



An  
Bord  
Pleanála

## Inspector's Report ABP-316075-23

<b>Development</b>	Change of use from existing retail/storage to construct 25 no. apartments
<b>Location</b>	Lands at Bray Central, Main Street, Bray, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	221357
<b>Applicant(s)</b>	Navybrook Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Navybrook Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> June 2024
<b>Inspector</b>	Ian Boyle

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## **1.0 Site Location and Description**

- 1.1. The appeal site is on Main Street, Bray, Co. Wicklow. It comprises the newly-built Bray Central development – a pedestrianised commercial retail and leisure precinct situated in the heart of Bray town centre. The centre recently opened to the public but there has been limited occupancy take-up with only a small number of units filled to date. The property previously accommodated the former Florentine Shopping Centre but stood vacant for a sustained period after it closed and several attempts to develop it into a new retail destination proved unsuccessful.
- 1.2. The existing Bray Central development is accessed from three locations, including via Main Street (west of the site), Quinsborough Road (north), both of which facilitate pedestrian access, and Florence Road which is to the south. The Florence Road access points includes a down-ramp into an underground car park and is the main vehicular access and egress for the centre.
- 1.3. The property is in a central and prominent location in the town and has a strong visual presence, particularly on approaches from the north and south along Main Street. The use of high-spec materials and finishes is evident throughout, including the pedestrian environment, and this enhances the overall aesthetic appeal and durability of the space. This is particularly apparent at the main entrance to the precinct (Main Street) where there is a wide plaza and welcoming public realm environment.
- 1.4. The site is within walking distance to many of the services and facilities available in Bray and the surrounding vicinity is mainly characterised by a mix of commercial, retail and housing development. The area is recognised as the core retail area for the town.
- 1.5. There are several bus stops within walking distance of the site. The two closest bus stops are Main Street and less than 150m, respectively. There are also stops on Quinsborough Road. The services are frequent and include routes connecting Bray with Dublin City Centre and various other regional settlements and destinations. Bray Train and DART station is roughly 550m to the east of the site.
- 1.6. The site has a stated area of roughly 0.97ha.

## 2.0 Proposed Development

- 2.1. The application is for a change of use from permitted retail/retail storage and plantroom uses to residential use at first and second floor level of Blocks A and B of the 'Bray Central' development. The overall development proposal equates to a total of 25 no. apartment units.
- 2.2. The overall development proposal includes the following main components:
- Residential mix: 10 no. 1-bedroom units; 9 no. 2-bedroom units, and 6 no. 3-bedroom units. This is a dwelling mix of 40%, 36% and 24%, respectively.
  - Parking and Services: The existing basement level (level -1) would provide for the reassignment of 10 existing car parking spaces for the sole use of the new residential units, 64 (new) bicycle spaces, and 2 new designated bin storage areas.
  - Open Space: The development would provide for communal open space; private open space in the form of balconies; and associated site development, infrastructure and landscaping works.
- 2.3. The application does not seek to make any revisions to the existing external elevations of Blocks 1 and 2.
- 2.4. The Applicant states that the rationale for the proposed change of use is driven by commercial reasons. It is submitted that despite an extensive marketing campaign to try and occupy the retail space at the upper levels of the centre, there has been limited demand or commercial appetite.
- 2.5. The Applicant states that to avoid the space remaining vacant for an extended period, a change of use to a more 'in demand' residential use is now being sought.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority refused permission on 16<sup>th</sup> February 2023 for 2 no. reasons, which was that the proposed change in use (from retail to residential) would:

- 1) Materially contravene objectives in the County Development Plan which seek to expand comparison retail floor space at this key 'Florentine' site in order to allow Bray to function as a 'Level 2 Major Town Centre' and would therefore be inconsistent with objectives to promote the vitality and viability of the retail role of the town centre, and
- 2) Be considered as substandard and seriously injure the amenities of future occupants, and properties in the vicinity, by the failure to comply with 'the Apartment Guidelines', a lack of information showing that the amenity of future residents would not be comprised by noise and vibration, and lack of information regarding potential overlooking of adjoining properties.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report makes the main following points:

##### *Principle of Change of Use*

- The permitted development is a three storey (over lower groundfloor) for town centre, retail, office, restaurant and cinema use with a GFA of c. 23,423sqm.
- Construction has recently finished. The centre is now open to the public. There has been limited uptake to date of the units, with only two occupied units for groundfloor restaurants on the day of the site visit. The Applicant states that the rationale for the proposed change of use is a lack of commercial appetite for upper floor commercial retail space.
- No drawings are provided of the upper ground floor. It is difficult to understand how the first and second floor relate to the street level.

