

An
Bord
Pleanála

Board Order ABP-318828-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/597

Appeal by Veronica Smith of Gleann Aluinn, Kilmacanogue, County Wicklow and by others against the decision made on the 19th day of December, 2023 by Wicklow County Council to grant subject to conditions a permission to Circle K Ireland Energy Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will consist of (i) 52.2 square metres extension to the eastern side of the existing service station retail building (bringing the total floor area to 235.1 square metres), (ii) internal modifications and additions including an area for the sale of alcohol for consumption off the premises (i.e. off-licence use) of 16 square metres, which is ancillary to the primary retail use and results in an increase in net retail floor area of 20.7 square metres (to bring to a total of 100 square metres), revisions to deli and till areas and new staff facilities and customer toilets, (iii) the extension of forecourt fuel area incorporating an extended forecourt canopy and one number additional pump island, (iv) revised parking arrangements resulting in the provision of 17 number car parking spaces, (v) the relocation of service areas and vent stacks and all other associated drainage and site development works at Circle K Kilmacanogue Service Station, N11 Southbound, Kilmacanogue, County Wicklow.

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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.

Reasons and Considerations

Having regard to the established existing development on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in overdevelopment of the site, would not endanger public safety by reason of a traffic or pedestrian hazard, would not seriously injure the residential amenity of residential property in the vicinity and would be in compliance with the Wicklow County Development Plan 2022-2028, the current Bray Municipal District (including Enniskerry and Kilmacanogue) Local Area Plan and the "Retail Planning Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in April, 2012. 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, as amended by the further plans and particulars submitted to the planning authority on the 1st day of December 2023, 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.

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2. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

7. Full design details of the proposed lighting scheme, including mitigation measures, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public amenity and clarity.

8. 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 construction parking, noise management measures and off-site disposal of construction/demolition waste and all measures required to protect the adjoining stream and shall comply with the requirements of Inland Fisheries Ireland.



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

9. The developer shall pay to the planning authority a financial contribution of 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

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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. The application of any indexation required by this condition 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.

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.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *26* day of *July*

2024