



An
Bord
Pleanála

Inspector's Report ABP-316351-23

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| Type of Appeal | Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax |
| Location | Boghill Road, Vevay Road, Bray, Co. Wicklow |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | WW-RZLT-42 |
| Appellant(s) | Avonvard Limited |
| Inspector | Paul O'Brien |

1.0 Site Location and Description

- 1.1. The subject site contains an area of land of 3.75 hectares located to the west of Vevay Road and to the south of the Boghall Road, Bray, Co. Wicklow. The lands contain a warehouse/ factory unit that was previously used by Dell. In addition to the main building, there are extensive areas of hardstanding that was in use as car parking on this site. Access is available to the north from the Boghall Road and from a roundabout access off Vevay Road.
- 1.2. Adjoining lands to the west and south are primarily in light industrial/ warehousing use. The Wilton Hotel Bray is located to the south east and lands to the east and north are in residential use with St. Andrews National School located to the north east, on the opposite side of the Vevay Road.

2.0 Zoning and Other Provisions

- 2.1. The subject lands are included within the Settlement Boundary of the Bray Municipal District Local Area Plan 2018. The site is located within lands zoned for 'Mixed Use' Development with an objective 'To provide for mixed use development' and which allows for residential development.
- 2.2. The site is also included within SLO 4 and the following is stated (as relevant):

'This site was formerly occupied by computer company Dell and has been vacant for some years. The site is occupied by a large manufacturing building and surrounding grounds and car parking, measuring c. 3.75 ha. While there is a demand for additional housing in Bray, it is not considered appropriate that any and every vacant employment site should be considered for solely residential redevelopment as it is not sustainable to only deliver significant new housing at the expense of employment opportunities. Given that this site is surrounded by both residential and employment uses, it is considered that a mixed, high intensity employment and residential scheme would be suitable on these lands, in accordance with the following criteria:

 - The development shall be delivered a high density format and in particular, shall have a plot ratio of not less than 1:1. Development of up to 4 storeys may be considered on the western and southern parts of the site, with heights on the

northern and eastern parts of the site being more consistent with and respecting the existing amenity of existing residential areas surrounding the site;

- Not more than 40% of total floor space shall be devoted to residential use; depending on the range of unit sizes and formats, at least 150 units is desired (c. 15,000sqm)
- Any planning application shall include a detailed phasing programme that ensures the timely delivery of all elements of the SLO. In order to ‘kick start’ the development, a first phase of housing, comprising not more than 50% of the total housing programme, may be developed as a ‘Phase 1’ of the overall development, strictly on the basis of the remaining housing being delivered in tandem with the employment element.’

3.0 Planning History

- 3.1. PA Ref. 23/60043 refers to an August 2023 decision to grant permission for the demolition of the existing vacant manufacturing building on the site, erection of temporary boundary fencing and gates, and all associated site works.
- 3.2. PA Ref. 22/823 refers to an October 2022 decision to grant permission for the construction of a first phase of development on the overall landholding consisting of the following: a) A three storey Nursing Home building, b) A part three and part four storey office building, c) Internal access roads and parking, comprising 121 no. surface car parking spaces and 115 no. cycle spaces to serve both uses. Vehicular access will be via the existing entrance from Vevay Road; d) An ESB substation, all associated site and infrastructural works.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that the lands are zoned for mixed use development and although housing is permitted, there is a requirement for employment uses to be provided also in accordance with SLO4.

- 4.2. If the Planning Authority decide to retain the lands on the map, then the southern portion, 1.2 hectares should be removed as they are to be developed for non-residential use.

5.0 **Determination by the Local Authority**

- 5.1. The Local Authority determined that the site was in scope. There are no restrictions in terms of services and the Local Area Plan allows for at least 50% of the housing to be provided in advance of any employment development. There are no physical restrictions on the development of the site for residential uses.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- The site is zoned for mixed use that allows for residential development. There are restrictions on the development of the site through SLO 4. This phases development/ requires that the site be developed for mixed uses including residential and employment uses. This restricts the viability of the development of this site for residential use.
- Alternatively, it is requested that the lands to the south of the site be removed from the maps as they are proposed for non-residential use.

6.2. **Planning Authority Response**

- No further comment.

7.0 **Assessment**

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.
- 7.2. I note the issues raised in relation to SLO4, however it is clear that the lands can be developed for mixed uses including residential development. The format of development is not clearly provided for in the local area plan but a mixed use

scheme where commercial uses on the ground floor and residential over could allow for a suitable development of the site, thereby meeting the specified quantum of residential and employment uses.

- 7.3. The exclusion of part of the land on foot of a grant of permission, is not appropriate as the lands may not be developed for the permitted purposes. I note the request made as alternative no.2 however this is not appropriate in this case and should be rejected at this time.

8.0 Recommendation

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be kept on the map.

9.0 Reasons and Considerations

- 9.1. The appellant requested that their site be removed from the map due to the fact that the development of these lands is restricted by the mixed-use zoning/ Specific Local Objective (SLO 4) that applies to the site which requires a specified mix of residential and employment uses.
- 9.2. The lands are suitably zoned and no restrictions in terms of service provision have been identified by the applicant and/ or the Planning Authority. The zoning/ SLO 4 do not prevent residential development and the lands should therefore remain on the map.

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

Paul O'Brien
Planning Inspector

4th September 2023