



An
Bord
Pleanála

Inspector's Report ABP-318016-23

Development	Construction of mixed use building consisting of civic office, community use and 26 apartments and all associated site works.
Location	Fatima House, Quinsborough Road, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2360119
Applicant(s)	Lenida Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Lenida Developments Ltd.
Observer(s)	Kevin & Deridre Wolohan Barbara Tucker Judith Devlin
Date of Site Inspection	12 th September 2024

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The site is located at Fatima House, Quinsborough Road, Bray, Co. Wicklow and is adjacent to the level crossing at Bray Dart Station, being located on the west side of the railway line and directly adjacent to the station itself. A number of bus routes also serve the station and subject site including the 45A, 45B, 84, 84A, 131, 143, 144, 155 and 184. The site currently consists of a 2-storey building that fronts on to Quinsborough Road, which extends into a single storey to the rear. Bray Wanderers football club and grounds are located to the west and north west of the subject site. The site faces a public, on-street parking area to the south of Quinsborough Road and a bus stop/layby located to the front of Bray Dart Station.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing single storey/two storey detached derelict building on site and construction of a 6-storey building containing cultural/civic use, office and 26no. apartments at upper floors.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th August 2023, Wicklow County Council refused planning permission for the subject proposal for the following reasons:

1. Having regard to:

(a) The location of the application site within the Bray Gateway and Transportation Hub zone, just c.15 metres to the west of the existing railway line,

(b) The potential land requirements of the planned LUAS extension/Mass transit system to Bray train station, as outlined in the Bray Environs Transport Study, April 2019, which identifies and prioritises Bray Station as the principal transport hub for the County, with a range of transport services, of various modes, being available and emanating from here to all parts of the District and the wider east coast of the County,

(c) the development objectives for SLO 5 Bray Gateway and Transportation Hub (GTH Zone) as set out in the Bray Municipal District LAP 2018-2024, which identifies and prioritises Bray Station as the principal transport hub for the County, with a range of transport services, of various modes, being available and emanating from here to all parts of the District and the wider east coast of the County, in accordance with a strategy that shall be developed by WCC and the NTA.

(d) Objectives PT1 and PT3 of the Bray Municipal District LAP 2018-2024 and Objective CPO 12.21 of the Wicklow County Development Plan 2022, which promotes the linkage of the Luas extension or other mass transit to Bray town centre, Bray train station.

It is considered that the proposed development would be contrary to the development objectives for SLO 5 Bray Gateway and Transportation Hub (GTH Zone), the objectives of the Bray Municipal District LAP 2018-2024 and the Wicklow County Development Plan 2022, would be premature pending the determination of the final route and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed ground floor street frontage use of the building as a meeting room for the Legion of Mary would fail to achieve an active street frontage at this location where the Planning Authority would favour uses which encourage increased footfall in the area including, inter alia shops, restaurants, cultural and recreation related developments in accordance with SLO5. The proposed development would therefore be contrary to the development objectives for SLO5 as outlined in the Bray Municipal District Local Area Plan 2018-2024.

3. Having regard to:

(a) The absence of a noise survey from a suitably qualified professional to quantify the impact the existing train line and football grounds would have on future residents of the proposed development and any necessary mitigation proposals in this regard,

(b) The proposed apartment mix which comprises of 4 no. 2 bed, 3 person apartments accounting for 15% of the total number of units proposed,

(c) The location of the master bedrooms of apartments 7, 13, 19 and 25 to the front of the building with ground to ceiling glazing addressing the public street and train station entrance/exit;

(d) The proposal to have a shared bin storage and a shared stairwell and lift core access serving the residential use and office use of the building;

It is considered that the proposed development would result in a substandard level of amenity for future residents of the development due to noise and vibration, would be contrary to Section 3.7 of the Apartment Guidelines 2022, which requires that no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom three person apartment, would result in a lack of privacy for residents, and would result in a substandard level of residential amenity in terms of security and fire escape. The proposed development would therefore be contrary to Objectives CPO 6.3, 6.4, 6.5 and 6.16 of the 2022-2028 County Development Plan, which seek the highest possible standard of living for future occupants and the highest quality of layout and design for new residential development in accordance with the standards set out in the Development and Design Standards (Appendix 1) and would be contrary to proper planning and sustainable development.

4. The development as proposed would result in a traffic hazard having regard to the location of the bin storage area and the restricted nature of the site, which would require bins to be left on a busy public road/footpath to the front of the site, adjacent to the entrance of a car park, a busy level crossing and the junction with Bray Dart Station and bus terminus.

