



An
Bord
Pleanála

Inspector's Report

ABP-320318-24

Development	Change of use from commercial/café to office/community use.
Location	5 Albert Avenue, Bray, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	24102
Applicant(s)	O'Flynn Construction Bray Unlimited Company
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	O'Flynn Construction Bray Unlimited Company
Observer(s)	None
Date of Site Inspection	20 November 2024.
Inspector	Natalie de Róiste

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	4
5.0 Policy Context.....	5
6.0 The Appeal	7
7.0 Assessment.....	8
8.0 AA Screening.....	10
9.0 Recommendation.....	10
10.0 Reasons and Considerations.....	10
11.0 Conditions	11
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The site is an apartment development under construction, on Albert Avenue, a narrow street off Strand Road, close to Bray Dart Station. To the east, the site is bordered by a coffee shop/wine bar, and beyond that by Bray Bus Depot. Bray Adult Learning Centre is across the road, and there are two restaurants (currently permanently closed) at the corners of Strand Road. The railway line borders the site to the west, with a railway bridge over Albert Avenue. Beyond the railway line there is a stretch high walls enclosing the railway station car park, and the Sudbury Court apartment complex, and beyond this there is another cluster of commercial uses, including a newsagent, an art gallery, a casino and a medical clinic. The junction with Albert Walk is located here; this is a well-tenanted narrow pedestrian street with a mix of small shops and cafés. Bray Railway Station is a four-minute walk from the site via this street.
- 1.2. The wider area is largely residential, with commercial uses interspersed.

2.0 Proposed Development

- 2.1. Change of use from commercial/café to office/community use, ancillary to the adjacent residential development as approved under planning reference: 18/1432.

3.0 Planning Authority Decision

- 3.1.1. Decision to refuse, for the following reason:
- 3.1.2. *the proposed change of use would result in a development that would not provide an active frontage for the use of the wider public and which would thereby diminish the vibrancy of the street frontage and would fail to attract increased footfall. The proposed development would seriously injure the amenities of the area and would materially contravene the SLO5 objective in the Bray Municipal District Local Area Plan 2018 which is an objective to develop the area as a 'gateway' with attractive developments incorporating uses that give rise to increased footfall. The proposed*

development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A planning report dated 22 April 2024 sought further information, while a report of 4 July 2024 recommended refusal.

- Report dated 22 April 2024 noted the location and planning history, the pre-planning advice expressing concerns re the lack of active frontage, the zoning under Bray Municipal District Local Area Plan 2018-2024, and requested further information to clarify the proposed use, and address the issue of active use having regard to the LAP.
- Report dated 4 July 2024 noted the Further Information received and recommended a refusal as above.

3.2.2. Other Technical Reports

- Email from Bray Municipal District Engineer, 10 April 2024 – site entrance should provide continuity across footpath, commercial frontage at ground floor level preferred.

3.3. Prescribed Bodies

No reports or comments received.

3.4. Third Party Observations

None received.

4.0 Planning History

- Parent permission 18/1432 – permission was granted for construction of a mixed use development with 1 no retail/commercial space (café), 30 apartments, and all site works, facilitated by demolition of warehouses on site.

- 21/470 – permission was granted for amendments and reconfiguration, which involved a reduction in size of the café from c. 70 sqm to 42.55 sqm, and an increase from 30 to 32 apartments.

Other amending applications (23/209, 22/1290, 22/943) did not affect the café element of the development.

Recent applications in the vicinity:

- No 2A & 2B Albert House, Albert Avenue, Bray, Co. Wicklow
21/304 Permission granted for demolition of 2 existing shop units to facilitate construction of 3-storey apartment block with three apartments.
- 1 Marlborough Terrace, Strand Road, Bray, Co. Wicklow (corner of Albert Avenue)
22/232 Permission granted for demolition of restaurant/residential building and construction of two-storey children's amusement arcade.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-28

- 5.1.1. The County Development Plan (CDP) was adopted on the 12th of September 2022 and became effective on the 23rd of October 2022. *Section 1.2 Structure of the Plan* details that separate Local Area Plans (LAP) are in place for certain towns/areas including the Bray Municipal District, which will be reviewed after the adoption of the CDP.
- 5.1.2. Chapter 5 deals with *Placemaking for Town and Village Centres* and has the following objective:
- 5.1.3. *CPO 5.4 To limit the concentration or clustering of uses that have bland inactive frontages and that fail to interact with the streetscape including car parks, blank shop frontages and ground floor offices. Such uses undermine the vitality of the town or village centre.*
- 5.1.4. It further notes on the issue of vitality and viability:

- 5.1.5. *Vitality and viability are key indicators in determining the health of a town or village centre. Vitality refers to how active a centre is and viability refers to the commercial wellbeing of the centre. Successful healthy town centres provide a diversity of uses, activities and experiences which in turn feed off each other. A broad mix of uses encourages trade and activity and contributes to a range of activity from daytime through to night time. The predominance of one particular use along a street or in an area can limit the potential for activity and have a negative impact on the streetscape. The quality and vitality of the street can be undermined by the concentration or clustering of uses that fail to interact with the streetscape - enclosed car parks, blank shop frontages and ground floor offices. Such uses can result in bland inactive frontages that detract from the vitality and appearance of the streetscape. Solid ground floors with few windows and doors and no relief in colour or texture create a hard edge that is unwelcoming to pedestrians.*
- 5.1.6. Chapter 10 deals with the retail strategy for the county, and *Table 10.1 Retail Hierarchy & Strategy for County Wicklow* sets out that Bray is a Level 2 centre, second only to Dublin City Centre. The strategy goes on to state:
- 5.1.7. *“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.”*

5.2. The Bray Municipal District Local Area Plan 2018-2024

- 5.2.1. The Bray Municipal District LAP was adopted on the 14th of May 2018 and became effective on the 10th of June 2018. Under this plan, the site was zoned GTH – Town Gateway and Transportation Hub, with the objective to provide for the development and improvement of appropriate gateway and transport hub uses.

