



An
Bord
Pleanála

Inspector's Report

ABP-307805-20

Development

Demolition of car show-room, internal and external alterations and change of use of premises to provide a new forecourt amenity building with retail area, ancillary restaurant/cafe and customer seating, revisions to site layout including car parking and associated site development works.

Location

Killarney Road, Brennanstown, Bray, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

20/425

Applicant(s)

Ard Services Limited.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Decision

Appellant(s)

1. Clare and Seymour Cresswell
2. Richard and Margaret Webb, Pat and Isobel Duffy.

	3.Dr. Neil Bass and Lucy Watson
Observer(s)	None.
Date of Site Inspection	21 st December 2020
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located to the south west of Bray town centre, at a busy roundabout junction, with the R767 Killarney Road and the R768 slip roads to and from the N11 and Bray South Junction 7.
- 1.2. The appeal site is bounded to the north by Ballywaltrim Lane and a residential property, to the east by Hills of Bray Car Sales and to the southeast by the R767 Killarney Road. To the south and west the site is bounded by a low stone wall and area of open space under grass adjoining the roundabout.
- 1.3. The area to the north of the appeal site is characterised by low density residential development on large plots.
- 1.4. Existing development on site includes a centrally located fuel forecourt with 4. no. pump islands under the canopy, a car wash, 2 totem price signs (south of the existing entrances to the western and eastern site boundaries), a forecourt shop (located to the north of the forecourt) and a separate car showroom building to the west of the forecourt premises. A service yard is located to the lower level to the rear of the forecourt premises. The canopy and totem signs and forecourt premises are branded Circle K.
- 1.5. The site has extensive road frontage with two no. access/egress points. One is from the R768 (via Ballywaltrim Lane) to the north west, and the second is from the R767 Killarney Road to the south east. The latter is a shared access/egress with the Bray Car Sales business.
- 1.6. The stated area of the appeal site as outlined in red is 0.17ha. It forms part of a larger landholding outlined in blue which includes the adjoining car sales business.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - (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 sq.m max), 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.
- (iv) all associated site and development works

2.2. The application was accompanied by;

- Planning Report – McArdle Doyle Ltd.
- Letter Consent - from the owner of the site

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to **grant** permission for the above described development subject to 6 no. conditions. Conditions of note include the following;

Condition No. 2 – Retail area, including the deli area, shall not exceed 110sqm.

Condition No. 3 – Surface water requirements.

Conditions No. 4 and 5 – Signage restrictions, internal shutter and shopfront requirements.

Condition No.6 – Cycle Parking for 12 no. bicycles.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report (dated 09/07/2020)**

Basis for planning authority decision, includes:

- *Principle* - Demolition of existing car show room acceptable.
- *Retail unit* - Gross floor area to remain unchanged at 162sqm. Internal floor area to be rearranged with net retail floor area to increase from 73sqm to c.107sqm. Size marginally above the c.150sqm gross floor area limit specified in the CDP.

- *Retail Planning Guidelines (RPG)* - Proposal for a c.107sqm net retail area (shop plus deli area) generally in accordance with the RPG cap of 100sqm. Deli area where food and drinks are to be served is ancillary to the primary retail function of the unit.
- *Zoning* - Proposed development is in accordance with the zoning objective for local shops and services.
- *Previous refusal for a restaurant* - Proposal is for an improved retail unit with ancillary deli facility within an existing petrol station structure, is not a café or restaurant, and is a materially different proposal from previously under PA.Reg.Ref.15/1359.
- *Premature pending determination of future national road scheme* - Considers that as the development utilises an existing structure and consists of internal works to a long established service station, the proposal is not likely to significantly prejudice plans for the design of the future national road and it should be progressed. No extensions proposed.
- *Traffic Hazard* - Discussed with Snr. Eng. (Planning) and having regard to the proposal to demolish an existing showroom and to alter an existing building with relatively small increase in net retail floor area, the development would not result in significantly increased traffic movements. Development would not significantly adversely affect the capacity and operation of the adjoining road network.
- *Parking along Ballywaltrim Lane* - Notes concerns raised in relation to overflow and illegal parking of vehicles, and suggestion to provide double yellow lines, new kerbing and signage. Lane is a public road, issues raised are pre-existing issues.
- *Parking* - CDP requires 4 spaces per 100sqm of retail floor area, at least 8 spaces are provided, which accords CDP standards. Proposals for new car parking, line markings etc. will improve the overall parking arrangements on site and have a positive impact.
- *Residential Amenity/Character of the area* - Proposed development will not significantly undermine the residential amenities of the property under

construction at Glen Shrule, Ballywaltrim Lane or any other properties in the area generally, in terms of significant additional noise and disturbance, visual intrusiveness, smells etc. Development would not significantly adversely affect the character.

