



An
Bord
Pleanála

Inspector's Report

ABP-320215-24

Development

Retention of use of the building as a café and ice-cream booth with associated external seating areas; planning permission is also sought for the relocation of the pedestrian access from Kimberley Lane to the Marine Road boundary of the site, the fitting of glass protective balustrades to the local boundary walls and associated redesign and reduction of the existing external seating areas along with new screening landscaping all as indicated on the drawings.

Location

1 Marine Road, Rathdown Lower, Greystones, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

2360347

Applicant(s)

Tiglin Challenge.

Type of Application

Retention Permission and Permission.

Planning Authority Decision

Grant Retention Permission and Permission.

Type of Appeal

Third Party.

Appellant(s)

Brian and Darbhaile Connell.

Observer(s)

None.

Date of Site Inspection

7th February, 2025.

Inspector

Aiden O'Neill.

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 - AA Screening Determination

1.0 Site Location and Description

- 1.1. The proposed development site, c. 0.039ha in area, is located in the grounds of Carraig Eden aftercare centre, also operated by the applicant, in the town centre of Greystones, accessed via Marine Road and Kimberley Lane (pedestrian access). A stone wall bounds the site to Marine Road and Kimberley Lane.
- 1.2. The site comprises a single-storey structure in use as a café, named 'Rise at the Cove', and a separate adjoining single-storey ice-cream booth, signage, including roof signage, north and south patio areas comprising external seating, external landscaping, additional seating areas, and planters separating the site from the adjacent hardstanding area which is used for car parking. The structure to be retained is stated to be 46.95m². The applicant is not the owner of the site. The owner is stated to be Wicklow County Council. The applicant is a registered charity.
- 1.3. A separate sauna container operated by the applicant is located to the north of café and ice-cream booth, and does not form part of the proposed development to be retained (retention permission for the sauna was granted in July, 2024). Carraig Eden is located to the west.
- 1.4. There is a Part 8 permission in place for a 3-storey 14-unit age-friendly development on the hardstanding area to the east of Carraig Eden.
- 1.5. Marine Road is to the east, Kimberley Lane is to the south. On the opposite side of the road is 'the Cove' which is a popular swimming spot for locals and visitors. The expansive Greystones beach is located further to the south. Marine Road has a footpath on both sides and a dedicated cycle lane on the side facing the beach.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention of the use of the building as a café and ice-cream booth with associated external seating areas; planning permission is also sought for the relocation of the pedestrian access from Kimberley Lane to the Marine Road boundary of the site, to be characterised by a 2.78m concrete arch with recessed lettering, the fitting of glass protective balustrades to the local boundary walls and associated redesign and reduction of the existing external

seating areas along with new screening landscaping all as indicated on the drawings.

2.2 The application is accompanied by a letter from the applicant in which it is explained that the existing building was previously used as tearooms associated with the former use of Carraig Eden as a guesthouse. It was seen as an ideal space for a social enterprise cafe, where sea swimming locals could interface with Tiglin residents in a non-contrived manner, which became something of a hub during COVID. the coffee shop opens at 7am and that early opening time is required due to the popularity of sunrise sea swimmers.

2.3 The FFL of the existing café is 8.72mOD and the ridge height is 11.99m.

2.4 An orchard garden and associated benches, ramp and bin store to the south-west of the café building was originally proposed as an interim noise mitigation measure pending the implementation of the permitted Part 8 scheme, but this was removed in response to the Request for Further Information to avoid overlap with the Part 8 scheme.

2.5 The café is connected to public services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission on 25th June, 2024 subject to 3no. conditions.

Condition no. 2 stated that the hours of operation shall be between 07:00 to 19:00 daily, to protect the amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Executive Planner dated 27th November, 2023 notes that the use is acceptable in this town centre zoned location. The facility is in line with objectives to promote facilities for tourism and recreation.

