

An
Bord
Pleanála

Board Order
ABP-311594-21

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 21/873

Appeal by Ronan O’Caoimh care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 10th day of September, 2021 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: The amalgamation of the previously permitted units and for the change of use of the existing retail use permitted under planning register reference number 10/2013 to use as a restaurant for use as a wood-fired pizza bakery for the sale of hot food for consumption on and off the premises (184 square metres), for proposed external signage and for all site services above and below ground, including connections to existing services and for all associated site development works, all at existing unit adjoining Aldi Food Store, Mill Road, Greystones, 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 proposed development is located in an area zoned 'neighbourhood centre' as set out in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 with the objective 'to protect, provide for, and improve a mix of neighbourhood centre services and facilities, which provide for the day-to-day needs of the local community'. Having regard to the nature of the site, as part of an existing permitted commercial use on appropriately zoned land, and the temporary nature of the nearby educational uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not contravene objective CPO 10.14, as set out in the Wicklow County Development Plan 2022-2028, to restrict the location of fast-food outlets relative to educational use as the exclusion does not apply to premises zoned 'neighbourhood centre'. The proposed development would, therefore, be in accordance with the Greystones-Delgany and Kilcoole Local Area Plan and the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

4. Details of all external shopfronts 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.

5. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

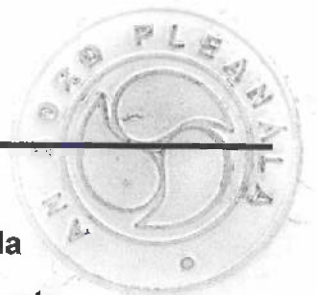
8. A plan for the management of waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. 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 the 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 the Board 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.



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



Dated this *24th* day of *January*, 2023.