- *Litter/pollution* -Litter offences and illegal disposal of waste is a matter for the Env. Section WCC, proposal will not result in significant pollution issues.
- External alterations - Acceptable.
- *Development Contributions* - None as no new floor areas.

3.2.2. Other Technical Reports

Roads Dept.: Executive Engineer's Report recommends no objection, subject to cycle parking being provided.

Bray MD Eng.: Senior Executive Engineer's Report recommends refusal on the basis that the development would;

- Endanger public safety by reason of traffic hazard, given location close to a complex junction where the alignment and visibility is poor, additional traffic movements generated by the development would exacerbate the already hazardous and congested traffic situation.
- Premature because a road layout for the area, including the upgrade of the adjacent junction and national primary route has not been approved by the Council, and it would be prejudicial to the making of a comprehensive local plan for the area.
- Proposed parking 6-8 for the expanded commercial use of premises will interfere with the normal operations of the petrol service station and free flow of traffic on the adjoining public roads.

Drainage - Notes also site drainage details submitted are inadequate and do not provide the location of drainage outfalls or demonstrate that adequate measures are available to prevent environmental pollution from fuel spills, the discharge of fats, oils or grease to the public sewer or ensure that storm water flows are attenuated to minimise flood risk.

CFO: Report recommends no objection subject to requirements.

3.3. Prescribed Bodies

Irish Water: Report recommends further information, to assess the feasibility of a connection to public water infrastructure requirement to submit a pre connection enquiry.

Transport Infrastructure Ireland (TII): Report recommends that proposal is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):

- Proposed development is located in close proximity to an area considered for a future national road scheme, could prejudice plans for the design of this scheme and hence, the application is premature pending the determination of this route.
- A grant of permission considered to be at variance with the provisions of the Department of the Environment, Community & Local Government's Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012), section 2.9 refers.

Kildare National Roads Office (NRO): Development located within the constraints study area for the N11/M11 Junction 4 to Junction 14 Improvement Scheme. Site located to the east of the N11 at Junction 7 and within an area currently under consideration for the development of scheme options, development in this area is premature.

3.4. Third Party Observations

A number of objections were received, and the Planning Authority case officer reported a total of 12 submissions from the following parties;

- Cllr. Aoife Flynn Kennedy 'Melford' 7 Ballywaltrim Lane
- Brian Kennedy 'Melford' 7 Ballywaltrim Lane

- Clare and Seymour Cresswell Hillbrook, Ballywaltrim Lane
- Richard Webb Springfields, Ballywaltrim Lane
- Pat, Isabel and Gabriela Duffy Orana, Ballywaltrim Lane
- Ciara Ní Bhríon and Greg Keeley New House, Ballywaltrim Lane
- Sarah Harley Las Ocas, Ballywaltrim Lane
- Gary Kitson Silverstream, Ballywaltrim Lane
- R.C and P.A. Horsham Ballywaltrim Lane
- Peter and Roisin Flynn 7 Ballywaltrim Lane
- Dr. Neil Bass and Lucy Watson Ballywaltrim House, Killarney Road
- Joe and Margaret Doyle Old Rivers, Kilcronee

Objections to the proposed development received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised are comparable to those raised in the third party appeals and are summarised in section 6 below.

4.0 Planning History

PA Reg.Ref.20/425 ABP-307786-20: Planning appeal declared invalid July 2020.

