



An
Bord
Pleanála

Inspector's Report

ABP-309685-21

Development	Service Station and Fuel Depot/Vehicle Servicing and Maintenance Building.
Location	Lands at Southern Cross Road, (To the immediate West of Oak Glenview & Belmont Residential Estates), Bray, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	201273
Applicant(s)	Barnaby Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Barnaby Investments Ltd.
Observer(s)	None
Date of Site Inspection	11 th June 2021

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The proposed development site is located in the southern environs of Bray, Co. Wicklow, approximately 2km southwest of the DART station in the town centre.
- 1.2. The site adjoins mature residential development within an estate known as 'Belmont' to the east and is situated to the immediate west of the site of the proposed Bray Enterprise Park, which was recently approved by An Bord Pleanála under ABP-305798-19. A large housing development is currently under construction further west of this together with proposals for a creche and neighbourhood centre. A new supermarket has recently opened at the junction of Ard Na Greine Road with the Southern Cross Road further west of the site.
- 1.3. The site has a stated area of 0.4214 hectares. The site falls from east to west and existing levels on the site vary from a high of c. 465.0m AOD at the eastern side of the site to c. 45.0m AOD at the western side of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - Construction of Building A/B with a total area of 438m².
 - Building A consists of a single storey service station of 230m² including a forecourt, convenience shop of 99m² retail area, car wash facility, toilets and ancillary staff area.
 - Building B consists of a single storey fuel depot/ vehicle servicing and maintenance building of 208m² with associated ancillary/ related uses including car parts, accessories and tyre sales.
 - Provision of 33 No. vehicular parking spaces including 10 electric charging spaces, 2 accessible spaces, and 8 No. bicycle spaces.
 - Provision of 1 No. totem sign post at Southern Cross Road.
 - Access to the site is proposed from a link road previously approved under PA Reg. Ref. PA 19/872/ ABP-305798-19.

- It is proposed that the buildings are to be constructed in a phased manner with the service station representing Phase A and the fuel depot/ vehicle servicing and maintenance building representing Phase B.

3.0 Planning Authority Decision

3.1. Decision

On 15th February 2021, the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:

1. Having regard to:

- a) The location of the proposed development within the Metropolitan Key Town of Bray as designated under the Regional Spatial and Economic Strategy, 2019-2031.
- b) The location of the site within SLO 6: Employment Lands Between Boghall Road-Bray Southern Cross Road.
- c) The E1 zoning for the Site as set out under the Bray Municipal District Local Area Plan, 2018 which seeks to provide for development of enterprise and employment and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.
- d) Policy Objective E3 under Objectives for Economic Development as set out in the Wicklow County Development Plan 2016 and E3 General Employment Objectives of the Bray Municipal District Local Area Plan 2018-2024 which state: To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.
- e) The proposed plot ratio which at 0.1 is at a level which does not support the efficient use of employment land.

It is considered that the proposed development would constitute an inappropriate and inefficient use of these E1 employment zoned lands, would undermine the economic function of the settlement, as set out in the Regional Spatial and Economic Strategy, 2019-2031, the Wicklow County Development Plan, 2016 and the Bray Municipal District Local Area Plan, 2018 and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

a) The failure of the applicant to demonstrate how the layout of the proposed development would conform with the requirements of Condition 3 of the previous grant of planning permission under appeal reference ABP 305798-19.

b) The failure of the applicant to demonstrate how the layout of the proposed development, particularly in relation to the location of the proposed car wash, service area and parking area to the south of the proposed service station, would not result in conflicting traffic and pedestrian movements.

It is considered that the development of these lands as proposed has the potential to endanger public safety by reason of serious traffic hazard; and to contravene the Development and Design standards of the County Development Plan 2016 and would therefore be contrary to proper planning and sustainable development.