- The proposal amounts to removal of retail/ commercial space and its replacement with residential apartments. The site is zoned for town centre uses.
- Residential use is a typical use found in town centre locations and particularly supported in 'living over the shop' schemes. The objective for this 'opportunity site' states that residential use is acceptable as part of the mix of uses on the site. The use is acceptable in principle.
- However, this is a core retail area and the prime shopping location for the town. Bray is a 'Level 2 Major Town Centre', which is to provide a full range of retail formats. The objectives set out in the CDP aim to promote major expansion in the amount and range of retail floorspace, particularly comparison floorspace, within the town. The subject site is pivotal in this expansion.
- The site is in a prime location and designed as a shopping street to meet the modern needs of higher order retail. It is provided with car park and easily accessible by foot from the surrounding area.
- The proposal seeks to replace the upper retail space at the first and second floors of the two front blocks fronting main street and podium entrance with residential apartments, leaving the only the ground floor in retail use.
- Proposed apartments (nos. 1-12) are interlinked across two floors on the first and second floors. This would impact the first floor commercial space (Units 13 and 14). The proposed development includes a significant area of the first floor. All affected units face onto the central podium level.
- The second floor contains mainly plant and retail storage space. It is unclear where the plant on this floor would be provided.
- The building has only recently completed construction and has yet to be occupied by any anchor stores. It is expected it will act as a catalyst for the revitalisation of the town. It is premature to state that the development is 'vacant'. The objectives that promote for redevelopment and use of vacant , underutilised, infill or brownfield sites do not apply as the development does not fall into these categories.

- Having regard to the design and location of this central site / development, and which is designed to cater for commercial uses, the strategic objectives to provide significant retail expansion at the site and to allow Bray to provide a role and function as a Major Town Centre, it is considered that a change of use from commercial to residential would not be acceptable and therefore contrary to the CDP.

#### *Design of Apartments*

- The proposed development does not comply fully with the Apartment Guidelines, including in relation to storage, and potentially communal amenity space and refuse disposal.
- The application does not confirm there would no overlooking of adjoining properties to the north and south.
- Other standards in relation to dwelling mix, minimum floors areas, dual aspect, lift cores, private amenity space, cycle parking and car parking are considered complied with.
- Details would need to be provided of how cycle parking would be secure and safe, however.

#### *Other*

- No concerns raised regarding services or drainage.
- Environment Section recommends further information to show apartments would not be susceptible to noise or vibration.
- No Appropriate Assessment (AA) or Environment Impact Assessment (EIA) issues.

### **3.2.2. Other Technical Reports**

#### Water & Environmental Services:

##### *Recommends further information.*

- There are no details provided in relation the building materials used in the construction of the development. The suitability of the units for high density, close-quarter living has not been indicated or demonstrated.

- Horizontal and vertical noise and vibration transmission between apartments can give rise to nuisance, particularly at unsociable hours.
- There are also other potential sources of noise from proximity to commercial units (restaurants and cinema), the thoroughfare through the centre, a combined plant for space and water heating, and existing elevators in each block.
- The applicant should be requested to demonstrate that the fabric and glazing of the units are suitable for residential occupation in terms of sound insulation.

Fire Service:

*No objection; recommends standard conditions.*

### 3.3. **Prescribed Bodies**

Uisce Éireann:

*No objection; recommends standard conditions.*

## 4.0 **Planning History**

### **Subject Site**

- 4.1. The site has extensive planning history. The most recent planning applications on the site relate to the Bray Central centre, which is now built and open to the public.
- 4.2. In January 2017, the Board granted the 'parent permission' for the Bray Central scheme (ABP Ref. JA27.JA0036). The application was for a town centre, mixed-use development comprising various retail, office, and restaurant uses, a cinema, car parking, new urban streets, pedestrian entrances off Main Street, Eglinton Road, Quinsborough Road and Florence Road, together with ancillary site works. Several amendments applications have been made since.
- 4.3. In April 2006, the Board permitted the demolition of existing onsite dwellings and the construction of a mixed use town centre scheme including 110 no. houses, community/creche facility and related site works (ABP Ref. PL39.217556; Reg. Ref. 05/189).



## **Surrounding Area**

- 4.4. There are no planning applications of note in the surrounding vicinity. Most recent applications comprise small extensions to buildings, changes of use and new business identification signage.

## **5.0 Policy Context**

### **5.1. Bray Municipal District Local Area Plan 2018-2024**

#### Zoning

The site is zoned 'Town Centre' under the Bray Municipal District Local Area Plan 2018-2024 ('LAP / Local Area Plan').

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

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

#### Bray Opportunity Site ('OP1')

The LAP (Section 5.5) identifies Opportunity Sites within Bray Town Centre which can potentially contribute to the enhancement of the public realm, vibrancy and vitality, and the retail/ services offer in the town centre if developed.

The subject site is identified as 'Opportunity Site 1: Florentine Centre'. The LAP describes the site as follows:

*'These 'town centre' zoned lands measure c. 1ha (including all existing buildings thereon) and have road frontage onto Main Street, Florence Road, Eglinton Road and Quinsborough Road. The site is suitable for a high intensity mixed use development.'*

#### **Objectives OP1**

- To provide for a landmark mixed use development which may include commercial, retail, retail services, residential, community and cultural uses; the priority consideration in determining the optimal mix of uses shall be to reinvigorate and bring activity (including evening time) to this area;*
- A high density development, that makes the best use of this serviced urban land will be expected, in a 3-4 storey development;*
- Any development on the lands shall include street frontage directly onto Main Street, following and restoring the established building line;*
- Any development shall include a significant below ground / under podium car park.*

#### **Core Retail Area**

The site is within the Core Retail Area for Bray Town Centre.