PA Reg.Ref.15/1359: Permission **refused** February 2016 for change of use of existing car showroom (82.6 sqm) to restaurant use, elevational changes to including new glass panelling, 37sqm extension to incorporate access corridor, chill room and plant room, modifications to forecourt and circulation area to include the provision of 11 no car parking spaces and all associated site and development works for Topaz Energy Ltd. for the following reasons;

1. *Having regard to:*

- (i) *The quantum of existing commercial floorspace serving the existing service station and the nature of the proposed use*
- (ii) *The proximity of the site to Bray Town Centre*
- (iii) *The location of the site adjacent to a heavily trafficked and strategically important interchange*

(iv) Section 2.8 of the 'Spatial Planning and National Roads Guidelines for Planning Authorities'

(v) The constrained size of the site

It is considered that the proposal for a restaurant would be inappropriate for this location, would have an adverse impact on similar facilities in the Town Centre, would result in unsustainable single vehicle trips from the Town Centre and surrounding area to the site, and would result in increased traffic movements on a heavily trafficked and strategically important interchange. The proposed development would therefore be contrary to the objectives of the County Development Plan 2010, would impact on the capacity and safe operation of the adjoining road network and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the constrained size of the site and the relationship between the proposed car parking spaces, the forecourt area and the entrance/exit to the service station whereby there would be conflicting movements between persons utilising the petrol pumps and accessing/egressing the site and persons utilising the parking spaces, it is considered that the proposed development would result in the creation of a haphazard and substandard development and would result in the creation of a traffic hazard. The proposed development would therefore set an undesirable precedent for similar types of development on constrained sites and would be contrary to the proper planning and sustainable development of the area.'

PA Reg.Ref.01/110 ABP- PL39.126471 : Permission **granted** March 2002 for construction of an extension to existing shop building, alterations to existing facade and change of use from retail space to serve over preparation area and the preparation of hot food for consumption off the premises at Hills Service Station, for Hills Garage Limited.

Adjoining Site to the North East - Glen Shrulue, Ballywaltrim Lane

PA Reg.Ref.19/837: Permission **granted** Sept 2019 for approval of outline permission under PA Re.Ref.16/1069.

PA Re.Ref.16/1069: Outline permission **granted** December 2016 for detached dormer dwelling, wastewater treatment system, revised entrance.

Recent Application to the North - Springfields & Twin Oaks, Ballywaltrim Lane

PA Reg.Ref.19/391 ABP-304778-19 Permission **refused** October 2019 for Demolition of two houses and construction of 24 houses, vehicular and pedestrian access via Ballywaltrim Lane, 52 car parking spaces, bicycle storage area, public open space, wastewater pumping station, boundary treatment and all associated site development works at Springfields & Twin Oaks, Ballywaltrim Lane, Bray, Co. Wicklow.

This application included the provision of a footpath from the site along the eastern side of Ballywaltrim Lane heading south where it would connect into an existing public footpath at the 'Circle K' petrol station.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016-2022

The applicable Development Plan is the Wicklow County Development Plan 2016-2022.

Chapter 6 refers to **Centres and Retailing**

Strategy for Level 5 - Corner Shops/ Small Shops/ Small Local Centres/ Small Villages

These centres will normally serve only an immediate catchment. These shops meet the basic day to day needs of surrounding residents, whether as rural foci points close to other community facilities such as the local primary schools, post office and GAA club or as a terrace of shops within a suburb.

Expected are one or two small convenience stores, newsagents, and potentially other tertiary services such as butcher/vegetable shops with a public house, hairdressers and other similar basic retail services; with the retail element in total ranging approximately from 500sqm - 1,500sqm of lettable space.

Within urban areas these centres vary in scale from one corner shop to small local centres that provide a small number of retail/retail service units. The size of units within small local centres shall generally be limited to a maximum of c.150m² gross floor area.

Retail - Local Convenience Shops

RT27 To facilitate the provision of local retail units in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity.

Volume 3 - Appendix 1 - Development & Design Standards

Car Parking Standards Table 7.1

Other retail - 4 per 100sqm floor area,

Restaurant dining room – 10 per 100sqm gross floor area.

Cycle Parking Standards Table 7.2

Shops – 1 space for every 10 car spaces

Restaurants – 10% of total car spaces subject to a minimum of 10 spaces.

