B – Fire Safety (2006) when applying for a Fire Safety Certificate. Fire safety is not mentioned in the Development Plan or in the Bray LAP and the report from the Fire Officer recommended that conditions be attached to any grant of permission.
- In response to this reason for refusal, the appellant commissioned chartered fire engineers and safety consultants to carry out an audit of the proposed development, the results of which are submitted with the appeal.

- The audit acknowledges that approximately 25% of the proposed development's perimeter is accessible by high reach fire appliances whereas 50% perimeter access is recommended by Table 5.2 of TGD Part B. Item 5.2.2 of TGD Part B allows for additional facilities to provide adequate firefighting access in circumstances where all sides of a building are not accessible. The audit recommends the provision of certain requirements to form part of the Fire Safety Certification application including, access for a pump applicant within 18m and within sight of dry riser inlet connection points in accordance with Item 5.2.2 of TGD Part B.
- The appellant contends that this provision addressed the issue raised in refusal reason 4.

6.2. Planning Authority Response

- No response on file.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Mix of Uses
- Scale of Development
- Residential Amenity
- Other Issues – Fire Safety
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located within the settlement boundary of Bray and is zoned TC – Town Centre in the Bray Municipal District Local Area Plan (Bray LAP). The site is also identified as a development site, Opportunity Site 3 (OP3) and has a set of specific objectives for its development. Residential and community use are listed as ‘generally appropriate’ uses for town centres. Therefore, I am satisfied that the principle of the development is acceptable under the TC zoning, and that the proposal can be assessed on its merits.

7.3. Mix of Uses

- 7.3.1. In the first reason for refusal the PA determined that the development materially contravened objective OP3 of the Bray LAP as it failed to provide a mix of uses and active frontage to Castle Street. The grounds of appeal state that analysis of the town centre identified high levels of vacancy in existing commercial units. On this basis the applicant assumed a lack of demand for commercial uses and did not include one at ground floor level. To address this reason for refusal the applicant has submitted a revised layout for the Board’s consideration. Drawing P21242.A115 shows the removal of Apartment A0-4 and its replacement with a multi-use community room with direct own-door access from Castle Street.
- 7.3.2. The revised proposal would result in the removal of a 1-bed apartment and its replacement with a double height community space of 96 m² which would be accessed from the lower ground floor level. The applicant states that the space would allow for a variety of uses such as meeting room, creche, after-school facility, theatre space, etc. It would be managed by the management company for the development and would be accessible for future residents of the development and the wider population.
- 7.3.3. I accept the findings of the applicant regarding the levels of vacancy in the existing town centre area. However, the Bray LAP sets a specific objective for the site to include a mix of uses such as commercial, retail, residential, community and cultural uses with a particular focus on providing active uses onto Castle Street. I am satisfied that the revised proposal addresses the requirement to provide a mix of uses and I note that a community use is listed as an acceptable use. The double

height space would also improve the external elevation of the lower level of the building by providing a better solid to void ratio to Castle Street. This would also help to provide an active frontage to Castle Street and would open the building to the street. I am satisfied that the proposed revision would address the concerns of the PA regarding the mix of uses and lack of active frontage which were raised in refusal reason one.

7.4. Scale of Development –

- 7.4.1. The second reason for refusal relates to the overall scale of the building and how it interacts with the adjoining sites and the streetscape in general.

Density

- 7.4.2. The proposed development would comprise a building of four to six storeys with a density of 300 units per hectare and a plot ratio of 2.7 as submitted by the applicant. (The report of the PO determined the plot ratio to be 3.4). The Bray LAP identifies the site for high density development and sets a minimum density standard of 50 units per hectare for future development. Section 3.1.1 of Appendix 1 of the WCDP states that, 'The potential of brownfield sites to consolidate the built form and deliver higher densities should be capitalised subject to protecting existing amenities and achieving high quality standards for future occupants.'
- 7.4.3. The Sustainable Residential Development and Compact Settlements Guidelines 2024 (Compact Settlements Guidelines) prioritise the growth and renewal of existing settlements and support the application of densities that respond to specific contexts and settlement types. Within the Guidelines, the subject site is categorised as a 'Centre and Urban Neighbourhood' site in a 'Key Town'. A residential density of 40 – 100 units per hectare is recommended for sites of this nature. Section 3.3.6 of the Guidelines cautions against excessive density and states that there is a presumption against densities that exceed 300 units per hectare on a piecemeal basis. Densities that exceed 300 units per hectare are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan.