5. 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 not 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

The Local Authority Planner had regard to the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- The proposed development is considered acceptable in principle as a mixed-use, high-density development in the Gateway and Transportation Hub land use zoning.
- The proposed development is premature pending the finalisation of the route for the LUAS extension to Bray, that is indicated to be provided along the west side of the railway line. Distance between the railway line and subject site is noted as 15m.
- 17% of net floor area for mixed uses is considered acceptable.
- The Legion of Mary meeting room at street level is not considered to be an appropriately active frontage for this interface. The office space should also be internally connected to enhance letting viability.
- High density in relation to Dart Station and Bus Terminus is noted and would only be favourably considered if other development objectives for the site are achieved.
- The design and height of the proposed development are appropriate and will not have a negative visual impact on the protected structures at Quinsborough Road to the west or Marine Terrace to the east.
- Separation distances and intervening development and trees mitigate any overlooking that would occur. Mitigation at eastern and northern boundary of the roof terrace may be necessary to avoid overlooking from this level.
- Noise and vibration from the railway line should be addressed if permission was to be considered.
- Concern over the orientation of apartments with master bedrooms facing on to Quinsborough Road and the resultant variety in treatment by future residents to achieve privacy could lead to a cluttered appearance.

- All glass balustrades should comprise of obscure glazing to mitigate the visual impact of items on balconies. Use of timber finish is a concern due to weathering and appearance in long term.
- The proposal to provide no car parking as part of the development is considered to be acceptable.
- A total of 43no. cycle spaces are required for residents and visitors and 44 are supplied. 10 cycle spaces are proposed for the office/community element. This is considered acceptable.
- The proposal is generally consistent with the Apartment Design Guidelines 2022 including dwelling mix, floor areas, dual aspect, communal open space and sunlight/daylight. The number of 2 bed/3-person units is not supported, bulky items storage and bin collection practices should be confirmed. Fire safety issues also require clarification.
- Refusal of permission is recommended given concerns about the requirement for land associated with the future LUAS extension to Bray, development of a transport hub at this location and the location of uses within the building.

3.2.2. Other Technical Reports

- **Fire Services Report** – Maximum building height of 18m to allow safe fire rescue. Insufficient access to perimeter of building. Second staircase required to facilitate emergency response and evacuation. No firefighting lobby provided. Sprinklers and rising main should be provided due to height of proposal.
- **Roads Report** – Development is premature until such time as the route and land requirements for the LUAS extension to Bray have been identified.
- **Water and Environmental Services** – Further information recommended to provide a noise survey to quantify impact from train line and football grounds. Detail of construction methods to protect against noise and vibration.
- **Housing** – Satisfied with location and spread of proposed Part V units. Some apartments are above the required size and should be reduced where possible.

3.3. Prescribed Bodies

Irish Rail

Irish Rail noted standard conditions that must be adhered to as part of any future development, in the interests of railway safety and operation. Best practice construction design principles to deal with railway noise and vibration are also recommended. Sufficient notice of any road works is also required.

TII

TII request that Council abides by the provisions of the Spatial Planning and National Roads Guidelines for Planning authorities (2012), specifically Chapter 3, when assessing the application.

Irish Water

Irish Water requested that any grant of permission include standard Irish Water conditions in relation to agreements, standards and practices.

Department of Housing, Local Government and Heritage

The Department request that a bat survey of the existing building be undertaken and provided prior to any decision on planning. A derogation licence will need to be applied for if bats are found to be present.

3.4. Third Party Observations

A number of submissions were received from adjoining landowners/occupiers expressing the following concerns in relation to the application:

- Principle of development of this site is welcomed, however there is concern in relation to scale.
- The proposed height in excess of 4-storeys is not suitable for this location and in the context of surrounding protected structures.
- Overlooking from the rooftop terrace to nearby properties is unacceptable.
- Insufficient communal open space proposed.
- Impact of proposal on LUAS extension to Bray was raised.

- Active use at ground floor would be more appropriate within the Bray Gateway and Transportation Hub.
- Concerns raised in terms of fire tender access.
- Inadequate car parking provided that will lead to further demand in the area.
- Proposal may have an impact on future pedestrian right of way from north Bray to Bray Dart Station.

As many of these issues are pertinent to the appeal at hand, the planning concerns raised in these submissions will be considered under my assessment section below.

4.0 Planning History

No recent planning history on subject site.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. Relevant national policy includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which require higher residential densities in city/town centres and in areas with good public transport links and existing public services and facilities.
- 5.1.2. The current apartment standards are the Sustainable; Urban Housing Design Standards for New Apartments (Dept. of Housing, Local Government and Heritage December 2022) ('The Apartment Guidelines').
- 5.1.3. In relation to building height, the relevant guidelines are Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines').
- 5.1.4. The Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031 is relevant in terms of the Metropolitan Area Strategic Plan for Dublin that includes Bray.

- 5.1.5. The Greater Dublin Area Transport Strategy includes objectives that are relevant to the development of Bray into the future including an extension of the green line LUAS.

5.2. Wicklow County Development Plan 2022-2028

5.2.1. 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.
- There is significant potential to deliver compact growth and regeneration in the established town centre and built-up area.