Section 3 - Business, Commercial and Employment Developments

Petrol Stations - Retails sales area

- Convenience shops are part of the normal ancillary services provided within motor fuel station. In rural areas, they can have a very important function as the local shop or small supermarket. However, such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan.
- The floor space of the shop should not exceed 100m² net, where permission is sought for a floor space in excess of 100m², the sequential approach to retail development shall apply, i.e., the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol filling facilities) in the same location.

5.2. Bray Municipal District Plan 2018-2024

The subject site is zoned '**LSS' Local Shops and Services**, the objective for which is '*To provide for small scale local neighbourhood shops and services*'.

Description attached to the subject zoning objective:

'To facilitate the limited development of small scale local neighbourhood shops and retail services and other local service uses that meet only the retail or service needs

of residents in the immediate catchment and are not of such a scale or type that would detract or draw trade from lands designated town centre.'

5.3. National Policy

5.3.1. Guidelines for Planning Authorities Retail Planning (April 2012)

Section 2.4.3 refers to **Petrol filling station shops floorspace cap** of

- 100 m² net irrespective of location.

Annex 1 - Net Retail Floorspace is defined as

- the area within the shop or store which is visible to the public and to which the public has access including ..., 'checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer service areas, and internal lobbies in which goods are displayed, but excluding storage areas, circulation space to which the public does not have access to, cafes, and customer toilets'.

5.3.2. Other relevant guidance

Bray and Environs Transport Study (NTA, Wicklow County Council, Dun Laoghaire Rathdown County Council and TII, April 2019) sets out the current and necessary transport requirements for Bray into the future. With regard to the subject site, the N11/M11 Junction 4 to 14 Improvement Scheme is a roads measure '*...deemed necessary for the future development of the Study Area*'.

5.4. Natural Heritage Designations

The Bray Head SAC (Site Code 000714) is located approx. 2.8km to the east.

The Ballyman Glen SAC (Site Code 000713) is located approx. 2.3km to the north.

The Knocksink Wood SAC (Site Code 000725) is located approx. 2.9km to the northwest.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development, in an established urban area, and the proposed connection of the development to public

water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Three no. Third Party appeals were lodged against the decision of the Planning Authority by the following parties.

- | | | |
|----|-------------------------------|------------------------------------|
| 1. | Clare and Seymour Cresswell | Hillbrook, Ballywaltrim Lane |
| 2. | Richard and Margaret Webb | Springfields, Ballywaltrim Lane |
| | Pat and Isobel Duffy | Orana, Ballywaltrim Lane |
| 3. | Dr. Neil Bass and Lucy Watson | Ballywaltrim House, Killarney Road |

6.1.2. In each case similar issues are cited. To avoid unnecessary repetition, I have grouped similar issues, which can be summarised as follows;

Road Design, Traffic and Parking

- Premature pending upgrade of the N11/M11
- Traffic Hazard/Road Safety – proximity of site to roundabout
- Parking - Inadequate and scattered parking, congestion on forecourt, parking on Ballywaltrim Lane, dangerous parking at entrance to existing development
- Pedestrian Safety

Residential Amenity

- Overdevelopment - Size and function of garage forecourt, need for 'casual dining' outlets
- Opening hours
- Litter

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- None.

6.4. Observations

- None.

7.0 Assessment

7.1.1. There are three no. third party appeals, and I consider it appropriate to consider them jointly. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Principle of Development
- Compliance with Retail Planning Guidelines
- Impact on Residential / Visual Amenity
- Impact on the Road Network
- Traffic Safety and Parking
- Other Matters
- Appropriate Assessment

I draw the Boards attention to a previous planning application for permission on this site, which was refused by the PA under PA Reg.Ref.15/1359. Under this application it was proposed to retain the car showroom structure and change its use to retail.

The current proposal differs significantly, in that it is now proposed to demolish the existing car show room on site, to provide additional car parking, thereby reducing the overall commercial use on site.