- 7.4.4. Development objectives for the site are set out in the Bray LAP. Objectives for the site require development with a high density and a high plot ratio. The site has not been specifically identified for increased height. Although a minimum density of 50 units per hectare is recommended in the LAP a maximum threshold has not been set. The proposed development meets the threshold for 'very high density', (300 units per hectare), as set out in the Compact Settlements Guidelines. In consideration of the emerging pattern of development in the area, it is of note that the application referenced by the applicant, ABP-309613-21 at Ravenhall, would have a density of 138 units per hectare and the application for the SHD on the adjoining site to the north-east and south of the site is proposing a density of 162 units per hectare.
- 7.4.5. Whilst the development objectives for the site supports higher densities, the proposed density meets the threshold for 'exceptional' density in the Compact Settlement Guidelines, where the recommended range for the subject site is 40 – 100 units per hectare. There are no policies or objectives that identify the site for exceptionally high density or development, and I am not satisfied that the design and layout of the development presents an adequate response to support the intensity of development proposed. I have reviewed the application, and I am not convinced that the proposal can deliver the quality required for a density of this level. The following sections will address the issues in full.

Height –

- 7.4.6. It is acknowledged by the PA that Objective BT3 of the Bray LAP allows for buildings that are taller than four storeys where the specific context allows for it. However, they considered that the height of the proposal combined with its bulk and mass, constituted overdevelopment of the site and would be overbearing when viewed from the south-east. The overbearing impact would be exacerbated through the design of a lower-ground floor level which would act as a podium and would read as an additional level.
- 7.4.7. The grounds of appeal argue that the development complies with Objective BT3 and that the set-back floors on the upper levels allow for an appropriate four-storey elevation to Castle Street. It is also submitted in the appeal that development permitted on a nearby site under ABP-309613-21 (PA Ref. 20/403) sets the design

precedent for Castle Street. A six-storey development was permitted under this application.

- 7.4.8. Objective BT3 of the Bray LAP generally considers a height of four storeys to be appropriate for the town centre zone but allows for circumstances where this can be exceeded based on the site context. The Urban Development and Building Heights, Guidelines for Planning Authorities, (Height Guidelines), allow for a flexible approach on building heights based on the qualitative rather than quantitative standards. Section 3 of the Height Guidelines recommends a set of criteria to assess how a building of increased height responds to the scale of the city/town; the scale of the district/neighbourhood/street and the scale of the subject site. I have reviewed the Height Guidelines and I consider the most important aspect for assessing the context of the proposal is to consider how the development would interact with the immediate neighbourhood and the existing and emerging streetscape.
- 7.4.9. The building would present as four storeys to Castle Street with a slight set back at fifth storey level on the north-western corner, fronting on to Castle Street. This setback is minimal and would be c. 1m from the northwestern elevation facing on to the adjoining site, with the front elevation set just behind the façade of the northwestern elevation facing onto Castle Street. An additional setback for the fifth and sixth floor levels to Castle Street would be provided by offsetting the top two levels at an angle from the front elevation on the south-eastern corner. This design allows for a visual break at the top two levels on this corner. Whilst the setback allows for some variation on the upper levels of the building, it does not provide a meaningful break in the height and massing of the building as it presents to Castle Street. A set back of approximately 4m would also be provided on the upper level of the building at the north-eastern corner of the site, facing onto the Dargle Centre. At the uppermost level the corner unit on the north-western corner has been omitted which reduces the extent of the top level. Apart from these setbacks and variances to the front of the site, the building would be predominantly 6 storeys in height.
- 7.4.10. In response to the sloping character of the site, the building has been designed to incorporate a lower ground level with a podium type development above. This results in additional height to the southern section of the development which adds another storey to the height of the development when viewed from the south. I

would agree with the conclusion of the PA that the development would read as a 7-storey building when viewed from the southern approach.