- 5.2.2. 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.

5.2.3. Chapter 5: Placemaking for Town and Village Centres

Section 5.4.2 of the Development Plan is in relation to 'Infill & Brownfield Development'. It states that:

'The redevelopment of infill and brownfield lands within town and village centres presents a significant opportunity to consolidate the town and village centres.'

The following objectives are considered relevant:

CPO 5.6

To seek funding and focus new investment into the core of towns and villages in order to reverse decline, foster resilience and encourage new roles and functions for streets, buildings and sites within towns and villages.

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.

Page 130 of the Development Plan includes 'Town and Village Regeneration & Rejuvenation Priorities'. For Bray, the priority is to *'harness the potential of the former Bray golf course, Bray harbour and key town centre development sites to deliver compact growth, prioritising sustainable mobility, expand employment opportunities and strengthen the viability and vibrancy of the town centre. There will be a strong focus on addressing dereliction and underutilised sites and delivering placemaking that will strengthen the town's image and sense of place...'*

Chapter 6: Housing

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 6.5

To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:

- *Strengthening the character and urban fabric of the area;*
- *Reinforcing local identity and sense of place;*
- *Optimise the opportunities afforded by the historical and natural assets of a site / area;*
- *Providing a coherent, legible and permeable urban structure;*
- *Promoting an efficient use of land;*
- *Improving and enhancing the public realm;*
- *Conserving and respecting local heritage;*
- *Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;*
- *Promoting accessibility for all; and*
- *Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government*

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.

Chapter 12 Sustainable Transport

CPO 12.21

To promote the development of transport interchanges and ‘nodes’ where a number of transport types can interchange with ease. In particular:

...

- to promote the linkage of the Luas extension or other mass transit to Bray town centre, Bray train station and Fassaroe;*

...”

CPO 12.23

To ensure the continued and long term operation of and improvement of the Dublin – Rosslare line, including the re-opening of closed stations, are maintained and to ensure that land uses adjacent to former stations are appropriate and can facilitate future improvements. In particular:

- to ensure coastal protection measures are put in place to protect the railway line from coastal erosion and to consider identifying corridor options for route continuity in the event of coastal land loss;*
- to resist any development within 20m of the railway line;*
- to resist demolition or removal of any former train station structures or apparatus, other than for safety reasons; and*

- *to require any development proposals in the vicinity of former train stations to be so designed to facilitate future access to the station and to reserve adequate space for future car parking.*

CPO 12.24

To facilitate, through both the zoning of land and the tie-in of new facilities with the development of land with the application of supplementary development contributions, the extension of the Luas or other mass transit to Bray town centre, Bray train station and Fassaroe.

CPO 12.66

To support ongoing investment in public transport infrastructure, including the appraisal, planning and design of the Luas extension to Bray.

Development & Design Standards (Appendix 1)

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

5.3. Bray Municipal District Local Area Plan 2018-2024

Zoning

- 5.3.1. The site is zoned GTH Gateway and Transport Hub with the objective *"to provide for the development and improvement of appropriate gateway and transport hub uses"* and further described in the plan as *"To provide for the development and improvement of public transportation infrastructure. The area shall be developed as a gateway to the town with clear linkages to the Town Centre and the Seafront. The area is considered suitable for higher density mixed use development including retail, commercial, office, residential and civic use"*.

5.3.2. Chapter 2 Overall Vision and Development Strategy

Town Centre and Retail Strategy for Bray

"Bray is well connected by a high quality public transport system, centred at the Bray DART Station...It is a priority of the Planning Authority to facilitate development that

contributes to the improvement of the overall appearance of the area around Bray Railway Station, to increase the density and mix of uses in this area and to provide clear pedestrian/cyclist links between this area and the town centre and seafront area. This area is the gateway and transportation hub of this major town and the general appearance, aesthetic appeal and range of uses promoted in this area should be reflective of this significant role. Having regard to the above, it is the priority of the Planning Authority to:

...

- *to facilitate the extension of the LUAS to Bray”.*

Section 2.2.8 of the Local Area Plan refers to ‘*the protection and enhancement of heritage and environmental assets through this plan will help to safeguard the local character and distinctiveness of the area and its surroundings, providing local economic, social and environmental benefits.*’ Included in this is the protection of the Victorian Building stock in Bray.

5.3.3. 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.

R4

To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

5.3.4. Chapter 8 Infrastructure

Public Transport Objectives

PT3

To promote the development of transport interchanges and ‘nodes’ in the Bray MD where a number of transport types can interchange with ease. In particular:

...

- *to promote the linkage of the Luas extension or other mass transit to Bray town centre, Bray train station and Fassaroe; ...*

PT5

To facilitate, through the zoning of land, the tie-in of new facilities with the development of land and the application of supplementary development contributions, the extension of the LUAS or other mass transit to Bray town centre, Bray train station and Fassaroe.