- The building is a modest sized, simple traditional design with low roof, ground to ridge height of 3.32 and finished in render. It is largely hidden behind the existing boundary wall and not highly visible from the coastal road and paths along Marine Road. Existing signage does not significantly undermine visual amenity or heritage value.
- The development is acceptable on visual grounds and would not compromise the listed prospect or built heritage including the ACA in the area.
- The café currently operates Monday to Sunday 7am to 4pm. It is sought to extend the hours of operation to Monday to Sunday from 7am to 7pm [This is not specifically stated in the notices].
- It is stated that Wicklow County Council has recently consented via Part 8 for age friendly apartments on the site, subject to alterations to the private open space for proposed unit 3 in order to provide the café with additional space to the front and north.
- It is stated that, in comparing the site layout drawings, the two developments overlap and conflict. If permission is granted, it is a matter for the applicant to comply in full and cherry picking of individual elements of a permission is not permitted. Failure to comply with a permission would be an enforcement issue. Similarly, if the apartment scheme is to progress, it is a matter for WCC to ensure that the development is in accordance with that proposed under the Part 8. The subject application does not refer to the Part 8 development and additional information can be sought to highlight this issue.
- The applicant is proposing opening times from 7am to 7pm Monday to Sunday. Third parties have raised issues in relation to noise and disturbance, particularly raising issues with the noise before 7am. In this regard, having regard to the town centre location, the size and scale of the coffee shop and the introduction of design measures including planting and orchard area, screening and closure of the Kimberley Lane pedestrian access, it is considered that the proposed opening times are acceptable. A condition can be attached.

- It is proposed to block up the exiting pedestrian entrance to Kimberley Lane and reinstate the boundary to match the existing wall. This is acceptable. It is proposed to construct a new pedestrian entrance. The new concrete arch, steps and path is acceptable on visual grounds. The new entrance is served by an existing footpath.
- There is satisfactory provision of on street parking in the area. The facility should provide cycle parking for customers and staff at an accessible location. Additional information can be sought.
- Further Information was requested on 30th November, 2023 and a response was received on 29th May, 2024.
- The Executive Planner's report dated 17th June, 2024 on the response to the RFI states that the revised layout illustrates that there remains conflict between the layouts of the permitted WCC development and the subject proposal, for example cycle parking, landscaping, bins etc intrude on private open space for ground floor unit no. 1. It is noted that there is insufficient time to seek further clarification. However, it is considered that the layout proposed in this subject application is acceptable in principle.
- It is proposed to now retain the pedestrian access from Kimberley Lane, although the layout drawing still shows the new opening to Marine Road. It is considered that the proposed access arrangements are acceptable, as both access points are for pedestrians. The retention of the Kimberley Lane access was permitted under the Part 8 proposal which accounted also for the operation of the café. Therefore, it has already determined that this is acceptable. Kimberley Lane operates as a shared surface for both a small number of slow moving cars and also pedestrians.
- This is a small café at a coastal location in a town centre location. Hours of operation relate to coffee shop use. Any noise resulting from customers must be considered in the context of the small size, the town centre, coastal location, and proposed hours of operation.

- A letter from Director of Service, WCC states that WCC has no objection to the inclusion of lands in the registered ownership of WCC shown in red in the planning application.
- The Executive Planner's report is the basis for the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

The Transportation, Water and Engineering Services report of 20th October, 2023 stated that there no observations to make.

The Fire Officer's report of 29th November, 2023 stated that the development requires the submission of a fire safety certificate application and disability access certificate application, and that adequate firefighting water supply of 500 litres per minute from a minimum 100-mm diameter main with any one hydrant within 45 metres of all individual building was required.

3.3. Prescribed Bodies

Uisce Éireann made a submission during the original period and in response to the Further Information to state it had no objection.

3.4. Third Party Observations

There were 14no. submissions on the file, including those received on the original application and the response to the RFI, of which 11no. submissions are in support of the proposed development.

4.0 Planning History

The planning history of the proposed development site is as follows:

23/60366: retention permission for a sauna container room experience all as indicated on the drawings was granted on 30th July, 2024. This is located to the north of the café building to be retained. In this application, the planner noted that if the site is developed into the future for the [Part 8] apartment scheme, it would be a

matter for WCC to ensure that the development is in accordance with that permitted under the Part 8.

23/60337: retention permission for a sauna container room experience all as indicated on the drawings. Application withdrawn.

23/60341: retention permission for the use of the building as a café and ice cream booth with associated external seating areas. Application withdrawn.

22/8: Part 8 application to construct 14 no. one bed age friendly apartments over three storeys with associated works. This was approved on 26th April 2023, subject to modifications relating to windows / balcony, and that the private open space for proposed unit no.3 adjacent to the café is to be reduced to the minimum size requirements and the garden to be used in order to provide the café with an increased area at their front and to the north of the café

5.0 Policy Context

5.1. Development Plan

The applicable Plan is the Wicklow County Development Plan 2022-2028.

Greystones – Delgany is identified as a Level 3 Self-Sustaining Growth Town in the Core Region of the County.

CPO 5.1 seeks to protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes.

CPO 5.2 seeks to protect and increase the quality, vibrancy and vitality of town and villages centres.

CPO 5.6 sets out the regeneration and renewal priorities for Greystones-Delgany.