#### **Built Heritage**

The site is within an Area of Archaeological Potential.

The site is not a Protected Structure. However, there are several Protected Structures in its vicinity, including mainly to the east.

#### **Chapter 3 Residential Development**

**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.*

## Chapter 5 Town / Neighbourhood Centres & Retail

**BT1:** *To promote Bray town centre as the primary retailing and commercial sector location in the town. Retailing will be promoted as the core function of the town centre. Bray Town Centre consists of the area of land which is zoned 'TC: Town Centre Uses', which extends in a north/south direction from the Dublin Road to Market Square, and in an easterly direction, encompassing Quinsborough Road, Florence Road, Bray Dart Station and part of Novara Avenue. It is the area of the town that provides a broad range of facilities and services and which fulfils a function as a focus for both the population of Bray and public transport.*

**BT2:** *To promote and support the development of significant new retail, retail services, commercial and cultural / community floorspace in Bray, at ... the 'Florentine Centre'.*

### **5.2. Wicklow County Development Plan 2022-2028**

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

#### Chapter 4: Settlement Strategy

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

The following objectives are considered relevant:

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

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

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

#### Chapter 5: Placemaking for Town and Village Centres

The following objectives are considered relevant:

**CPO 5.8:** *To target development that will regenerate and revive town and village centres, address dereliction and vacancy and deliver sustainable reuse and quality placemaking outcomes.*

**CPO 5.9:** *To facilitate and support well-designed development that will contribute to regeneration and renewal, consolidation of the built environment and include interventions in the public realm and the provision of amenities.*

**CPO 5.12:** *To encourage the redevelopment of brownfield sites in order to maximise the sustainable regeneration of underutilised/vacant lands and/or buildings particularly in town and village centres.*

#### Chapter 6: Housing

The following objectives are considered relevant:

**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 6.6:** *To require that all planning applications for multi-unit residential development are accompanied by a Design Statement. Design Statements shall include a detailed assessment of existing environment and historic character and demonstrate how the design has evolved in response to these underlying characteristics and fabric of the town / village. The Design Statement should address each of the 12 criteria set out in the Urban Design Manual (DECLG May 2009). The*

*layout, access, road widths and open space should be cognisant of town and village character.*

**CPO 6.15:** *Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.*

**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 6.27:** *To require new multi-unit residential development to provide an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020)*

**CPO 6.28:** *Apartments generally will only be permitted in settlements Levels 1 to 6 and in accordance with the location requirements set out in Section 2.4 of the Design Standards for New Apartments, Guidelines for Planning Authorities (2020). All apartment development should be served by high quality usable open space.*

## **Higher Densities**

**Section 6.3.5** of the Development Plan is in relation to 'Higher Densities'. It states that higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. The capacity of a site to absorb higher densities is influenced by a range of factors including the local setting, development context, neighbouring uses, access, topography etc. The preparation of a design statement, including a detailed contextual and site analysis, will help determine a site's capacity and the appropriate 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.

### **Quality of Design in New Housing Development**

**Section 6.3.7** of the Development Plan is in relation to ‘Quality of Design in New Housing Development’. It states that the Planning Authority has to strike a careful balance between on the one hand enabling new housing development that meets housing demand while ensuring that highest standards of urban design, architectural quality and residential amenity. New housing development should be designed to respect its setting and provide for a strong connection with the character of the existing settlement. Particular attention should be paid to boundaries, public space and planting in order to achieve good quality. Permeability should inform the layout and design. New residential and mixed-use schemes should deliver attractive street-based traditional town environments that incorporate a good sense of enclosure, legible streets, squares and parks and a strong sense of place. Developments should include an effective mix of heights that integrates well with the existing urban structure and historical streetscapes.

### Chapter 13 Water Services

**Objective CPO 13.21:** *Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.*

### Development & Design Standards (Appendix 1)

- Appendix 1 sets out the Planning Authority’s requirements with respect to development and design standards.
- The standards and guidance contained within set out the principal factors to be considered in the design of new development.

## Other Relevant Chapters

Chapter 7: Community Development

Chapter 8: Built Heritage

Chapter 9: Economic Development

### **5.3. National and Regional Planning Policy**

- *Sustainable Urban Housing: Design Standards for New Apartments, 2023 ('the Apartment Guidelines')*
- *Design Manual for Urban Roads and Streets, 2019*
- *Project Ireland 2040 National Planning Framework, 2018*
- *Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines').*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007, and*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031*

### **5.4. Natural Heritage Designations**

No European designations apply to the site and there are none within its immediate vicinity.

- The closest European Site is Bray Head SAC (Site Code: 000714), which is approximately 1.4km to the southeast. The site is also a designated pNHA (Site Code: 000714).
- The Ballyman Glen SAC and pNHA (Site Code: 000713) is c. 2.1km to the west.
- The Knocksink SAC (Site Code: 000725) is roughly 4.1km to the west.

