



An  
Bord  
Pleanála

## Board Order ABP-319274-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 23/60495**

**Appeal** by MBCC Foods Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 14<sup>th</sup> day of February, 2024 by Wicklow County Council to refuse permission.

**Proposed Development:** Provision of a drive-thru lane for the Costa Coffee unit, including a canopy and service hatch on the eastern side of the unit, a height restrictor/entrance barrier on the access lane, a 3.5-metre-wide drive-thru lane and associated hard and soft landscaping, resulting in the removal of seven number existing car parking spaces, provision of associated signage consisting of three number directional signs, one number order station, and three number menu boards/advertisement signs, alterations to all elevations of the Costa Coffee unit, including the provision of new signage, an increase of unit floor area of four square metres, associated alterations to the existing car parking, landscaping, outdoor seating area and all associated development, all at Costa Coffee Unit, Bray Retail Park, Southern Cross Road, Bray, County Wicklow.

## **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

The Board considered that the proposed development is a minor extension of a use ancillary to the existing retail park which will provide a facility for customers and employees of the park. The proposed development would represent a relatively minor amendment to the current retail offering were it to be delivered. The proposed development is, therefore, not considered a material contravention of the Bray Municipal District Local Area Plan 2018-2024.

The Board noted that the Retail Planning Guidelines 2012 do not restrict the provision of ancillary facilities such as this at retail parks. The proposed development is consistent with the primary use of the area as a retail park.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area, would be in accordance with the provisions of the relevant development plans and draft local area plan, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would also not change the function or role of the retail park nor of the current permitted development materially but instead would provide an ancillary use for customers and employees of the retail park and, therefore, would have no material impact upon the role and function of Bray Town Centre. The Board was satisfied that the proposed development would remain ancillary to the park and would not be an attraction in its own right and the bulky goods offering would remain the attraction at this location. The proposed development would act predominantly to serve the needs of visitors to the site.

## Conditions

1. The proposed 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 received by An Bord Pleanála on the 12<sup>th</sup> day of March, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The hours of operation shall be as per permitted under planning register reference number 18/509.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, 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.

4. No advertisement or advertisement structure other than those shown on the drawings submitted with the appeal shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

5. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

**Reason:** In the interest of visual amenity.

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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**Liam Bergin**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this 26<sup>th</sup> day of September 2024.**