7.2. Principle of Development

- 7.2.1. The appeal site is located on lands zoned 'LSS' Local Shops and Services, the objective for which is 'To provide for small scale local neighbourhood shops and services' under the Bray Municipal District Plan 2018-2024.
- 7.2.2. Concern is raised by the appellants in relation to the commercial use and assert that the proposed development will result in overdevelopment of the site.
- 7.2.3. I note the 'LSS' zoning and planning history of this premises and consider the existing use as a service station an established commercial use.
- 7.2.4. The proposed development consists of the demolition of an existing car showroom and alterations to the internal layout of an existing retail unit and storeroom structure to provide a new retail unit. The works proposed, therefore, are within the footprint of existing structures on site.
- 7.2.5. The overall floor area of the proposed retail unit is stated as 162sqm. This is marginally in excess of the Wicklow County Development Plan requirement which requires that the size of units within small local centres be generally limited to a maximum of c.150sqm gross floor area. I also note it is proposed to reduce the overall commercial floor area on site (as a consequence of the demolition of the existing car showroom which has a stated area of 82sqm.)
- 7.2.6. I am satisfied that the proposed development would not result in an intensification of use, and that this marginal increase in gross floor area of (16sqm), relative to the overall area of the site, is acceptable.
- 7.2.7. Accordingly, subject to compliance with the relevant Retail Planning Guidelines, I would consider having regard to the zoning objective of the appeal site, the pattern of development in the area and scale of the development that the principle of development is acceptable.
- 7.2.8. The applicant contends that the proposed works will improve the overall development on site, for staff and patrons.

7.3. Compliance with Retail Planning Guidelines

- 7.3.1. Concern is raised by the appellants in relation to the nature of the proposed development which includes a change of use to restaurant/café area.
- 7.3.2. The existing forecourt shop contains the existing retail space, office, staff and customer WCs with a large storage area to the rear, lower level projection.
- 7.3.3. It is proposed to redevelop the existing forecourt premises by relocating the existing back of house office staff and WC areas to the lower storage area and expand the existing retail area into the area currently used for back of house. The proposed internal alterations and change of use will provide for ancillary restaurant/café area with hot and cold meals and refreshments for sale for consumption on and off the premises.
- 7.3.4. The applicants have stated that the new use will occupy approx. 20sqm or c.12% of the total floor area, and therefore ancillary to the principal use as a shop. Seating is proposed for 8no. customers. The applicants also note that the existing customer WC is externally accessed, and as part of the proposed works it is proposed to relocate the customer WC to within the store.
- 7.3.5. I have examined the floor plans submitted and am satisfied that the retail floorspace identified is c.82sqm. This excludes the deli food preparation and tills area which I have calculated to have an area of c.24sqm (total floor area of 106sqm). National Policy under the Retail Planning Guidelines are clear that the proposed net retail floor area should not exceed 100sqm net floor area.
- 7.3.6. The PA have taken the view that the marginal increase above that permitted under the guidelines is acceptable. Condition no. 2 of the notification of permission to grant permission reflects this position and refers to the retail area including the deli area which shall not exceed 110sqm.
- 7.3.7. In my opinion this approach is problematic, and inconsistent with National Policy. Notwithstanding the relatively small increase, in my opinion the internal layout of the proposed retail area should be amended to ensure that overall net retail floor area does not exceed 100sqm. I am satisfied that this can be achieved relatively easily as it requires minor changes to the internal layout within the footprint of the existing

building. If the Board are minded to grant permission a suitably worded condition can be attached.

- 7.3.8. I am satisfied, therefore, subject to a reduction in the net retail floor area, that the proposed development is in accordance with National Planning guidelines for such uses.

7.4. Residential / Visual Amenity

- 7.4.1. Concern is raised by the appellants in relation to the impact of the proposed development on the residential and visual amenity of the area, which would detract from the character of the area.
- 7.4.2. I note that the entire premises addresses the roundabout to the south west and apart from the immediately adjoining residential property to the north, I am satisfied that the proposed development will not impact to a material degree on any other residential property.
- 7.4.3. As part of the works proposed to the existing car showroom (that part of the site closest to a residential property) it is proposed to retain the rear wall to a height of 2m. The applicant asserts that this is to both provide an enclosure for the proposed car parking and ensure that that the works will not result in any loss of privacy to the occupants of the adjoining residential property to the north.
- 7.4.4. In relation to the existing forecourt building, the customer entrance is to be relocated to the left hand side of the front elevation with a new pay hatch installed to the right hand side, at the location of the revised pay area. The proposed new customer entrance will be wider and allow for universal access. Other alterations include the installation of a new opening to the rear projection to facilitate the delivery of goods while other redundant openings on the western elevation will be closed. The entire premises is to be painted/rendered in the Circle K brand colours.
- 7.4.5. In relation to external signage the PA have included two no. standard conditions No.4 and 5, which if the Board are minded to grant permission I consider appropriate to attach.
- 7.4.6. Concern has been raised by the appellants in relation to the hours of operation, and in particular to the deli area operating late at night. I agree with the appellants that