## 5.5. EIA Screening

5.5.1. See Appendix 1 of this report for further information.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A First Party Appeal has been made by Brock McClure (Planning and Development Consultants) on behalf of the Applicant. The main issues raised are as follows:

#### Preliminary Comments / Background

- The current Applicant is the same party who delivered the overall Bray Central development. The site had laid vacant for over 30 years and the Applicant has gone to significant lengths to redevelop the site.
- All units proposed for this change of use (to residential) are vacant and have been for some time with no commercial interest in the units above groundfloor.
- The current proposal delivers a 'living over the shop' residential model, which will bring forward this opportunity site as a mixed-use development in a prime location.
- There were no submissions or objections received on the application which indicates no local opposition to the change of use.
- Residential development was historically permitted at this site under a 2005 application (Reg. Ref. 05610189 refers), which was a high-density mixed-use scheme.
- The proposal can be accommodated within the existing building(s) with limited physical interruptions to the existing retail units, or other uses, in the area.

#### Planning Policy

- The proposal is fully compliant with national, regional and local planning policy, including the Wicklow County Development Plan 2022-2028 and Bray Municipal District Local Area Plan 2018-2024. This is contrary to the Planning Authority assessment of the proposal which suggests it 'materially contravenes' the County Development Plan.



- No particular policy or objective is cited by the Planning Authority in their decision, and it is considered that the reference to “materially contravenes’ has been applied as a ‘generic’ statement without fact or reason. [In this regard, the Appeal cites several policies, objectives and sections taken from the CDP on Pages 23 to 25 – none of which the Applicant submits are ‘materially contravened’ by the proposal.]

#### Response to Reason for Refusal No. 1

- The Applicant has engaged in an extensive marketing campaign to try and fill the commercial floorspace. However, there has been limited commercial appetite for the upper floor units. [See letting agent submissions x3 appended to the appeal confirming this.]
- Due to lack of interest these units will potentially not be activated at all. This would be detrimental to the overall viability of the centre, its vision as a mixed-use development, and a failure of the planning system to deliver a sustainable living-over-the-shop style development.
- The proposed development is fully compatible with the zoning for the site (‘TC – Town Centre’), which has a vision to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation.
- There is planning policy requirement (in the CDP) to deliver a solely retail development. Residential uses can be delivered as part of the overall scheme without prejudicing the overall mixed-use vision for the site.
- The OP1 objectives provide for the construction of a ‘landmark mixed-use development’, which includes ‘residential’ use. The Applicant has already delivered some OP1 objectives, including the provision of street frontage directly onto Main Street, thus, restoring the building line, and construction of an underground/below podium level car parking facility. The intention is to build upon the remaining OP1 objectives by delivering a new residential use, which clearly falls in line with the mixed-use vision for the site.
- The Applicant references several national and regional planning policy documents and guidelines which seek to promote the consolidation of town centres, more compact forms of residential development, and the delivery of

housing in locations well-served by existing services, amenities and public transport. [See Pages 25 to 27 of the appeal.]

#### Response to Reason for Refusal No. 2

- The appeal includes material (floor plans and a schedule of accommodation) which confirms adequate storage provision is provided for the apartments.
- All bicycle parking will be accommodated in a secure, covered lockup facility at basement level (see enclosed drawings with appeal).
- The proposal includes 75sqm of communal amenity space, which is less than the minimum requirement (230sqm). However, the Apartment Guidelines permit a relaxation in communal open space provision in certain circumstances, including for building refurbishment schemes.
- The existing Bray Central development also includes a plaza at groundfloor level, and the site is in walking distance of a number of large, high-quality open spaces and parks, including the People's Park, the River Dargle Walkway, Bray Promenade and Bray Beach.
- The proposed apartments would not overlook any adjacent properties, including the existing dwellings to north and south. A 1.8m high screen will be provided along the perimeter of the of all semiprivate and private open space. This is shown in the Design Response prepared by the scheme architects.

## **7.0 Assessment**

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

- Principle of the Development
- Residential Amenity
- Other Issues
- Appropriate Assessment

## **7.1. Principle of the Development**

- 7.1.1. The Planning Authority's first reason for refusal states that the proposal would materially contravene County Development Plan, including objectives which seek to expand comparison retail floor space at this key site so as to allow Bray to function as a 'Level 2 Major Town Centre'. The Council states that the proposal is therefore inconsistent with objectives to promote the vitality and viability of the retail role in the town centre.
- 7.1.2. The appeal site is zoned 'Town Centre' under the Bray LAP. The zoning 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. The zoning also seeks to develop and consolidate existing town centres, to improve vibrancy and vitality with the densification of appropriate commercial and residential developments and ensure a mix of commercial, recreational, civic, cultural, leisure, and residential uses.
- 7.1.3. In terms of providing some context / background information, I note that the Applicant is the same party who applied for permission for the overall redevelopment of the Florentine site and has delivered the current Bray Central precinct development. The Applicant states that all of the units which are the subject of this 'change of use' application are currently lying vacant and that they have been this way for some time. This is due to a lack of commercial interest in leasing units which are not at groundfloor level.
- 7.1.4. The Applicant states that a concerted effort has been made over the past few years to fill the units with a commercial use. However, this has not been possible, despite running an extensive marketing campaign. The Appeal includes letters from three different letting agents where the general point made is that floorspace above groundfloor, in such a context, is commercially unviable and retailers require units at grade that are regular in shape, spacious and easily accessible to customers.
- 7.1.5. It is clear from my physical inspection of the site that the centre has not generated as much interest, or occupancy, as expected. However, I consider that it is not uncommon for new ventures such as this to experience a 'slow start' as they seek to establish themselves and attract new customers and tenants. There can be a variety

of different factors for limited uptake in commercial units, including location, marketing effectiveness, pricing, or the types of units on offer. Undertaking market research after such a centre has opened, and reassessing promotional strategies, can assist in boosting occupancy rates.