3. The proposed development would contravene the Development and Design Standards of the County Development Plan 2016 because it is considered that the development proposed does not meet the required high standard in terms of design. The proposed development would therefore be contrary to the proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report notes that the plot ratio of c.0.1 which is far below the development potential of the site on employment zoned lands within SL06. Concerns are raised in relation to the phased building plan as the need to phase the construction of the service station and the fuel depot/ vehicle servicing and maintenance building as two separate units has not been set out or justified. The fuel depot/ vehicle servicing and maintenance building comprises the 'employment' element of the proposed development and the uncertainty in its delivery further undermines the suitability of the proposed development for location on these employment zoned lands. Concerns were raised in relation to traffic issues and site layout and it was considered that these issues were previously raised and have not been addressed.

3.2.2. Other Technical Reports

Roads Report: Considers that it is unclear how condition 3 of ABP-305798 would be complied with. Notes that any development of this site would be dependent on the link road being completed.

Fire Officer: No objection subject to conditions.

Water and Environmental Services: Drawing D1936-MAL-00-XX-C-002 proposes the use of a bypass petrol interceptor. It appears that a full retention forecourt interceptor is required. The application should submit revised proposals or submit documentation justifying the choice in petrol interceptor.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection subject to conditions.

3.4. Third Party Observations

3.4.1. One third party observation was submitted to the Planning Authority. The main issues raised are as follows:

- Concern regarding phasing of development with the petrol station to be built in Phase A and the fuel depot/ servicing building to be built at a later date.
- Concern that the fuel depot may be subject to a future change of use.
- Concern regarding the phasing of the development and the development of the Bray Enterprise Park and the delivery of its necessary supporting roads and services infrastructure, upon which this development proposal is reliant on.
- Potential impact on residential amenities.
- Proliferation of such uses in the area.

4.0 Planning History

On Site:

PA Reg. Ref. No. 18822 / ABP Ref. No. ABP-302611-18 (Appeal to Board withdrawn)

Permission refused by Planning Authority for a single storey petrol filling station (465m² GFA) comprising a forecourt convenience shop with off licence (97m²), 2 no. café / restaurant concession areas (64m²) with seating area (185m²), public toilets (40m²) and ancillary staff and store areas (79m²). Associated facilities include 6 no. fuel pumps with canopy over, external seating area, external children's play area, car wash facility, air / water services and associated car parking and bicycle parking. Permission is also sought for building and canopy mounted signage and 1 no. totem sign, boundary treatment, hard and soft landscaping & all associated site and development works. The development will be accessed from a new road connecting Boghall Road and the Southern Cross Road, providing separate access and egress points for the petrol filling station development. Revised access arrangements for existing development and provision for future access points to undeveloped lands (subject to separate future planning applications). The new road comprises a single carriageway (6m) and will include cycle lanes (1.7m) on both sides and footpaths (2m) on both sides as well as crossings, drainage, lighting, landscaping & associated site and development works including reconfiguration and tie in works to the existing public roads at Boghall Road and Southern Cross Road. Traffic signals are proposed at the intersection of the link road and the Southern Cross Road to the south and the Boghall Road to the north.

On Adjacent Sites (to the west):

PA Reg. Ref. No. 181182 / ABP Ref. No. ABP-304132-19 (Appeal to Board withdrawn)

Permission granted for the development of a single storey retail supermarket measuring c. 2,493sqm gross floor area (including an ancillary off-licence within the supermarket); external loading dock of c. 38.8sqm; a service yard of c. 1,158sqm; 1 no. external plant room of c. 46sqm; 178 car parking spaces; 50 cycle parking spaces; a substation (c. 21sqm); the construction of a new armed roundabout on

Southern Cross Road; hard and soft landscaping; lighting, attenuation and drainage and all associated site development, access points, roads, boundary treatment and infrastructural service provision needed, on lands at Southern Cross Road, Bray, Co. Wicklow.

ABP Ref. No. ABP-305058-19

Permission granted by the Board for a strategic housing development at Southern Cross Road, Bray, Co. Wicklow, consisting of a mixed-use residential development comprising 208 No. residential units and a neighbourhood centre.