the application is silent on this matter. However, given the location, zoning and established nature of the use, I consider it reasonable to limit the hours of operation of the deli element of the proposal to between 07.00am to 21.00pm. If the Board are minded to grant permission a suitably worded condition can be attached.

- 7.4.7. The appellants express particular concern in relation to existing litter associated with the proposed development.
- 7.4.8. I noted on the day of my inspection the location of two litter bins either side of the entrance to the existing forecourt shop. I did not observe any litter along the adjoining footpaths or road ways. Notwithstanding and given the nature of the proposed use, a condition in relation to the management of waste, and in particular recyclable materials would in my opinion be appropriate in this instance.
- 7.4.9. I concur with the applicant that the proposed works overall will have a positive impact on the residential and visual impact of the area.
- 7.4.10. In summary, I am satisfied therefore, that the proposed works which are relatively minor will not detract from the residential or visual amenity of the area.

7.5. Impact on Road Network

- 7.5.1. Concern has been raised by the appellants in relation to the proposed development which it considers would be premature pending the determination of a route for the N11/M11 Junction 4 to Junction 14 improvement scheme.
- 7.5.2. I note the report of the Planning Authority's Case Officer with regard to the comments of the National Roads Office (NRO) and Transport Infrastructure Ireland (TII).
- 7.5.3. The NRO are very clear that they consider the proposal to be premature pending the determination of the preferred route for the N11/ M11 Junction 4 to Junction 14 Improvement Scheme. The TII also consider the proposal premature pending the determination of this route. This position was also the view of the Bray MD Eng. of the PA.
- 7.5.4. In addition to this report, I note that the upgrade of M11/N11 is clearly identified in the Bray Municipal Local Area Plan 2018-2024 and the Wicklow County

Development Plan 2016 – 2022 and also identified in the Bray & Environs Transport Study.

7.5.5. However, as noted by the applicant and Senior Roads Engineer of the PA, the proposed development is within the footprint of existing structures and consists of internal works to a long established service station, where no extensions are proposed as part of the development. I would also note that no works to the public road or in the immediate vicinity of the public road are proposed.

7.5.6. On this basis, I am satisfied that the proposed works are not likely to significantly prejudice plans for the future national road, and that the proposed development is not premature.

7.6. Traffic Safety and Car Parking

7.6.1. Concern is raised by the appellants in relation to traffic safety particularly along Ballywaltrim Lane.

7.6.2. Concern is also raised by MD Eng. of the PA and recommends that the proposed development would give rise to a traffic hazard arising from a combination of increased traffic movements and additional congestion, located at a complex junction and existing hazardous arrangement.

7.6.3. I accept that the subject site is located close to a busy junction. However, I also note that it is clearly visible from approaches to and from the junction aided in part by the two large totem signs already existing on site each of which are located close to the respective entrance/exit points. In this regard I note the location of the two access/egress points and associated speed limits both along Killarney Road and Ballywaltrim Lane.

7.6.4. I can confirm on the day of my site inspection around midday on a week day in December that the surrounding road network was busy with traffic, but that cars generally were travelling at low speeds on the approach to the existing garage and roundabout. I also observed that cars had little difficulty accessing or egressing the appeal site, benefiting as it does from two entirely separate access/egress points, and where sight lines are unobstructed in both directions.