CPO 5.7 seeks to harness and integrate the special physical, social, economic and cultural value of built heritage assets.

CPO 7.3 To support and facilitate the delivery and improvement of community facilities in accordance with the 'Hierarchy Model of Community Facilities' prepared

under the Development Levy Scheme (under Section 48 of the Planning and Development Acts) (as set out on Table 7.1 of this chapter).

In heritage terms, it is noted that, by reference to Map No. 08.03C of Volume 1 of the Wicklow County Development Plan 2022, the site is located in the Greystones Harbour ACA. CPO 8.22 states that the design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. There are 2no. Protected Structures in the vicinity of the proposed development site, and Carraig Eden building is listed on the NIAH. There is also a protected view – P1 – seaward from Marine Road.

CPO 11.1 To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.

CPO 11.2 To ensure that all tourism and recreation developments are designed to the highest quality and standards.

CPO 11.3 To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable.

In Map A and by reference to Table 11.1, of the Greystones- Delgany and Kilcoole Local Area Plan 2013, the site is zoned TC Town Centre.

Policy Objective RT2 seeks to provide for the development of a mix of uses within Greystones town centre.

TOUR1: To promote and facilitate the sustainable development of tourism and recreation related development within the overall plan area at appropriate locations.

TOUR2: To promote the development of tourism and recreation related developments in a sustainable manner at suitable locations that are of an appropriate scale and design.

By reference to Map C, the site is not located in a flood zone.

5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

N/A.

5.3. Natural Heritage Designations

Bray Head SAC (Site Code: 000714) and Bray Head pNHA (Site Code: 000714) located c. 1.37km to the north of the proposed development site.

5.4. EIA Screening

5.4.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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 from the requirement to undertake EIA or a preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The Third Party appeal sets out the following grounds. It is accompanied by a copy of the Existing and Proposed Site Layout Plan of the Part 8 scheme, and a Site Plan of a previous WCC scheme for Carraig Eden.
- Conflict between the Wicklow County Council's Part 8 apartment block and the subject application:
 - WCC clearly states in its RFI that the Part 8 and the subject application proposals overlap and conflict. It would be a matter for the applicant/developer to implement the permission in full and 'cherry picking' of individual elements would not be possible. It was further states that there is insufficient time to seek further clarification.
 - The subject proposal cannot be implemented in full when the Part 8 scheme proceeds. WCC intends to proceed with the scheme, therefore the proposed development should be rejected.
 - The decision to grant permission without seeking clarification is unacceptable and the proposal has not been fully investigated.

- Unauthorised access from Kimberley Road:
 - The retention of the Kimberley Lane access was permitted under the Part 8.
 - This access was not shown on a previous WCC application for the site.
 - The pedestrian access does not have planning permission and was not assessed under the Part 8 application as it was deemed existing.
 - This issue was also not fully investigated and should be rejected.
- Noise:
 - From the time the café opened, the primary concern was noise, and this has been subject to numerous complaints to WCC and management of the café.
 - The proposed 2no. measures to reduce noise include acoustic screens on the walls and an orchard garden. The latter was subsequently removed in the revised plans.
 - The gathering of groups of people at the café generates noise from 7am.
 - The Development Plan states that noise should be minimised. In noise sensitive locations a study may be required to identify impacts and associated mitigation.
 - Noise arising from employment development should not exceed 55dB(A) L_{eq} (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours Monday to Saturday inclusive, excluding public holidays, when measured along any point along the site boundary. At other times, noise should not exceed 45dB(A) L_{eq} (1 hour).
 - The planner's assessment that any particular noise and disturbance associated with the development can be accommodated is not acceptable. Measures to monitor and assess the level on ongoing noise should be implemented. Ongoing reviews of the measured noise should be instigated to ensure that the noise generated does not impact on neighbouring homes.

- Permission should be rejected or the operating hours should be restricted to 9am-6pm and a maximum noise level of 45dB should be imposed and noise levels regularly monitored.