- 30 No. two-storey houses (18 No. two-storey, three-bed houses, and 12 No. two-storey, four-bed houses);
- 18 No. duplex apartments (2 No. one-bed duplex apartments, 9 No. two-bed duplex apartments and 7 No. three-bed duplex apartments);
- 160 No. apartments in 4 No. five-storey blocks (two of which are over podium car park) comprising 22 No. one-bed apartments and 138 No. two-bed apartments.

The proposed neighbourhood centre (total floor area circa 1,484m²) will be located adjacent to the permitted supermarket (register reference 18/1182) and will comprise 3 No. retail units, a creche, and 4 No. community units including youth services centre and health care unit.

Provision of new vehicular access from Southern Cross Road to the residential area. The proposed development includes minor modifications to permission register reference 18/1182 to facilitate an additional road access to the neighbourhood centre from Ard Na Greine (in addition to the permitted roundabout), and associated alterations to the permitted neighbourhood centre car park and service yard.

Provision of landscaping, open spaces and play area, including a new green route connecting Ard Na Greine to the Southern Cross Road via a new neighbourhood centre plaza.

All associated site development works, landscaping, boundary treatments and services provision, including ESB substations.

5.0 Policy Context

5.1. Development Plan

5.1.1. Wicklow County Development Plan, 2016 - 2022:

Chapter 5: Economic Development

Section 5.5: Objectives for Economic Development:

EMP1: To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan.

EMP2: To normally require new employment generating developments to locate on suitably zoned or identified land in settlements. Proposals in settlements with no zoning plan should be assessed on the basis of their individual merits, taking into consideration the objectives set out in this chapter of the plan and all other matters pertaining to the proper planning and sustainable development of the area, including ensuring that the proposal is appropriately sited in a location so that it enhances, complements, is ancillary to or neutral to the existing land uses in the area. All other proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.

EMP3: To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

EMP4: To permit proposals for employment generating development where it can be demonstrated that the development complies with the relevant development standards and is not detrimental to residential amenity or to environmental quality, and is acceptable with regard to its impact on the character and visual amenity of the area. Regard will be paid to ensuring that existing or planned infrastructure can acceptably accommodate a proposed development. Developments that result in an unacceptably high level of traffic generation, that are detrimental to residential amenity, the character or visual amenity of an area or the existing roads infrastructure will not be permitted.

EMP5: To promote the development of employment generating uses at locations which comply with sustainable transportation objectives, i.e.

- promoting the development of ‘product’ intensive industries (typically manufacturing and logistics based uses) at locations that are accessible to strategic roads infrastructure;
- promoting the development of ‘people’ intensive industries (typically office, services and start-up entrepreneur based uses) at locations that are accessible by public transport networks and substantial residential areas, served by cycle networks and walking routes;
- promoting the intensification of existing employment land uses that are in proximity to good public transport facilities; and
- where appropriate, promoting the integration of employment uses with other land uses, including residential, tourism and retail uses, in an effort to provide mixed use developments, which can reduce the need to travel.

EMP7: To encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the County and to consider allowing ‘relaxation’ in normal development standards on such sites to promote their redevelopment, where it can be clearly demonstrated that a development of the highest quality, that does not create an adverse or unacceptable working environment or create unacceptable impacts on the built, natural or social environment, will be provided.

EMP10: To facilitate the provision of a mix of ancillary services such as a shop or food outlet, crèche etc. on large sites zoned for employment at peripheral locations where a detailed justification/need for such facilities has been demonstrated and where it has been demonstrated that the provision of such facilities does not impact on existing facilities, in particular town centre or local neighbourhood centre activities.

EMP11: To require employment based developments to be of the highest standard of architectural design and layout and comply with the Development & Design Standards set out in this plan.

Chapter 6: Centres and Retailing:

RT26: Within neighbourhood centres, it is the objective of the Planning Authority to protect, provide for, and improve the mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community, to a degree that is akin to their role and function as outlined in the Retail Strategy.