- 7.6.5. As previously noted I consider that the proposed development would not result in an intensification of use, of the existing service station. I am also of the view that the proposed development would not give rise to a significant increase in traffic, currently generated by the service station.
- 7.6.6. Concern is raised by the appellants in relation to insufficient parking on site which results in overflow parking of cars and trucks along Ballywaltrim Lane, and in particular to the front of No. 1 Ballywaltrim Lane. There are a number of other issues raised in relation to road markings etc. along Ballywaltrim Lane.
- 7.6.7. As already noted it is proposed to provide additional parking within the footprint of the former car showroom. Other car parking will also be provided by new line markings adjacent to the car wash and services areas.
- 7.6.8. In total it is proposed to provide 8 no. marked car parking spaces within the existing service station. 4 no. spaces one of which will be accessible will be created at the location of the car showroom, with an additional 3 no. provided to the north-east of the existing car wash and an additional 1 no. to the southern site boundary, to the west of the existing site services area.
- 7.6.9. A footpath is proposed along the wall to the car showroom to be retained and a 1.8m pedestrian route will be painted to the south of the new car parking spaces to provide an accessible route to the shop.
- 7.6.10. The Development Plan requirement allows for 7no. car parking spaces on the basis of 4 per 100sqm for retail area and 10 per 100 sqm gross floor area. The car parking provision of 8 no. spaces therefore exceeds the car parking requirement by 1.
- 7.6.11. I can confirm on the day of my site inspection around midday on a week day that there were a number of vehicles parked to the front of the adjoining house along Ballywaltrim Lane, at the entrance to the existing service station. I would however also note that this area is outside the area of the appeal site, and forms part of the public road. Issues raised in relation to parking generally along Ballywaltrim I respectively suggest are outside the scope of this current application.
- 7.6.12. I am satisfied that the proposed car parking arrangements are acceptable in terms of quantum and layout and is in accordance with Development Plan standards for such

uses. I am also satisfied that the proposed new line markings for cars and pedestrians will also provide a more legible parking arrangement for customers.

- 7.6.13. I note the Executive Engineer PA Report recommending that cycle parking be provided. Condition No. 6 of the Notification to grant permission requires the provision of covered cycle parking to cater for up to 12no. bicycles. I have had regard to the Cycle Parking Standards as set out under Table 7.2 of the WCCDP and would conclude that a provision of 12 no bicycle spaces far exceeds the requirements. I also consider that in this particular instance the provision of cycle parking would represent a traffic hazard within the appeal site, and adjoining road network in the absence of any cycle paths in the vicinity. On this basis therefore, I am of the opinion that if the Board are minded to grant permission that this condition of the PA be omitted.
- 7.6.14. I am satisfied, therefore, that the proposed works will have a positive impact in terms of pedestrian and traffic safety and will not result in a traffic hazard.

7.7. Other Matters

- 7.7.1. *Drainage* – I note the report of the Bray MD Eng. with respect to site drainage details. The report notes that details submitted are inadequate, and do not provide the location of drainage outfalls or demonstrate that adequate measures are available to prevent environmental pollution from fuel spills, the discharge of fats, oils or grease to the public sewer or ensure that storm water, flows are attenuated to minimise flood risk. Notwithstanding, I am satisfied on the basis that there is an existing facility on site, and its location in a serviced urban area, that these details can be submitted to and agreed in writing with the PA according to requirements. Condition No. 3 of the Notification to grant permission by the PA refers. If the Board are minded to grant permission a suitably worded condition in relation to drainage details is appropriate in this instance.
- 7.7.2. *Water Supply* – I note the report of Irish Water which recommended further information in respect of the submission of a pre connection enquiry, which is a requirement for connection to public water infrastructure. Notwithstanding, I am satisfied on the basis that there is an existing facility on site, and its location in a serviced urban area, that this is a matter for agreement between Irish Water and the

applicant. A suitably worded condition in relation to the necessary agreements with Irish Water is appropriate in this instance.

7.8. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development being in an established urban area and the proximity to 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 a European site.

8.0 **Recommendation**

- 8.1.1. I recommend that permission be **granted** subject to conditions for the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the policy of the Wicklow County Development Plan 2016-2022, and the Bray Municipal Development Plan 2018-2024, and the policies of the Retail Planning Guidelines, 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.

10.0 **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. 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.

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 07.00am to 21.00pm.

Reason: In the interest of 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/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 waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

10. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Susan McHugh
Senior Planning Inspector

11th January 2021