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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 20/425**

**Appeal** by Clare and Seymour Cresswell of Hillbrook, Ballywaltrim Lane, Bray, County Wicklow and by Others against the decision made on the 13<sup>th</sup> day of July, 2020 by Wicklow County Council to grant subject to conditions a permission to Ard Services Limited care of McArdle Doyle Limited of Second Floor, Exchange Building, The long Walk, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (i) Demolition of existing car show-room, (ii) internal and external alterations and change of use of existing premises to provide a new forecourt amenity building with retail area (100 square metres maximum), ancillary restaurant/café area with hot and cold meals and refreshments for sale for consumption on and off the premises, associated customer seating, customer WCs, back of house with ancillary office, staff welfare facilities, storage and plant areas, (iii) revisions to site layout including new car parking, line marking and associated retaining wall and line marking, and (iv) all associated site and development works, at Hills Circle K Service Station, Killarney Road, Brennanstown, 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 nature and scale of the proposed development, to the policy of the Wicklow County Development Plan 2016-2022, and the Bray Municipal Development Plan 2018-2024, and to the policies of the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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. The total net retail space of the forecourt shop shall not exceed 100 square metres. Revised floor plans, indicating a revised internal layout, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.

3. The proposed deli area shall not operate outside the times of 0700 hours to 2100 hours.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the forecourt amenity building shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. Details of all external shopfront and signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of the amenities of the area and of visual amenity.

6. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

7. Parking areas for the development, including lining or other method of demarcation of the individual car spaces, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety, and visual amenity.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

10. Prior to commencement of development, the developer shall submit to and agree in writing with, the planning authority a plan containing details for the management of waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

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**Paul Hyde**

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

**Dated this            day of            2021.**