RT34: Proposals for retailing use at motor fuel stations shall be considered in accordance with the 'Retail Planning Guidelines for planning authorities' (DoECLG, 2012).

Appendix 1: Development and Design Standards: Section 3: Business, Commercial and Employment Developments

5.1.2. **Bray Municipal District Local Area Plan, 2018 – 2024:**

Land Use Zoning:

The proposed development site is zoned as 'E1: Employment' with the stated land use zoning objective 'To provide for the development of enterprise and employment'.

Description: To facilitate the further development and improvement of existing employment areas and to facilitate opportunities for the development of new high quality employment and enterprise developments in a good quality physical environment.

Uses generally appropriate for employment zoned land include general and light industry, office uses, enterprise units, appropriate warehousing, petrol filling stations (as deemed appropriate), public transport depots, open space, community facilities, utility installations and ancillary developments for employment and industry uses in accordance with the CDP.

Other Relevant Policies / Sections:

Chapter 2: Overall Vision & Development Strategy:

Section 2.2.4: Economic Development and Employment:

Economic Development and Employment Strategy for Bray MD (incl.):

- To ensure sufficient zoned land is available in appropriate locations capable of facilitating the development of appropriate employment opportunities in accordance with the provisions of the County Development Plan. Maintain

existing, developed employment lands and resist changing the zoning or use of such sites, particularly to residential uses, except where local conditions can justify same. In such limited circumstances, employment providing development may still be required as part of the package of development including residential.

- To target that at least 50% of the required jobs growth in any town shall be in the town centre or existing developed employment sites and thereafter, to zone lands for new employment creation at the most optimal locations.
- Facilitate the provision of key infrastructure required for the future development of enterprise and employment.
- To prioritise the existing town centres as the core location for more intensive economic activity and job creation.

Chapter 4: Economic Development & Employment:

Section 4.1: Priority employment areas: Bray: Existing employment areas on Bray SCR, Boghall Road and Killarney Road.

E1: To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan.

E2: To normally require new employment generating developments to locate on suitably zoned land in settlements. Proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.

E3: To protect employment zoned land from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

E4: To encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the District and to consider allowing 'relaxation' in normal development standards on such sites to promote their redevelopment, where it can be clearly demonstrated that a development of the highest quality, that does not create an adverse or unacceptable working environment or create unacceptable impacts on the built, natural or social environment, will be provided.

Chapter 8: Infrastructure

R09: To promote and support the development of enhanced or new greenways at the following locations and require development in the vicinity of same to enhance existing routes and/ or provide new links:

- Bray- Swan River Kilruddery to Dargle River

Chapter 10

Specific Local Objectives (SLO)

SLO 6: Employment Lands Between Boghall Road and the Bray SCR.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 1.5km east of the site.
- The Bray Head Proposed Natural Heritage Area (Site Code: 000714), approximately 1.5km east of the site.
- The Dargle River Valley Proposed Natural Heritage Area (Site Code: 001754), approximately 2.1km west of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location in a built-up area of Bray outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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. The grounds of appeal can be summarised as follows:

- The zoning is appropriate for a service station.
- Report attached to appeal to address refusal 2(b) together with Drawing for internal roads layout.
- The design is considered to be contemporary and an improvement of Reg. Ref. 19/872.
- In order to address the concerns of the ABP Inspector under ABP Ref. 305798, the previously proposed food concessions have been removed, the size of the service station is reduced and the number of car parking spaces have been reduced. In addition, the provision of a fuel depot/vehicle servicing and maintenance building with ancillary retailing would satisfy the concerns in relation to employment.
- It is contended that refusal reason No. 1 represents a disingenuous response by the Planning Authority to the merits of the subject application whilst reasons Nos. 2 and 3 could have been addressed by way of a Further Information Request.
- The retail element is appropriate for the site and is intended to enhance the business atmosphere of the site by providing workers with convenient access to purchase food/drink and is ancillary to the permission granted under PA Reg. Ref. 19/872.
- Many examples are given of service stations on lands zoned as 'Employment/Enterprise.