- 7.1.6. Having said that, I accept that the Applicant has made a genuine attempt to fill the first and second floor commercial space in accordance with their permitted use (i.e., retail) and that there continues to be a high vacancy rate within the centre despite these efforts. It is possible that a prolonged absence of occupants could lead to reduced patronage of the overall facility and deter further retail interest at groundfloor, in my opinion. I do not consider that a continued absence of activity within the centre is in the interests of promoting the vitality and viability of Bray town centre and, in any case, would note that residential is a fully compliant use, as referenced below.
- 7.1.7. The Council's Decision to Refuse Permission states that the proposed change in use from retail to residential would constitute a 'material contravention' of the objectives of Wicklow County Development Plan 2022-2028. As the Board would be aware, and under such circumstances, it is ultimately the decision of the Board as to whether the proposed development represents a material contravention of the relevant statutory Plan and, if minded so, it can grant permission for the proposed development by specific reference to Section 37(2)(b) of the Planning and Development Act 2000 (as amended).
- 7.1.8. It is my submission to the Board that the proposal does not constitute a material contravention of the relevant statutory plan governing the site and, for this reason, it is not necessary to apply the provisions of Section 37(2)(b), as outlined above. The proposed change of use is in accordance with the relevant planning policies and does not materially conflict with any policy or objective contained in either the Bray Municipal District Local Area Plan 2018-2024 or Wicklow County Development Plan 2022-2028.
- 7.1.9. Apart from a reference to general objectives in the CDP supporting the provision of comparison retail floorspace on the site which, the Council submits, is necessary to allow Bray town centre to function as a 'Level 2 Major Town Centre', I note that no specific policy or objective is identified in the reason for refusal issued by the

Planning Authority. I do not consider that facilitating other (appropriate) uses on the site would somehow prevent Bray Town Centre from providing a high level of retail function or undermine its economic competitiveness, particularly as the groundfloor of the centre would remain in full retail use.

- 7.1.10. Conversely, the additional footfall and activity created by future residents and visitors to the apartments would likely assist in drawing further activity into the town, and this is to be welcomed and considered a positive, in my opinion. During my site visit, I observed that the amount of activity – on a sunny midweek afternoon – was relatively quiet with an infrequent number of passersby using the groundfloor spaces. I consider the influx of new residents to the scheme would help to stimulate activity levels in the centre and potentially generate additional custom for the existing commercial units.
- 7.1.11. The provision of residential uses, as part of a larger mixed-use development scheme, is also in accordance with planning policy. This includes CPO 5.8 of the CDP which is to target development that will regenerate and revive town and village centres, address dereliction and vacancy and deliver sustainable reuse and quality placemaking outcomes; and CPO 5.12 of the CDP which is to encourage the redevelopment of brownfield sites to maximise the sustainable regeneration of underutilised/vacant lands and/or buildings particularly in town and village centres. Whilst the site is not a brownfield or derelict property – it is a relatively newly constructed retail centre – the units in question are vacant, have been for some time, and I consider that the delivery of a successful mixed-use development (with 'living over the shop' style apartments) would be in the interests of quality placemaking and creating an enhanced public space.
- 7.1.12. As noted above, the site is zoned 'Town Centre' under the Bray LAP which 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' (emphasis added). The zoning description also supports residential use and states that it seeks 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'. The land use 'residential' is therefore clearly supported by the applicable land use zoning objective for the site.

7.1.13. The Bray LAP (Section 5.5) identifies the appeal site as 'Opportunity Site 1 – Florentine Centre' (OS1). The LAP clearly states that the site is suitable for a high intensity mixed use development (emphasis added). There are four objectives pertaining to the site, and I note explicit reference is made to residential as a suitable use for the envisaged mixed use scheme. The full list of objectives are as follows:

- To provide for a landmark mixed use development which may include commercial, retail, retail services, **residential**, community and cultural uses; the priority consideration in determining the optimal mix of uses shall be to reinvigorate and bring activity (including evening time) to this area;
- A high density development, that makes **the best use of this serviced urban land** will be expected, in a 3-4 storey development;
- Any development on the lands shall include street frontage directly onto Main Street, following and restoring the established building line;
- Any development shall include a significant below ground / under podium car park. [emphasis added.]

7.1.14. Having regard to the above, it is clear to me that the proposed change of use would contribute to the overall vision for this opportunity site by helping to deliver the 'high intensity mixed use development' envisaged under local planning policy. As noted by the Applicant, some of the OS1 objectives have already been implemented – including the delivery of street frontage and restoring the building line along Main Street (No. 3) and construction of an underground car park (No. 4) – and the proposal would serve to build upon the remaining objectives by incorporating a residential component as part of the development at upper levels.