The description of this zoning is as follows:

- 5.2.2. *‘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.'

- 5.2.3. This Local Area Plan has expired and not been extended. Pre-draft consultation on the preparation of a new plan commenced on 20 November 2024, to run until 18 December 2024.

5.3. Natural Heritage Designations

The closest European site is Bray Head SAC (site code 000714) – c. 350m to the south east. This is also a proposed Natural Heritage Area (pNHA: 000714).

5.4. EIA Screening

The proposed development is not a project for the purposes of EIA. Therefore there is no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was received on 31 July 2024. Issues raised include the following:

- The proposed use will provide an active frontage, with a large element of glazing, with all staff and visitors entering the premises through the front door. This should be compared against the current lack of use, rather than the permitted use, which is incompatible with the management of the residential block. The premises would be accessible to residents 7 days a week and available as an event space 7 days a week, and also serve as an office for staff-resident meetings during standard office hours, creating activity.

6.2. Planning Authority Response

- None received.

6.3. Observations

- None received.

7.0 Assessment

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

- Compliance with statutory plans.
- The impact of the change of use.

7.2. Compliance with statutory plans

7.2.1. As noted above, the Bray Local Area Plan is lapsed, and the relevant plan in force is the Wicklow County Development Plan 2022-28. Bray is not zoned in the County Development Plan, although the retail strategy has as a priority to improve the overall appearance of the area around the Railway Station, and to increase the density and the mix of uses in the area. There are no works proposed to facilitate the change of use, and as such there is no change to the appearance of the building as granted.

7.2.2. I note above Objective CPO 5.4, and the accompanying text on vitality and viability. However, this pertains specifically to town centres, and the subject site is not within Bray Town Centre. The town centre was described in the Local Area Plan, and it does not fall within this area as described, or the area zoned as Town Centre in that plan.

- 7.2.3. As such, I consider the proposed change of use to be compliant with the relevant plan in force and to be acceptable in principle, subject to acceptable impacts on the immediate environment.

7.3. The impact of the change of use

- 7.3.1. The applicant's agent notes the potential for the unit to remain vacant, due to the management company's unwillingness to implement it as a café. I note the general obligation on a developer to implement a permission in full to comply with the first condition.
- 7.3.2. Minimal information was provided at application stage regarding the proposed use, advertised as office/community use, ancillary to the residential development. The appeal expands on this somewhat, and clarifies that the primary use of the unit would be for residents, to provide a shared amenity breakout space for them, and an office space for liaison meetings between residents and support services. On the issue of providing an active frontage, the appeal notes that the premises would be accessible to the residents of the development as a general breakout space for communal use and an event space 7 days a week, as well as serving as an office where staff and residents could meet for liaison meetings during standard office hours, and the 7-day activity would provide a greater level of activity than that typical of a café.
- 7.3.3. As noted above, the site does not lie within the town centre, and this is not a primary shopping street. However, it is a commercial street, and the issue of vitality, viability, and interface with the street are relevant. There is a mix of commercial units on the street, with the larger units (the casino, the medical clinic, and the adult education centre) having little or no interaction with the street. The high boundary walls of the railway station car park and the Sidbury Court apartment complex, and the railway bridge also provide blank frontages, and the recently permitted developments on the street (residential at 2A&2B Albert House, and a largely blank two-storey side elevation at Marlborough Terrace) continue this pattern. The existing coffee shop/wine bar, the art gallery, and the newsagents are the exception rather than the rule in providing an active interface with the public street. An additional café would be a benefit to the street; however, I note the pattern of development on the street in

recent years with the change from retail to other uses, and the closure of restaurants.

- 7.3.4. While an office use would not typically provide an active frontage, the proposed partial use as a space for the residents has greater potential for activity and vitality than a solely office use. I note also that the residential development of 32 apartments as permitted and subsequently amended has communal storage areas (bicycle storage and bin storage, as well as 12 sqm of general storage) but no indoor communal amenity spaces. The proposed change of use as described in the appeal would therefore be of benefit to the residents, providing a meeting area, a breakout space, and an event space, and thus adding to the residential amenity of the development.
- 7.3.5. On balance, considering the nature of the street and its emerging character, the limited size and scale of the unit in question, and the benefits to the residents of the addition of an indoor amenity space, I consider the change of use acceptable.

8.0 AA Screening

- 8.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, the limited size of the unit and the limited area of street frontage, the nature and scale of the development as an amendment to an existing development with 32 permitted apartments, and the nature of Albert Avenue and the surrounding area, it is considered that the proposed development, subject to compliance with the

conditions set out below, would not seriously injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Reg. Ref. 18/1432, as amended by 21/470, 22/943, and 23/209, unless the conditions set out hereunder specify otherwise. This permission shall expire on the date of expiry of the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. The ground floor unit in question shall be made available to the residents as an amenity/meeting/event space on a seven-day basis.

Reason: To ensure that the overall development is carried out in accordance with the details submitted in the appeal, to ensure an active frontage, and in the interests of residential amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Natalie de Róiste
Planning Inspector

17 December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320318-24		
Proposed Development Summary	Change of use from permitted café/commercial unit to office/community use		
Development Address	Albert Avenue, 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	✓
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		Class/Threshold	EIA Mandatory EIAR required
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		Threshold	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		Size/Threshold	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____