6.2. Planning Authority Response

- None submitted.

6.3. Observations

- None submitted.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional, and national policies, I conclude that the key issues raised by the appeal are:

- Principal of Development
- Appropriate Use of Lands
- Design and Layout
- Appropriate Assessment

7.2. Principal of Development

7.2.1. The proposed development site is located on the southern side of Bray between the Boghall and Southern Cross Roads. The site is zoned E1: Employment in the Bray Municipal and District Local Area Plan 2018-2014. The objective for such zones is to provide for development of enterprise and employment. The overall site is also designated with a Specific Local Objective- SLO6. SLO6 describes the site as a significant development site that could add substantially to employment creation in the town. Any development on these lands shall accord with the following objectives:

- To accommodate the traffic movements generated by this zoning, the roads/ footpaths serving development on these lands shall access onto both Boghall Road and the Bray SCR;
- Any development on the southern part of the lands shall include landmark buildings, of the highest architectural quality, fronting onto the Bray SCR;
- In conjunction with the development of SLO9 adjacent, the development shall be so designed as to provide for a 'green route' link between Boghall Road and Bray SCR ('Swan River green route')

- 7.2.2. Chapter 10 of the Development Plan states that the lands in question comprise ‘a significant development site that could add substantially to employment creation in the town’.
- 7.2.3. The appeal considered that the previous reasons for refusal by the Board under ABP-305798-19 were addressed by the omission of the previously proposed food concessions, a reduction in parking, and an increase in electric charging points. In order to address the concerns regarding employment, the food concessions have been replaced with a fuel depot/vehicle servicing and maintenance building. It is proposed that the site will be developed in two phases with the development of the petrol station in the first instance and the fuel depot/ vehicle servicing building at a later unspecified date.
- 7.2.4. Uses generally appropriate for employment zoned lands include general and light industry, office uses, enterprise units, appropriate warehousing, petrol filling stations (as deemed appropriate). As such, whilst the principal of development allows the development of both the fuel depot/ vehicle servicing building and the petrol station, such uses must be deemed to be appropriate.

7.3. Appropriate Use of Lands

- 7.3.1. In this case, two main issues are raised in relation to the appropriate use of lands at this location. Firstly, in pre-planning discussions with the applicant, it was noted by the Council that Wicklow has limited scope for the provision of high quality employment and lands in Bray are considered to have the most potential people intensive industry. The Council considered that employment lands should be developed to their full potential.
- 7.3.2. The Planning Report considered that the development of the lands as proposed would represent an inefficient and inappropriate use of employment zoned lands for the following reasons:
- Bray, as Metropolitan Key Town (as designated under the Regional Spatial and Economic Strategy 2019-2031) has the potential to provide significant employment opportunities to support not only the settlement but the wider

area therefore the retention and efficient use of employment zoned lands within the settlement is considered to be of paramount importance.

- The subject site forms part of the employment lands with SL06. SL06 has been identified as a significant development site with potential to add substantially to employment creation in the town.
- The application site comprises c. 0.42 hectares of employment zoned land within SL06. The proposed development would result in these lands being developed to a plot ratio of c. 0.1, which is considered far below the development potential of the site. In addition, it is considered that given the nature of the proposed development that any future development potential for the site would be limited.

7.3.3. The planning report also raised concerns about the phasing plan. It questioned the need to phase the construction of the service station and fuel depot/ vehicle servicing and maintenance building as two separate units rather than a single unit with proposals to build the petrol station first and no details in relation to when the fuel depot/ vehicle servicing and maintenance building would be built. It states that the fuel depot/ vehicle servicing and maintenance building comprises the 'employment' element of the proposed development and the uncertainty in its delivery further undermines the suitability of the proposed development for location on these employment lands.