- 7.4.11. The Bray LAP requires that any development for the site shall include full street frontage across the majority of the site to Castle Street. The proposal has responded to this requirement. However, I would have a concern regarding the interaction of the overall design with the streetscape. Although the community unit provides some activation at street level, the façade of the upper levels presents a flat, monotone elevation to the street. The PA expressed concerns regarding the blank elevation on the north-western corner on the approach to Bray town centre. The applicant argues that the blank elevation comprises approximately 8m of a 35m building which has sufficient visual interest to negate any undue visual impact. I agree with the PA that the north-western corner of the block does not present an attractive approach to the town centre and could be better considered. This corner of the site is visually prominent when approaching the town centre from the north and an opportunity to provide a high-quality design response should not be lost. The proposed blank corner would not help to animate the approach and when combined with the flat elevation to Castle Street would not result in a high-quality contribution to the emerging streetscape.
- 7.4.12. Whilst the existing character around the site is that of low-rise development or vacant sites, the location of the site within a large land bank that is earmarked for high density development is noted. The future development of the subject site and the nearby Opportunity Site 2 will change the streetscape and character of Castle Street and presents an opportunity for increased height of an appropriate scale. I would agree with the opinion of the PO that a four-storey building with set-back levels above may be an appropriate design response. However, I also share their concerns regarding the overall scale of the development and in particular, with its bulk and massing.
- 7.4.13. The difficulties of developing a sloping site are acknowledged. However, I agree with the PA that the use of a podium type development presents additional height on the southside of the site and that the building reads as 7 storeys from this angle. The blank corner on the northern section of the development is not well considered and the opportunity to create an attractive building / gateway to the town centre has been lost. Although the applicant has presented an alternative option to animate the

ground floor level, the façade of the upper levels facing onto Castle Street are flat and monotone. Overall, I am not satisfied that the building presents a level of quality in design to support such a high level of development.

- 7.4.14. The PA also considered that the development provided inadequate separation distances between the development and the sites to the northeast and northwest and determined that when combined with the height and scale of the building would have an overbearing impact on adjoining sites. The applicant argues that the subject development should not be restricted based on potential development that may occur on the adjoining vacant sites. Whilst I accept that the neighbouring sites are currently vacant or under-utilised, they are earmarked for development and there is a live planning application to develop the site to the northeast. Therefore, how the proposal would impact the potential development of the sites is a relevant consideration.
- 7.4.15. SSPR 1 of the Compact Settlement Guidelines requires a minimum separation distance of 16m between apartment buildings and for above ground units. The footprint of the proposed development would provide a separation distance of between 2.2m and 5.2m between the building façade and the northwestern site boundary and between 2.1m and 6m along the north-eastern site boundary. The northeastern corner, facing onto the adjoining site at the Dargle Centre would be just 4.3m from the boundary. Buildings facing onto the adjoining sites would be 6 storeys in height, apart from the northwestern corner facing Castle Street, which would be 5 storeys.
- 7.4.16. A logical application of the 16m separation distance would be to allow for an 8m separation distance on the subject site where the adjoining sites are identified for development. However, this approach may not be practical on restricted infill sites. Where separation distances are restricted, the proposal should include design responses that would allow for the development of both sites. The subject proposal does not include any design considerations which would support such restricted separation distances. Apartment balconies facing on to the northwestern site boundary would be just 2.2m - 3 m from the site boundary and on the northeastern side, balconies would be 4.5 and 3.4m from the site boundary. No allowances are made to prevent potential overlooking of adjoining sites, which would restrict the layout and potential for future development. Given the nature of the development

site and the surrounding sites, the design of the development should have been cognisant of its impact on adjoining sites and should have included sufficient design considerations to address the restricted infill site.

7.5. Residential Amenity

Future Residential Amenity

- 7.5.1. The report of the PA noted that the application had discrepancies between the stated and measured floor areas of the apartments. This resulted in some of the units falling short of the standards contained in the Apartment Guidelines. The grounds of appeal address this issue and acknowledge that a scaling error occurred on the drawings during printing which caused the inconsistencies.
- 7.5.2. I have reviewed the application documents, and I am satisfied that the apartments have been generally designed in accordance with the development standards set out in the Apartment Guidelines and in Appendix 1 of the WCDP. The apartment mix is in accordance with SPPR 1 and SPPR 2. The gross floor area of each unit either meets or exceeds the minimum standards set out in SPPR 3, and the floor to ceiling height is in accordance with SPPR 5. All units have been designed with the standards for private open space, internal floor space and storage as set out in Appendix 1 of the Apartment Guidelines. Of the 48 apartments proposed, 29 (60%) of them are dual aspect, which is in accordance with the requirement that a minimum of 33% dual aspect units are provided on more central and accessible sites as per SPPR4.
- 7.5.3. The appeal notes that apartments A0-3, A1-3, A2-3 and A3-3 fail to meet the required private amenity space of 5m² for 1 bed units. These units are 1 bed units that would face onto Castle Street. They would have west-facing recessed balconies that range in size from 4.5 – 4.8m², which is marginally below the required standard. Apartment A0-3 would also fail to meet the aggregate floor area of 23m² for a combined living/dining/kitchen (LKD) space and would have an aggregate area of 21.17 instead. Apartment A0-4 is also highlighted as having a dedicate storage area of 2.6m² which falls slightly short of the 3m² requirement. I note that the gross floor area of all of these units exceeded the minimum requirements of the Apartment Guidelines and I consider the minor deficiencies in standards to be minimal within the overall context.