5.3.5. Chapter 10 Key Development Areas

SLO5 – Bray Gateway and Transportation Hub (GTH Zoning) states:

“It is objective of this plan that the area designated as GTH at Bray railway station shall be identified and prioritised as the principal transport hub for the County, with a range of transport services, of various modes, being available and emanating from here to all parts of the District and the wider east coast of the County, in accordance with a strategy that shall be developed by WCC and the NTA and that shall facilitate and support the recommendation of the NTA’s ‘Bus Connects’ programme.*

In addition, it is the objective that the area surrounding the station shall be developed as a ‘gateway’ to the town with clear linkages to Bray Town Centre and the Seafront. The area is considered suitable for higher density mixed use development including retail, commercial, office, residential and civic use.

The Council will favour attractive developments incorporating uses that give rise to increased footfall, including, inter alia shops, restaurants, cultural and recreation related developments.”

5.4. Bray Environs Transport Study 2019

- 5.4.1. The Bray Environs Transport Study 2019 was a joint project undertaken by the NTA in collaboration with TII, Wicklow County Council and Dun Laoghaire Rathdown County Council. The study indicates that the future Luas extension to Bray will run along the western side of the existing railway line on the approach to Bray Station.

5.5. Natural Heritage Designations

- 5.5.1. The nearest designated site is the Bray Head SAC (Site Code: 000714), located c. 1.5km to the south of the appeal site.

5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale of the proposed development which consists of the demolition of the existing building and the construction of a six storey mixed used development in a serviced and urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

In the First Party Appeal the following grounds are submitted:

- The proposed development is in accordance with the zoning objective for the site and development objectives in statutory plans.
- Adequate land is available for the determination of the LUAS Line extension, and the Bray Environs Transport Study 2019 is not specific in terms of land requirements that warrants a reason for refusal.
- Proposed meeting room use continues an established community use at this location.

- Precedents exist for residential development in close proximity to railway lines.
- Noise levels would be consistent with residential developments in urban areas. A noise report is submitted outlining proposed mitigation of noise impacts.
- No traffic hazard as a result of the proposal as no car parking proposed and bins stored off street.
- All relevant fire safety standards can be met subject to design modifications proposed in the appeal.

6.2. **Planning Authority Response**

No response

6.3. **Observations**

There is 1 no. observation on the file signed by a number of residents of neighbouring properties. The main points of the observation can be summarised as follows

- The proposed development contravenes the Bray Municipal District Local Area Plan 2018-2024 regarding height. The proposal is overbearing with a negative visual impact on the street.
- The proposal is unacceptable in terms of overlooking, overbearing and over shadowing.
- The proposal represents a tower like structure in the Station Hub area where the height of the nearest buildings is 3 storeys over basement on the tree lined terraces of Quinsborough Road.
- The subject proposal does not comply with objective 2.2.8 of the Bray LAP and is out of context with the Victorian heritage of Quinsborough Road and Royal Marine Terrace.
- The visual impact of the proposal is greater than shown on the submitted viewpoints.

- The proposal would visually dominate the northern seafront and Quinsborough Road Junction and would contravene Objective 7.1 of the Bray LAP in relation to the protection of residential amenity.
- The proposed use at ground floor level does not represent an active use at street level as required under the zoning.
- The proposal represents over-development of the site and excessive density.
- The design and layout of the proposal will result in overlooking of adjoining properties.
- Insufficient fire safety design in the subject proposal.
- Insufficient car parking.
- The subject proposal would impact the future extension of the LUAS Green Line to Bray included at CPO 12.66 of the Development Plan and is contrary to CPO 12.23 to resist any development within 20m of the railway line. The subject proposal is within 15m.

7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Principle of Proposed Development in Context of Future LUAS
- Building Height/Visual Impact
- Residential Amenity Impacts
- Impact on Built Heritage
- Proposed Ground Floor Use
- Traffic Issues
- Fire Safety
- Bat Survey – New Issue