7.1.15. I consider that the proposed change of use is fully supported by the several specific policies and objectives contained in both the CDP and Bray LAP and that presence of residential units (above groundfloor) would deliver an appropriate mixed-use development at this key opportunity site. It is my view that a more dynamic mix of uses occurring vertically through the floors of the buildings would facilitate positive interaction between the uses and that this would help to cultivate a sense of

community and sustain the vitality and vibrancy of the town centre, both during the day and at nighttime. I consider that the presence of residential apartments above the at-grade retail units would help to breathe new life into this commercial district and assist in generating additional foot traffic, which would also assist in creating a safer environment. The groundfloor use (retail) is not proposed to be changed under foot of this proposal and whilst the centre, overall, would appear to have a relatively high vacancy rate, this mainly relates to the upper floors (i.e., the subject of this planning application).

- 7.1.16. There are several other local policies and objectives contained in the Wicklow County Development Plan 2022-2028 which generally support more compact forms of residential development on such town centre sites. This is consistent with national and regional planning policy documents, including the National Planning Framework, (2018) and Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019) (RSES). The policy requirement to secure more compact forms of residential and mixed-use development in inner urban and serviced areas is cited consistently at national, regional and local policy level, and increased residential densities is recognised as a method by which to achieve this. In particular, I note RPO 4.39 of the RSES, which is in relation to Bray, and states it is an objective 'to promote the consolidation of the town centre with a focus on placemaking and the regeneration of strategic sites to provide for enhanced town centre functions and public realm, in order to increase Bray's attractiveness as a place to live, work, visit and invest in'. The recently published Residential Development Guidelines (2024) also seek to facilitate more compact forms of residential development and places an emphasis on more intensive use of previously developed land and infill sites.
- 7.1.17. In conclusion, I consider that the Wicklow County Development Plan 2022-2028 and Bray Municipal District Local Area Plan 2018-2024 provide clear and explicit support for the proposed change of use from retail to residential at first and second floor level of Blocks A and B of the 'Bray Central' development, and that such a change of use would be in the interests of proper planning and development.

## **7.2. Residential Amenity**

- 7.2.1. The Planning Authority's second reason for refusal states that the proposed change of use would result in a substandard development and seriously injure the amenities of future occupants, and properties in the vicinity, by a failure to comply with 'the Apartment Guidelines'. It also states that the planning application is lacking in information to show that the amenity of future residents would not be comprised by noise and vibration or that unacceptable overlooking of adjoining properties would not occur.

### Compliance with the Apartment Guidelines

- 7.2.2. The Planning Authority states that certain aspects of the proposal are not compliant with the Apartment Guidelines, including in relation to storage, communal amenity space and refuse disposal. The Applicant has provided an itemised response and additional drawings as part of their appeal to address this. I confirm that I have examined this material as part of my assessment and note for the attention of the Board that the new floor plans and Schedule of Areas (SoA) are on the file for inspection.
- 7.2.3. In relation to minimum internal storage standards, I note that the storage area for each individual apartment is listed on the SoA (shaded in yellow) and that it meets / exceeds the minimum requirement. The storage areas are also shown on the floorplans and I have had regard to this information. I further note that provision is made for storing bulky items at basement level, such as children's outdoor toys, buggies, suitcases, large items of sports equipment, etc (see drwg. no. PL-003-Basement Plan Proposed).

The proposed bicycle parking is within a secured, covered lockup at basement level. Access is controlled by a security keypad entry system available only to residents. I consider that the proposed cycle parking facilities are in accordance with the requirements of Section 4.17 of the Apartment Guidelines, which includes references to location, quantity and design. I also note that the Planning Authority did not raise any specific concern regarding the quantum of spaces provided.

- 7.2.4. I note that the proposed quantum of communal amenity space falls short of the minimum requirement (230sqm). The scheme provides 75sqm of communal



amenity space which is via a terrace. Normally, such a deficiency in amenity space would be a potential issue as such space is typically needed to help meet the amenity needs of residents in terms of accessible, secure and usable outdoor space, particularly for families with young children and for less mobile older people. However, the Apartment Guidelines allow for a relaxation in this standard; and I note Section 4.12 of the guidelines state that for building refurbishment schemes on sites of any size or 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.

- 7.2.5. In this regard, I note that the units have access to the existing groundfloor plaza, which is a high-quality, pedestrianised environment with outdoor seating, landscaping, and lighting. The site is also within ready walking distance of several green and open space areas, including the Dargle Riverside Walkway (c. 250m north), the People's Park (c. 550m northwest), Bray Promenade and Bray Beach (c. 800m east). The amenities available at these locations are extensive and varied. They include children's play areas, seated areas, scenic walking areas and playing pitches. I am therefore satisfied that a dispensation in communal amenity space would be appropriate in this instance. Furthermore, I note that the Planner's Report states that given the central location and constraints of the site some flexibility can be applied in this case.
- 7.2.6. The Applicant confirms that the separation of residential and commercial refuse storage will be provided via different bin areas and access points. A management company will be appointed to oversee this arrangement. The Board may wish to attach a condition to ensure this practice occurs. I am satisfied that the issue has been addressed.
- 7.2.7. I note that the Planning Authority accepts that the other standards in relation to residential mix, minimum apartment floors areas, dual aspect, lift cores, private amenity space, amount of cycle parking and car parking are satisfactory. This is shown to be the case on Page 8 of the Planner's Report under the table entitled 'Compliance with Apartment Guidelines'.