Daylight / Sunlight for apartments

7.5.4. A Daylight, Sunlight and Overshadowing Study was prepared for the development and submitted with the application. The assessment notes that the guidance documents referenced in the Apartment Guidelines and the Height Guidelines have been replaced with new guidelines reference documents –

7.5.5. The guidance documents listed in the Apartment & Height Guidelines are -

- BRE Guide – 2nd Edition /3rd Edition of BR 209 BRE Site Layout Planning for Daylight and Sunlight
- BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’

These have been replaced by –

- IS EN 17037:2018 – Daylight in Buildings (This is the Irish implementation of the European EN 17037:2018 standard).
- BS EN 17037:2018 – Daylight in Buildings (This is the UK implementation of the European EN 17037:2018 standard. It supersedes BS 8206-2: 2008, which is withdrawn in the UK. The BS EN standard includes a National Annex which addresses daylight requirements specific to dwellings which is notable as Ireland’s climate matches closely with the UK).

As the guidance documents contain different methodologies for testing daylight and sunlight, the assessment carried out several tests based on the requirements of the older guidelines (as they are referenced in Section 28 Guidelines) and the new guidelines.

7.5.6. The most important test for the proposed units is the measure of Daylight to proposed units. The proposed units were subject to testing for Average Daylight Factor (ADF) which is the recommended test in BRE Guide – 2nd Edition, BS8206-2:208 and for ‘Target Illuminance’ as recommended in IS EN 17037:2018 and BS EN 17037:2018.

7.5.7. The results found that five apartments would not meet the threshold of 2% Average Daylight Factor (ADF) for the combined LKD spaces. Three of these apartments would be located at ground floor level, one at first floor level and one at second floor

level. However, all of these apartments were found to receive more than 1.5 hours of sunlight on the 21st of March which is the minimum threshold. Where the apartments don't meet the 2% ADF threshold, the applicant notes that they have a floor area in excess of the minimum standards and the use of larger window openings will help to maximise daylight. The Apartment Guidelines (and the BRE guidelines) note that where apartments fail to meet the required levels of daylight, compensatory measures can be provided to reduce any shortfall.

- 7.5.8. When the test for 'Target Illuminance' was applied as set out in IS EN 17037:2018, four LKD areas did not achieve the target illuminance (300 lux for over 50% of the floor area) and minimum target illuminance (100 lux for over 95% of the floor area) over the floor area requirements. Under guidance document BS EN 17037:2018 National Annex, the thresholds for target illuminance vary slightly and require 100 lux for over 50% of bedroom floor areas and 200 lux for over 50% of LKD floor areas. When this test was applied, all rooms in the apartments met the target illuminance required.
- 7.5.9. Overall, I am satisfied that the proposed apartments would receive adequate levels of daylight. Of the four LKD areas that fell below the threshold for 2% ADF, all were above the 1.5% ADF for kitchens and ranged from 1.64% – 1.83% ADF and all units had a gross floor area that was in excess of the minimum requirements.
- 7.5.10. The assessment found that existing residential development on the opposite side of Castle Street would not be impacted by the development through loss of light or overshadowing. Given the separation distance between the proposed and existing developments, I am satisfied that the proposal would not result in any undue negative impact on the residential amenity of existing development.

Communal Open Space

- 7.5.11. Based on the apartment mix of 16 one-bed apartments and 32 two-bed apartments, communal open space of 304m² would be required. The grounds of appeal state that 306m² of communal open space would be provided through a ground floor courtyard of 158m², a courtyard of 67m² at the entrance to the development and a roof garden of 81m². The PA did not accept the inclusion of the courtyard at the entrance as functional communal space and considered it to be circulation space from the northern pedestrian entrance. I share the opinion of the PA and do not

accept that this area can be included as a functional amenity space. At best it could be considered incidental or passive open space but given its width, orientation and location, its primary function is circulation. Excluding this space the development would yield c. 239m² of functional communal open space. Whilst this is below the minimum amount required by the Apartment Guidelines, allowances can be made for urban infill sites of up to 0.25 ha where standards for communal amenity space can be relaxed. However, I would have a concern regarding the quality of the ground floor courtyard area which makes up most of the communal open space. This area is north-east facing and the shadow diagrams submitted with the application show it in shadow from 2pm on the 21st of March and June. The courtyard passes the test for sunlight as the results found that at least 50% of the space would receive at least 2 hours of sunlight on the 21st of March.