7.3.4. I note that this issue was also raised in the objection to the Planning Authority which considers that this phasing complicates matters and questions 'what is the intention behind this and why does this requirement arise'. I would share these concerns - the size and scale of the building does not in my view merit such a phased approach and given that Phase B is specifically included in the proposal as stated in the appeal 'to increase the extent of employment generating uses on site' and to address the reason for refusal by the Board, its future development needs to be clearly set out. Should the Board be minded to grant permission, a condition could be included to require both Phase A and Phase B to be developed at this same time.

7.3.5. In my view, the size of the building now proposed – 438m² is effectively the same as that previously proposed under ABP 305798-19 – 467m². The change from the food outlets to a fuel depot/ vehicle servicing and maintenance building appears to be an

attempt to provide employment on the site and address the previous reason for refusal in relation to diverting trade from the designated neighbourhood centres within the settlement. I note that there is no change to the retail element of the petrol station at 99m² is just under the 100m² floorspace cap set out in Section 4.11.9 of the Retail Planning Guidelines for Planning Authorities, 2012. The appeal notes that the retail element is principally intended to enhance the business atmosphere on the site by providing workers with convenient access within which they can purchase food and drink. I would question the need for retail services of the scale proposed on this site when a very large supermarket has recently opened in close proximity to the site and a neighbourhood centre has been granted permission adjacent to same.

- 7.3.6. It is a key objective of the Bray Municipal District Local Area Plan under E1 to support all forms of employment, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and all other objectives of the plan. Bray has suffered from loss of employment over many years and has high numbers of people commuting out of the area for employment purposes. The long term impacts of Covid 19 are somewhat unknown at present, but it seems that there may be additional pressure to have places of employment closer to where people live and reduce commuting times. I note that a strategic housing development is currently under construction in very close proximity to the site and this will no doubt increase the desire for employment in close proximity to housing. The Council have outlined that employment zoned lands are very limited in the area and it is important that such lands are utilised to their full in an efficient manner in my view. The development of a service station at this location is very land intensive and I would agree with the Planning Authority that it would contravene Objective E3 – ‘To protect employment zoned lands from inappropriate development that would undermine future economic activity or the sustainable development of such areas.’

7.4. Design and Layout

- 7.4.1. The overall site is designated with a Specific Local Objective- SL06. It is an objective of SL06 that ‘Any development on the southern part of the lands shall include landmark buildings, of the highest architectural quality, fronting onto the Bray SCR.’

- 7.4.2. I would accept that the nature of use proposed to a degree influences the approach to design. In this regard the proposal provides for a filling station which would have requirements in relation to circulation of vehicles and the operation of accommodating vehicles for purchasing fuel. I would however also note that section Appendix 1 of the Wicklow County Council Development Plan specifically requires petrol stations to have a high standard of design.
- 7.4.3. Whilst minimal changes have been made to the design since the previous application, I consider that the design is of a very standard nature for a service station. Furthermore, I consider that the development proposed would provide a poor standard of design by reason of its low density and architectural design and overall layout. The frontage of one of the main approach roads to Bray would be dominated by a service station and forecourt rather than a landmark building of high architectural quality as required by the Specific Local Objective. This is a prominent site, adjacent to a number of developments of a high architectural quality including a strategic housing development, a neighbour centre and supermarket, and an Enterprise Park and it is my view that the proposed development fails to achieve a high quality of urban design and a streetscape with a strong urban character at this key location.
- 7.4.4. I would also share the concerns raised in relation to the layout and design raised in the observation submitted to the Planning Authority. It is considered by the observation that the operation of the fuel depot/vehicle servicing appears not to be very well thought out, including in terms of parking and access arrangements, particularly for larger vehicles. The impacts of such arrangements on the movement of pedestrians between parking areas at the northern end of the site to the main amenity building also merit close assessment and would appear to lead to conflicts, as do the single access exit and entrance arrangements for car movements internally. The Inspector in the previous application on the site had concerns in relation to the overall legibility of traffic movement. It raised concern in relation to the one way system proposed. It stated that due to the elongated nature of the site, potential difficulties arise due to the siting of the car wash facility and services area south of the proposed entrance and forecourt area and the likelihood that vehicles may seek to exit the site via the entrance and forecourt area rather than negotiating the forecourt etc. I am of the view that this arrangement is impractical and may