7.2. Principle of Proposed Development in Context of Future LUAS

- 7.2.1. Bray is designated as a level 1 Key Town in the County Development Plan. The subject site is zoned 'GTH' or Gateway and Transportation Hub which promotes higher density, mixed use development including residential, office and civic uses. It is also an objective to improve public transport infrastructure under this zoning.
- 7.2.2. Objective SLO 5 applies to the site and surrounding lands with an objective to develop a range of transport services of various modes and to facilitate the recommendation of the NTA's Bus Connects Programme. Objective CPO 12.21 of the Development Plan specifically references the promotion of the LUAS extension to Bray train station as does Objective PT3 of the LAP. The Bray Transport Study identifies that the future LUAS would run along the western side of the existing rail line to Bray Station.
- 7.2.3. I am satisfied that the proposed development would be compatible with the policies and objectives for the zoning objective, that it would provide appropriate uses and would be in accordance with the proper planning and sustainable development of the area to provide appropriate densities adjacent to high capacity public transport. The key consideration is if the proposed development at this location would impinge on the future development of the LUAS extension to the town.
- 7.2.4. I note the recommendation of the Planning Authority Roads section to refuse permission on the grounds of prematurity in advance of a detailed route and land requirement being identified for the LUAS Line extension. Notably, Irish Rail did not object to the proposal on these grounds and there is no submission on file from the NTA, who are the responsible body for the feasibility assessment and design of LUAS projects.
- 7.2.5. The Bray Environs Transport study 2019 identifies the requirement for the extension of the LUAS light rail to Bray Town Centre, which is supported by relevant objectives in the LAP. The appeal states that the study is insufficiently specific in terms of LUAS land requirements and the need for the subject site in such a future project.
- 7.2.6. There is a distance of approximately 16m-17m between the eastern wall of the existing building and the boundary fencing of the railway line. The subject proposal would not alter the available space within which a LUAS line could be accommodated as the separation distance between the boundary fence of the railway line and the eastern wall of the proposed building remains essentially the

same as the existing scenario. Boundary treatments in the proposed development would reduce the separation distance to approximately 15m.

- 7.2.7. Although CPO 12.23 states that development within 20m of the Dublin-Rosslare line will be resisted, I am of the opinion that this relates to new development within this corridor. As there is already an existing derelict building on this site, the subject proposal complies with CPO 12.23 as development has already taken place at this site, within 15m of the railway line. I am cognisant of the fact there is already a large amount of development around Bray Station and the associated railway line, and this objective is at odds with requirements for compact development, sustainable transport and the vision for a transport hub/'gateway' at this location.
- 7.2.8. I note the GTH land use zoning extends northwards from the adjacent car park along the railway line as far as Seapoint Road, whereby even less space is available within that corridor. Based on existing indicative route selection information, the future LUAS is considered to be feasible within this space. I therefore consider there to be appropriate remaining space to the east of the subject site to accommodate a future LUAS. In the absence of a feasibility assessment, route selection or detailed design work, it would not be prudent to effectively sterilise a derelict site within a key location adjacent to the railway station, when a specific quantum of land for a LUAS corridor has not been firmly identified beyond a corridor along the western boundary of the existing railway line. The subject site is setback 15 metres, which in my opinion provides sufficient land for a LUAS corridor east of the subject site and within the existing car park adjoining the site. The development of the subject site would not preclude Objective SLO5 being complied with.
- 7.2.9. The SLO 5 objective/GTH zoning includes the corridor of land from Seapoint Road, along the railway line to Bray Station, extending south to include properties at Station Road and Albert Avenue, which back on to properties at Strand Road. Although the zoning identifies an objective to improve public transport, it is clear no specific area of land is identified for a future LUAS.
- 7.2.10. The principle of development under the existing land use zoning is accepted, particularly given the status of the site as a derelict brownfield property, at a prominent location in Bray, where the redevelopment of the site would be positive for the town and its environs.

7.2.11. In my opinion, having regard to the GTH zoning of this brownfield/derelict, well-located site, adjacent to Bray Railway Station and served by / proximate to a number of bus routes, the principle of the proposed development is appropriate at this location. Notwithstanding the objectives for extending the LUAS to Bray, the GTH zoning objective covers all lands within this land use designation with no specific area sterilised for public transport purposes. Although the future LUAS extension has been identified to run along the western boundary of the rail line, sufficient space exists within the area of the existing car park and the lands further north towards Seapoint Road to accommodate a viable route. The LAP provides that the GTH land area be developed as a gateway to the town with clear linkages to the Town Centre and the Seafront and that the area is suitable for higher density mixed use development including the uses proposed. The proposed development is consistent with the policies and objectives of the Wicklow County Development Plan, Bray LAP and the Bray Transport Study as this is an already developed brownfield/derelict site that allows adequate space for LUAS to be accommodated in the future. I therefore consider the principle of the proposed development appropriate for this infill site, would not impede the provision of a future LUAS beyond what is already existing in the context of the building at this location, and in my view the proposal constitutes an efficient use of zoned and serviced lands subject to meeting other relevant development and design standards.

7.3. Building Height/Visual Impact

- 7.3.1. A key concern raised by observers on the appeal is in relation to the design, height, scale and proximity of the proposed development to adjoining residential properties. It is submitted by the observers on the appeal that the proposal constitutes overdevelopment of the site and that the scale of the buildings would detract from the character of the surrounding vicinity and lead to unacceptable amenity and visual impacts arising.
- 7.3.2. The height of the proposed development has led to concerns from residents in relation to future overlooking, visual impact and overbearing. There are no specific height limits specified for the GTH zone, however, given the location and setting of the property, I consider it an appropriate candidate for the consideration of increased height given the location of the site adjoining Bray Railway station and recently permitted 6 storey developments in the vicinity.

