

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Wicklow County**

**Planning Register Reference Number: 16/1**

An Bord Pleanála Reference Number: PL 27.247501

**APPEAL** by Conor Aherne, of 47 Swanbrook, Southern Cross, Bray, County Wicklow against the decision made on the 5<sup>th</sup> day of October, 2016 by Wicklow County Council to grant subject to conditions permission to Jack and Anthony Brabazon care or BMA Planning of 128 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

## **PROPOSED DEVELOPMENT:**

- Comprising of permission to retain a single-storey reception building (33 square metres) for use as a ticket sales office/shop and visitor information centre. Refurbishment of the former diary building (30 square metres) for use as a tearooms/café and pergola structure provided to cover the outdoor patron seating area. A single-storey toilet block (25 square metres) within the walled garden, containing male, female and disabled toilets and baby changing facilities.
- Permission to retain and the continuance of use of the former Grain Store and Horse-yard Buildings (514 square metres) as a multi-purpose function room comprised of dining areas, kitchens, bar, staff facilities and storage and the retention of the toilet facilities (44 square metres) associated with the Horse-yard Buildings and associated external yards for the farmer's market.

- Permission for lands to be used as overflow parking (0.49 hectares) in the Marfield area of the estate and associated works accessed via the existing main entrance to Killruddery House and Gardens.

The development includes drainage works and all associated site and development works within the site. Killruddery House (Record of Protected Structure Reference Number: 08-33) and Killruddery House Gates (Record of Protected Structure Reference Number: 08-34) are included on the Record of Protected Structure. The application does not involve any works or change of use of these protected structures at the Farm Building of Killruddery House, Southern Cross Road, Bray, County Wicklow.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the established recreational and tourism uses of the site and to the nature and scale of the proposed development, it is considered that the proposed development to be retained and completed, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not unduly affect the setting of the protected structures, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of September 2016, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Within six months of the date of this order, the toilet block (44 square metres) shall be completed to the written satisfaction of the Planning Authority and shall replace the existing toilet block on site.

**Reason:** In the interest of visual amenity and in order to protect the character of the protected structures.

3. Dust suppression measures including the watering of the graveled roadways shall be carried out during dry periods.

**Reason:** To control dust emissions arising from the development and in the interest of the amenity of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall-
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2017.**