indeed lead to customers using the entrance for exit after use of the car wash facility. The alternative may be to provide the car wash to the rear of the site closer to the exit and replace the area to the front with car parking but I would have concerns that this would be undesirable in terms of requiring additional pedestrian movements through the forecourt area and also from a visual perspective in terms of the prominent location of the site on the Southern Cross Road. Concerns were also raised by the Inspector under ABP-305798 in relation to the need to ensure safe movement of pedestrians through the site. The planning report also raised concerns in relation to the design and layout including the car wash area, excessive car parking, turning movements for vehicles parking at pumps and the practicality of the one way system proposed which may lead to customers exiting the site at the entrance rather than the entrance.

7.4.5. I note that Refusal Reason 2b of the Planning Authority considered that the applicant had failed to demonstrate that the layout of the proposed development, particularly the proposed car wash, service area and parking area to the south of the proposed service station, would not result in conflicting traffic and pedestrian movements. A drawing is attached to the appeal which shows the designated pedestrian route. Notwithstanding this, I would still have concerns in relation to both pedestrian and traffic safety on the site.

7.4.6. Overall, I am not satisfied that the proposed development provides a high standard of overall design or that the design and layout of the proposed development has adequately considered the safety of traffic and pedestrians. I note that there are inherent difficulties with the elongated and restricted nature of the site and the developer is trying to fit the development proposed into a somewhat confined area. The difficulties associated with the limited area and the design and layout have not been adequately addressed by revised proposals submitted in this application. This is a prominent location where design is critical and the Specific Local Objective requires that any development on the southern part of the lands shall include landmark buildings, of the highest architectural quality, fronting onto the Bray SCR. Appendix 1 of the Development Plan specifically requires that new petrol stations will be required to have a high standard of design. I consider that the proposed development would provide a poor standard of urban design that would be inappropriate and of substandard quality in terms of its presentation to the public

realm, and would set an unwelcome precedent for development along the Southern Cross Road on one of the main approaches to the town of Bray.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in an established, serviced, suitably zoned urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to:

- a. The location of the site within the development boundary of Bray town on lands zoned as 'E1: Employment' and identified as a key development area by SLO 6: 'Employment Lands Between Boghall Road – Bray SCR' of the Bray Municipal District Local Area Plan 2018-2024.
- b. The low density of development which represents an inefficient use of lands zoned for employment.
- c. The proposed phasing of the development which proposes the development of the service station in the first instance with no clarity in relation the proposed development of the single storey fuel depot/ vehicle servicing and maintenance building.
- d. The nature, scale and design of the development.

It is considered that the proposed development would represent an inappropriate and inefficient use of these E1 employment zoned lands, would be contrary to Objective E3 which requires the protection of employment zoned lands from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

2. Having regard to the zoning of the site as E1 in the Bray Municipal District Local area Plan 2018-2024, together with the Specific Local Objective – SL06 which requires that any development on the southern part of the lands shall include landmark buildings, of the highest architectural quality, fronting onto the Bray SCR., it is considered that the proposed layout, service station and forecourt design, prominent nature and visibility of car parking and a car wash area from a main approach road to Bray, and the lack of appropriate urban design and built form fails to have a high standard of design in accordance with the Specific Local Objective and Appendix 1 of the Wicklow County Council Development Plan 2016-2022. The proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the overall design and layout of the proposed development on this restricted and elongated site, including the inadequate parking space for large vehicles, and the location of the car wash facility which could lead to undesirable traffic movements on the site, it is considered that the proposed development would result in potential conflicts with pedestrian, vehicular, and cycle movements. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

Emer Doyle
Planning Inspector

7th of July 2021