- 7.3.3. The appeal site is a small infill site adjacent to Bray Railway Station and within close proximity to Bray Town Centre. It comprises a former civic use (religious) in single and two storey form. The existing structures are mainly of concrete construction with a pebbledash finish. During my physical inspection of the site, it was evident the site is in poor condition, and has been for an extended period. There is evidence of neglect, defaced buildings, overgrowth and boarded windows, with small amounts of discarded items strewn around the property. The immediate surrounding area is characterised by mainly car parking uses to the east and south, a bus terminus and access to the railway station to the south, and the Carlisle Football grounds to the west, with residential and commercial uses in the wider area. The prevailing building height ranges from single storey to a recent 6 storey development located to the south.
- 7.3.4. The site is an ideal candidate for redevelopment purposes. It would lead to positive urban regeneration and renewal outcomes, and, in principle, the property represents a good opportunity for infill residential use, having regard to the character of the area and existing pattern of development, and subject to meeting appropriate development management standards. However, a key consideration in deciding whether the height, scale and quantum of development sought is appropriate, is whether the scheme is proportionate to its receiving context, and if the design response submitted is sufficiently cognisant of sensitive receptors in the area in accordance with CPO 6.5 of the Bray LAP. In this regard, I consider a key determinant is whether the proposal has avoided and minimised potential negative impacts on adjoining, nearby residential properties in the vicinity including from a visual and residential amenity impact perspective.
- 7.3.5. The proposed development is 6 storeys, with the sixth floor setback and an overall height of 21.8m including lift overrun. Overall, the proposal is of a contemporary, modern design with a palette of high-quality materials and finishes used throughout. The design of the scheme is generally in accordance with the evolving built form in this part of Bray, where there is a recently constructed 6-storey development and another with a similar height currently underway.
- 7.3.6. The proposal would provide a suitable 'gateway' building on the approach to Bray Railway Station from Quinsborough Road. This would strengthen the public realm and provide a sense of identity at this location. The proposal is adequately setback

from protected structures in the wider area and provides an efficient use of land adjacent to the railway station.

- 7.3.7. I note the proposed development would be visually apparent in the streetscape when viewed from the surrounding area, including from along Quinsborough Road and from Duncairn Terrace (towards the west), from the Carlisle Grounds, and the Seafront to the east. It would considerably exceed the height of the existing building on the property, in terms of size, scale and height.
- 7.3.8. The observer on the appeal submitted that the CGI images submitted by the applicant are not reflective of the actual visual impact. I have reviewed the plans and particulars accompanying the application. Having physically visited the site, and from my appraisal of the surrounding vicinity, I consider that the 3D images and information on file is an accurate depiction of how the proposed development would appear if it were constructed.
- 7.3.9. Although the proposal would be visible, I do not consider this to be a negative visual impact. Given the vacant and derelict condition of the site, it is clear to me that activating these lands through the delivery of a residential/mixed use scheme would result in developing a key landbank in an important Level 1 Metropolitan Key Town (i.e., Bray). This would take the form of a well-designed apartment scheme, which would contribute to the consolidation of the built environment, improve the public realm and lead to better use of centrally located lands in an accessible location.
- 7.3.10. The proposed development is consistent with the general aims of urban consolidation, as set out in Objectives CPO 5.8 and CPO 5.12 of the Development Plan, respectively, which are to target development that would regenerate and revive town centres, address dereliction and vacancy and deliver sustainable reuse and quality placemaking outcomes; and 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.
- 7.3.11. Moreover, the proposal is consistent with national and regional planning policy documents, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019) (RSES). In particular, I note that the NPF seeks to make better use of underutilised land and buildings, including infill, brownfield, and under-occupied buildings, with higher

housing and jobs densities, better serviced by existing facilities and public transport. The NPF specifically targets a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.

- 7.3.12. I consider that the proposal would not be out-of-scale or discordant with the surrounding area. I acknowledge that a noticeable transition in building height would be apparent, particularly against the backdrop of the Carlisle Grounds to the west and 3-storey over basement properties in the wider vicinity. However, the proposed scheme has been designed to a high standard, in my view, and would not be inconsistent with other 6-storey developments permitted adjacent to the station. I consider that there would be appropriate contrast in high quality architectural style compared with the wider vicinity and that the scheme would not present as an incongruous form of development at this location as it is adequately setback from other properties to mitigate any overshadowing or overbearing impacts.