- 7.5.12. On balance, I am satisfied that the apartments would be in accordance with the development standards as set out in the Apartment Guidelines and with Appendix 1 of the Wicklow County Development Plan. Any deviations in the standards would be minor and, on their own, would not constitute a reason for refusal.

7.6. Other Issues – Fire Safety

- 7.6.1. The PA considered that the height, layout and site coverage of the proposed development did not provide sufficient access to the to all sides of the building for fire brigades and would result in a substandard level of safety and amenity for future residents. The appellant contends that fire safety issues are more appropriately addressed under the Fire Services Act 1981-2003, associated regulations and Technical Guidance Document B – Fire Safety (2006) when applying for a Fire Safety Certificate. Fire safety is not mentioned in the Development Plan or in the Bray LAP and the report from the Fire Officer recommended that conditions be attached to any grant of permission.
- 7.6.2. In response to this reason for refusal, the appellant commissioned chartered fire engineers and safety consultants to carry out an audit of the proposed development, the results of which are submitted with the appeal. The audit acknowledges that approximately 25% of the proposed development's perimeter is accessible by high reach fire appliances whereas 50% perimeter access is recommended by Table 5.2

of TGD Part B. Item 5.2.2 of TGD Part B allows for additional facilities to provide adequate firefighting access in circumstances where all sides of a building are not accessible. The audit recommends the provision of certain requirements to form part of the Fire Safety Certification application including, access for a pump applicant within 18m and within sight of dry riser inlet connection points in accordance with Item 5.2.2 of TGD Part B. The appellant contends that this provision addressed the issue raised in refusal reason 4.

- 7.6.3. I note to the Board that the building would require a Fire Certificate which is issued under a separate legislative code, (Part B of the Building Control Regulations). Should an application for a Fire Certificate be refused there is an option available to the applicant to appeal this decision to An Bord Pleanála. As the of Fire Certification is dealt with under a separate legislative code, it is outside of the scope of this appeal.

7.7. Appropriate Assessment

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

8.0 Recommendation

- 8.1. I recommend that planning permission is refused for the development.

9.0 Reasons and Considerations

1. The proposed development would result in a level of density which is which is considered to be excessively high as per Section 3.3.6 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, which recommend a plan led approach to such high levels of

density and caution against piecemeal development of excessive density. The development site has not been identified for development of this intensity in the Bray Municipal District Local Area Plan 2018-2024 or in the Wicklow County Development Plan 2022 – 2028 and as such would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in an inappropriate scale and height and would fail to present a high-quality response to the existing and emerging streetscape. The four-storey façade to Castle Street would not present an adequate design response to the street by virtue of its flat façade and lack of visual interest. The bulk and massing of the building and its proximity to the site boundaries would result in an urban form that would be overbearing when viewed from the northern approach and from the southern approach and the presentation of a blank façade on the northwestern corner of the building would be highly visible from the northern approach to the town centre and would fail to contribute to an attractive and well considered streetscape. Therefore, by virtue of the lack of design considerations to provide a high-quality development, the proposal would be contrary to the requirements of Objectives CPO 6.16 and CPO 6.18 of the Wicklow County Development Plan 2022 – 2028 and would not be in accordance with the proper planning and sustainable development of the area.

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.

Elaine Sullivan
Senior Planning Inspector

28th of April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315393-22		
Proposed Development Summary	Construction of 49-unit apartment block, 6 storey apartment block, and all associated works		
Development Address	The Former Everest Centre, Castle Street, Bray		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		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			EIA Mandatory EIAR required
No	X		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)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) – Threshold 500 units	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315393-22	
Proposed Development Summary	Construction of 49-unit apartment block, 6 storey apartment block, and all associated works	
Development Address	The Former Everest Centre, Castle Street, Bray	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for an apartment development in a town centre site.</p> <p>The development would be connected to the public wastewater and waste services.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p>	<p>The scale of the development is larger than the existing housing but is not exceptional in the context of the existing and emerging pattern of development.</p>	<p>No</p>

considerations having regard to other existing and/or permitted projects?	There is a live planning application for development of 139 apartments with mixed uses on an adjoining site. Cumulative impacts would relate to the construction stage.	No
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No designations apply to the subject site. The development would be connected to the public wastewater services.	No No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.		

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)