## Noise and Vibration

7.2.8. The Planning Authority identifies sources of potential noise and vibration which could negatively impact future residents of the scheme. This is raised as an issue in the interdepartmental report prepared by the Water & Environmental Services Department, and which recommended further information. In such a scenario, it is important to find a balance between the needs of future residents and the requirements of the nearby businesses being able to operate efficiently.

7.2.9. The Applicant has commissioned the completion of an Acoustic Assessment (Searson Associates) to address the Planning Authority concerns. A further technical note by O'Connor Sutton Cronin (Consulting Engineers) provides clarification on matters relating to possible sources of noise and vibration from M&E equipment. I have read the reports and note the main findings as follows:

- The proposed materials and details, as shown on the submitted drawings, are appropriate to suppress noise transfer between units and uses.
- The noise from residential heat pumps will be minimal as they are one of best units on the market in terms of noise ratings (43dB).
- The proposed plant serving the commercial units is located on the roof and has been designed to ensure the most efficient use of space and to avoid noise for adjacent units.
- The existing lifts are designed for residential use and are commonplace in several over similar types of residential projects.

7.2.10. I note that both residential and commercial uses have noise regulations which must be adhered to. This is required to maintain a reasonable balance between the needs of residents and of commercial business operators. The regulations are designed to include restrictions on hours of operation, soundproofing requirements and place limits on the volume of outdoor equipment and plant / machinery. Moreover, it is not uncommon for commercial retail uses to co-exist as part of the same development as residential units, for example, particularly in a town centre setting.

7.2.11. The Applicant has confirmed they are willing to accept the recommendations included in the Acoustic Report. I am satisfied the Applicant has adequately addressed the issues relating to noise and vibration and consider that adequate

safeguards can be achieved by condition and by agreement with the Planning Authority post planning. This includes, for example, the preparation of a Construction Management Plan (CMP) and implementing the measures set out in Acoustic Report to the satisfaction of the Planning Authority

#### Overlooking

- 7.2.12. The appeal site is adjoined to the north and south by existing dwellings, being Quinsborough Road and Florence Road, respectively. In response to the Planning Authority's concerns in relation to potential overlooking of these properties, caused by the new apartments, the appeal includes drawings and diagrams of proposed screening measures to assist in preventing downwards views into adjoining residential properties.
- 7.2.13. This includes the installation of 1.8m high visual barriers / screens placed within the private amenity space (balconies) and communal amenity space (outdoor terrace). In my opinion, this would provide adequate relief from potential overlooking and result in enhanced privacy, particularly as the screens extend above the height of the average person.
- 7.2.14. The communal amenity space is positioned mainly on the northern side of Block 2. It is therefore orientated to face inwards and onto the groundfloor plaza / retail court below. There are no direct views from this space into adjacent residential properties and the eastern and southern sections of the space are partially enclosed by the adjoining cinema complex building. The terrace would also provide a degree of passive surveillance over the plaza which would be a positive addition for the overall scheme, in my opinion.
- 7.2.15. I conclude that the proposed change of use would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, and would provide an acceptable standard of amenity for future residents.

### **7.3. Other Issues**

#### Plans and Particulars

- 7.3.1. The Planning Authority identified minor issues with the plans and particulars which form part of the original planning application. This included (i) the omission of a

drawing showing the 'existing upper groundfloor level' of the development, and which presented difficulties in terms of understanding how residents would move through the development, and (ii) design inconsistencies between the permitted drawings and existing drawings accompanying the application.

- 7.3.2. In relation to the first issue, I note that the Applicant has sought to address this by providing a new drawing showing the existing upper groundfloor level of the development. I have reviewed the material and considered that it adequately illustrates how future occupants of the scheme would move through and across the levels of the building. The path of movement is shown by way of a dotted blue line on the plans (see enclosed drawings and Architect's Design Response Document, dated 15/03/2023).
- 7.3.3. In relation to the second issue, the differences are minor in nature and relate to small changes in the permitted scheme compared with the version constructed. I do not consider that changes have a significant or material bearing on the proposal. Furthermore, the Planning Authority did not raise any specific concerns in this regard, noting instead the key concern that irrespective of the differences, the proposal would amount to removal of retail / commercial space and the replacement of this space with residential apartments.