7.4. Residential Amenity Impact

- 7.4.1. In relation to residential amenity of future residents of the proposal, the grounds of appeal against the reasons for refusal are noted. The main residential amenity issues pertaining to the reason for refusal relate to noise, apartment mix and bulky storage, and master bedroom privacy. Overlooking is also an issue raised by observers on the appeal.
- 7.4.2. In relation to overlooking, the closest residential properties to the subject site are at Royal Marine Terrace to the east and Prince of Wales Terrace/Quinsborough Road to the west.
- 7.4.3. There is a separation distance of approximately 60 metres to the nearest window of properties at Royal Marine Terrace to the east that is adequate to diminish any potential for overlooking. Intervening elements such as the car park, railway line and tree lined boundary provide a considerable disconnect between these two interfaces. Balconies and outdoor spaces are primarily to the west and south of the proposed building and any overlooking from the roof terrace could be mitigated by an increased height to the terrace balustrade as well as incorporation of obscure glazing as submitted in the appeal documentation. A glazed curtain wall and glass spandrels will add to the visual appearance of the building while also mitigating further, any potential overlooking from upper floors. The separation distance to protected

structures at Prince of Wales Terrace/Quinsborough Road is in excess of 80m and I do not consider there to be any negative visual impact arising at this distance.

- 7.4.4. I therefore consider that the subject proposal would not result in any undue impacts in relation to overlooking due to the separation distances involved, the design of the proposal, with additional mitigation by way of condition in relation to obscure glazing on the rooftop balustrade, and considering the urban context of this site adjacent to a railway station.
- 7.4.5. I note from the noise assessment submitted with the appeal that a site specific survey of existing noise and vibration was not undertaken to inform the conclusions of the appeal. The noise assessment was based on existing available data from current Strategic Noise Mapping by the EPA. The appellant submits that the two main sources of noise, from the railway and from football matches at the Carlisle Grounds, can be adequately mitigated through modern methods of construction including triple glazing. In the case of noise from the football grounds, this is submitted as being an infrequent and intermittent occurrence.
- 7.4.6. I consider the findings of the noise assessment to be acceptable. Development adjacent to transport hubs and railway stations is supported by national policy and a certain level of noise can be reasonably expected if compact development and sustainable transport goals are to be achieved. An appropriate condition requiring a detailed noise survey and installation of triple glazing would be adequate to ensure appropriate noise levels are achieved in the context of residential amenity.
- 7.4.7. In the context of residential apartment mix, the grounds for refusal state that the number/ratio of 2-bed, three person apartments exceed the 10% limit in the Apartment Guidelines. The applicant has submitted revised drawings as part of the appeal that reduces the number of two-bed three person units to 3no. with a revised quantity of bulky storage for 22no. apartments at basement level. I consider this approach acceptable and in accordance with Apartment Design Guidelines and appropriate dwelling mix. Details of allocation for bulky storage can be agreed by condition.
- 7.4.8. The third reason for refusal refers to the master bedrooms on the south facing façade, namely apartments, 7, 13, 19 and 25, having inadequate privacy as they face a public space. The appellant submits that this shortfall in residential privacy

can be mitigated by partially obscuring the bottom part of the window. I consider this an acceptable measure in the provision of privacy for these apartments and recommend a condition be included if the Board are so minded to grant permission for the subject proposal.

- 7.4.9. Having regard to the above, the proposed development is acceptable in terms of design, height, scale and visual impact, would not give rise to unacceptable residential amenity impacts and is consistent with local and national planning policy that promotes high density development at appropriately located infill sites.

7.5. Built Heritage Impacts

- 7.5.1. The appeal observation noted the potential impact of the subject proposal on protected structures at Quinsborough Road and Royal Marine Terrace and is out of context in relation to Section 2.2.8 of the Bray LAP that seeks to protect natural and architectural heritage.
- 7.5.2. CPO 6.16 of the Wicklow County Development Plan encourages well designed development that is suitable to the existing, surrounding context.
- 7.5.3. There is a separation distance of approximately 60 metres to the properties at Royal Marine Terrace to the east which is adequate to diminish any potential for significant impacts. Intervening elements such as the car park, railway line and tree lined boundary provide a considerable separation between these two locations. The distance to protected structures at Prince of Wales Terrace/Quinsborough Road is in excess of 80m and I do not consider there to be any negative visual impact arising at this remove.
- 7.5.4. In my opinion the site and proposal are adequately setback from surrounding properties, particularly the protected structures at Prince of Wales Terrace/Quinsborough Road and Royal Marine Terrace, to allow the 6-storey height to be effectively assimilated into the area. I therefore consider that the subject proposal is consistent with the provisions of CPO 6.16 of the Wicklow County Development Plan in that it is adequately removed from existing protected structures to be respectful of that context; would not result in any significant impacts on built heritage due to the separation distances involved, the high quality design of the proposal and considering the urban context of this site adjacent to a railway station.

7.6. Proposed Ground Floor Use

- 7.6.1. The first party appeal against reason for refusal no. 2 submits that the proposed meeting room will serve as an active resource for the Legion of Mary within the community. The submitted documentation from this organisation is noted.
- 7.6.2. Objective SLO 5 of the Bray Local Area Plan 2018-2024 states that *'Council will favour attractive developments incorporating uses that give rise to increased footfall, including, inter alia shops, restaurants, cultural and recreation related developments'*.
- 7.6.3. I consider the details submitted illustrate that the proposed ground floor use would provide an active use at this location and complies with Objective SLO 5. Given the variety of activities referenced, the proposed use has the potential to provide regular footfall during the day and into the evening that would enhance activity in the general area, provide ongoing passive surveillance and complement existing uses in the locality. The proposed use would also provide a meaningful cultural use with reference to the historical activities at this location and provide the potential for recreational uses to be accommodated. I therefore consider the proposed meeting room to be appropriate at ground floor level as part of the proposed development.

7.7. Traffic Issues

- 7.7.1. Reason for Refusal No. 4 states that due to the restricted nature of the site, bins will need to be left on the public footpath for collection, causing a traffic hazard. The first party appeal against reason for refusal 4 states that this reason for refusal is misplaced as bins can be collected from the bin storage area. Furthermore, in the context of fire safety comments a separate bin storage area can be accommodated for the office element which is considered appropriate. Should the Board be so minded to grant permission, I recommend a condition be attached to any grant of permission that will require bin collection to be from the two separate bin storage areas with bins not to be left on the public footpath at any time.

7.8. Fire Safety

- 7.8.1. I note the first party appeal submitted additional documentation and response to Reason for Refusal No. 5 in relation to fire brigade not having access to all sides of the building in the event of a fire. The following modifications have been submitted as part of the appeal:

- A second staircase to access the office accommodation separately.
- Inclusion of a fire fighting shaft including lobby, stair, dry riser and lift to each floor.

7.8.2. The proposed redesign to include a firefighting shaft is welcomed and acceptable in principle.

7.8.3. I note in relation to access to the perimeter of the building that the applicant states access on two sides would be sufficient, given the height and floor area proposed. Owing to the restricted nature of the site, one of these sides would be to the front/south elevation, while the other would be from the existing car park side (east) of the subject site. The applicant states this access would 'always be available due to its use'. Based on my previous assessment above that notes the identified requirement for a LUAS corridor in the future, I do not concur that access from this side of the building would always be available. Even with the existing car park at capacity, which it would be on most days, access from this side of the building would be restricted.

7.8.4. However, any issues with relation to Fire Safety and Certification is part of a separate process, beyond the remit of this assessment. Fire Safety is not a matter for the Board, however the design changes to incorporate fire safety features are acceptable and can be considered to form part of the final approved plans should the Board grant permission.

7.9. **Bat Survey – New Issue**

7.9.1. The submission from the Department of Housing, Local Government and Heritage is noted. Particular regard is had to the requirement for a bat survey of the existing building by a suitably qualified ecologist, which must be undertaken prior to any decision on planning. If bat roosts are found to be present, a derogation licence will need to be obtained from the National Parks and Wildlife Service.

7.9.2. The EC (Birds and Natural Habitats) Regulations 2011-2021 provide strict protection for all of the Irish species listed on Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). All bat species found in Ireland are listed under Annex IV and as a result, works which would capture or kill them, damage or destroy their roosts or disturb them at

important parts of their life cycle cannot take place without first obtaining a Derogation Licence.

- 7.9.3. CPO 17.8 of the Wicklow County Development Plan seeks to *“Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs), Statutory Nature Reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.”*
- 7.9.4. As part of the first party appeal, the applicant states they have confirmed there are no bats in the building. However, they have not provided any reliable ecological expertise or evidence to support these findings. The applicant goes on to request that a condition be added to any grant of permission, that would require the developer to undertake a detailed survey, prior to the commencement of development.
- 7.9.5. As specified in the Department of Housing, Local Government and Heritage submission, in the absence of detailed survey work in relation to bats within the existing building, undertaken by a qualified ecologist, there is no means to predict the impact of the subject proposal on this protected species and therefore I cannot provide an assessment of the impact on bats at this location. I therefore recommend refusal of permission for the proposed development on this issue.

8.0 AA Screening

- 8.1. Having regard to the nature of the proposed development as the redevelopment of a derelict site in a built up urban area, the nature of the receiving environment and distance from the nearest European site, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. Having regard to Annex IV of the Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and CPO 17.8 of the Wicklow County Development Plan 2022-2028, the applicant has failed to submit adequate information in relation to bats within the existing building to demonstrate that the proposed development would not lead to disturbance or destruction of roosting sites for bats, which are a protected species.

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.

Matthew McRedmond
Senior Planning Inspector

23rd September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318016-23			
Proposed Development Summary	Demolition of existing structures on site and construction of 6-storey mixed use building with civic/community uses, office and residential at upper floors.			
Development Address	Fatima House, Quinsborough Road, Bray, Co. Wicklow			
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	✓	
		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	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10 (b) (i)	Proposed 26 unit development does not meet or	Proceed to Q.4

			exceed 500 dwelling threshold	
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____