#### Plant

- 7.3.4. The Planner's Report states that the second floor currently contains the plant for the development and retail storage for the two front blocks and that it is unclear where the plant on this floor would be provided instead.
- 7.3.5. The Applicant has addressed this as part of their appeal submission. They state the enclosed plant area on Level 2 is no longer required as a dedicated enclosed plant space. This became apparent during detailed design and the construction phase and was done in agreement with the new tenants. The overall quantum of required plant has therefore been reduced and the residual space can now be converted to residential use in its place.
- 7.3.6. I consider that it is not uncommon for a contractor to encounter such changes post planning and that small and nuanced design modifications form a normal part of the later stages of a largescale construction project. I consider that this is the case here and I am satisfied the changes are acceptable.

- 7.3.7. For clarity, I note that the appeal is accompanied by a revised drawing showing the plant required for the scheme at rooftop level in three separate locations. The total area is c. 595sqm and shaded green in the relevant drawing submitted as part of the enclosed Design Response Document (dated 15/03/2023).

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed 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. 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 any European site.
- 7.4.2. See Appendix 1 'Form 1: EIA Pre-Screening' and 'Form 2: EIA Preliminary Examination' for further details.

#### **8.0 Recommendation**

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

#### **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Bray Municipal District Local Area Plan 2018-2024, and the Wicklow County Development Plan 2022-2028, including the town centre zoning objective for the site, for which residential accommodation is a supported use, the pattern of commercial, retail, community uses and residential development in the area and vacant status of the units in question, it is considered that, subject to compliance with the conditions set out below, the proposed development would assist in delivering compact growth, regeneration, revitalisation and consolidation of an urban site at an appropriate scale, would not seriously injure the residential amenities of the area or of property in the vicinity, and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on 16<sup>th</sup> March 2023, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) The mitigation measures outlined in the Acoustic Assessment accompanying the Appeal (dated 15<sup>th</sup> March 2023) shall be carried out as specified.</p> <p>b) Prior to commencement of development, the applicant shall submit details of the construction methods and materials to be used and demonstrate that the materials will provide appropriate and effective resistance against the potential transmission of noise and vibration.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>All privacy screens as identified in the drawings and associated reports submitted to the Board as part of the appeal shall be installed prior to the occupation of any apartment unit.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
4.	<p>A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>

5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
6.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
7.	<p>Prior to commencement of development, the developer shall submit:</p> <ul style="list-style-type: none"> <li>a) a fire safety certificate application and disability access certificate application for the development,</li> <li>b) details showing adequate firefighting water supply of 1,200 litres per minute from a minimum 100-mm diameter main with any one hydrant within 45m of all individual buildings or the provision of static tanks onsite to augment the local public supply if it falls short of this amount.</li> <li>c) details of fire hydrants being in accordance with Diagram 30 of Technical Guidance Document Part B, Technical Guidance Document Part B and the Irish Water Code of Practice for Water Infrastructure and the requirements of BS 750:1984,</li> </ul>

	<p>d) information confirming that the vehicle access can ensure fire brigade appliances have access in accordance with Table 5.1 of Technical Guidance Document Part B and that vehicle access routes comply with Table 5.2 of Technical Guidance Document Part B.</p> <p>e) Drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of environmental protection and public health.</p>
9.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
11.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2)</p>



	<p>and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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[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.]

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Ian Boyle  
Senior Planning Inspector

10<sup>th</sup> June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	316075		
<b>Proposed Development Summary</b>	The application is for a change of use from permitted retail/retail storage and plantroom uses to residential use at first and second floor level of Blocks A and B of the 'Bray Central' development. The overall development proposal equates to a total of 25 no. apartment units.		
<b>Development Address</b>	Bray Central, Main Street, Bray, Co. Wicklow.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings).  The proposal is for a change of use. However, there are minor works required to accommodate the new use (residential). The proposed development is therefore a 'project' for the purposes of EIA.		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>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]?</b>			

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	10. Infrastructure Projects  (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Boyle

Date: 6<sup>th</sup> June 2024

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	316075	
Proposed Development Summary	The application is for a change of use from permitted retail/retail storage and plantroom uses to residential use at first and second floor level of Blocks A and B of the 'Bray Central' development. The overall development proposal equates to a total of 25 no. apartment units and comprises minor works to facilitate this.	
Development Address	Bray Central, Main Street, Bray, Co. Wicklow.	
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.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development 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 nature of the proposed development is not exceptional in the context of the existing environment.</p> <p>The appeal site is on Main Street, Bray, Co. Wicklow. It comprises the newly-built Bray Central development – a pedestrianised commercial retail and leisure precinct situated in the heart of Bray town centre.</p> <p>The proposal is for a change of use comprising conversion of commercial retail space to residential apartments (25 no.). The buildings already exist. I do not consider that any demolition waste arising would be significant in a local, regional or national context and would relate to a small amount of works only.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the</p>	No

	nature of the proposal, which is a residential land use.	
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is not exceptional in the context of the existing surrounding environment, which is Bray town centre.</p> <p>Given its central location in the town I do not consider there is potential for significant cumulative impacts arising.</p>	No
<p>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?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The site is not within, or immediately adjoining, any protected area(s).</p> <p>There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p> <p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to negatively affect other significant environmental sensitivities in the area.</p>	No
<b>Conclusion</b>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required. ✓</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p>

**Inspector: Ian Boyle**

**Date: 10<sup>th</sup> June 2024**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)