6.2. Applicant Response

- A response was received on 12th August, 2024 from the applicant's agent, O'Keeffe Architects, also accompanied by a copy of the Existing and Proposed Site Layout Plan of the Part 8 scheme, which notes the following:
- Conflict between the Wicklow County Council's Part 8 apartment block and the subject application:
 - There is no conflict between the WCC Part 8 scheme and the proposed development. This was addressed in the response to the RFI.
 - The original proposals only overlapped with the Part 8 in respect of the landscaping associated with the café. It is not clear when the Part 8 will proceed, therefore, the proposed development included an interim 'Orchard Garden' to provide additional screening. This was removed in response to the RFI to avoid overlap of the Part 8 scheme. However, this could be implemented and removed if the Part 8 scheme progressed.
 - The revised landscaping plan proposes no impediment to the development of the Part 8 scheme. When developed, the Part 8 scheme will provide further screening and noise mitigation.
 - It was within the power of WCC to request an extension of 3 months to address any further clarification. It is noted that the planner's report states that it is considered that the layout proposed is acceptable in principle.
- Unauthorised access from Kimberley Lane:
 - The Part 8 application includes the retention of the existing pedestrian access from Kimberely Lane.
- Noise:
 - The grant of permission took into consideration the residential amenity of the area and also the town centre location of the development. The

seating for the café is all along the Marine Road boundary, which is beside the coastal walk and popular beaches for swimming, etc. It is a very busy and active part of the town and has always been so. The COVID 19 pandemic resulted in increased popularity of outdoor activities. The popularity of the café is a naturally occurring consequence of this uplift in outdoor pursuits. The café is a very minor support service to the already busy seafront.

- The third party has complained about noise previously, and the café has made efforts to address concerns by moving the location of the sauna. The third party's residence is set back c. 30m from the Marine Road and is adjacent to a number of other amenities. The coastal walking trail directly outside is also very popular. The noise of the waves crashing also adds to the seaside sound profile.
- The café operators have received many endorsements of their business as observations on the planning application. The application proposed 2no. additional noise mitigation measures – acoustic screens and provision of an Orchard Garden.
- There are no noise conditions attached to the decision of WCC, and the applicant considers the proposed hours of operation to be reasonable.

6.3. Planning Authority Response

- An email response dated 22nd July, 2024 states that WCC has granted permission with 3no. conditions, that no EIAR or NIS was submitted and that it is a normal planning application.

6.4. Observations

- None on file.

6.5. Further Responses

- None on file.

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

7.2. The main issues are as follows:

- Alignment between the Part 8 scheme and the proposed development
- Pedestrian Access from Kimbereley Lane
- Noise

7.3. Alignment between the Part 8 scheme and the proposed development

7.3.1 The principal appeal issue relates to a conflict between the Part 8 apartment scheme approved by WCC for the grounds of Carraig Eden, and the proposed development.

7.3.2 The Part 8 scheme is to be located on the grounds between Carraig Eden (including the demolition of an existing single-storey building adjacent to Carraig Eden) and the café and ice cream booth. This hardstanding area is currently used as a shared car parking resource between both uses, although it is not the only car parking resource on the grounds of Carraig Eden, and, as pointed out by the Planning Authority, there is on-street car parking available.

7.3.3 The issue of a conflict and overlap was raised as an RFI item by the Executive Planner, notwithstanding that the Part 8 apartment scheme was approved subject to alterations to the private open space for apartment no. 3 in order to provide the café with additional space to the front and north.

7.3.4 It is clear from the Proposed Site Plan for the Part 8 scheme, attached to the appeal and the applicant's response to the appeal, that the Part 8 scheme provides for the retention of the existing building that the café occupies.

7.3.5 It is also noted that the Part 8 scheme was approved subject to alterations to provide the café with additional space to the front and north.

7.3.6 It is, therefore, evident that the Part 8 scheme not only contemplates the existing café use, but also includes provisions to address the alignment of both uses, which

will be considered further at the detailed design stage of the Part 8 scheme prior to implementation.

- 7.3.7 I note that the Executive Planner's report on the response to the RFI on this issue commented that there remains a conflict in relation to matters such as cycle parking, landscaping and bins. However, the Proposed Site Plan submitted in response to the RFI would appear to result in minor, if any, impacts on these aspects of the external layout for the proposed café and ice cream booth development.
- 7.3.8 In any event, any modifications that may be required at detailed design stage of the Part 8 scheme are likely to be not significant in nature, such that they can be accommodated within the overall scope of the Part 8 permission, and, equally, will not require any significant amendment to the proposed café and ice cream booth development.
- 7.3.9 I also note that the Executive Planner concluded that the layout of the is acceptable in principle.
- 7.3.10 I also note that the permitted Part 8 layout may require the relocation of the permitted sauna container (application register reference 23/603660, but in that application, the planner noted that if the site is developed into the future for the [Part 8] apartment scheme, it would be a matter for WCC to ensure that the development is in accordance with that permitted under the Part 8.
- 7.3.11 In this context, I see no reason to refuse permission for the proposed development in relation to any potential conflict between its layout and the layout of the approved Part 8 scheme.
- 7.4 Pedestrian Access from Kimberly Lane
- 7.4.1 The appeal also raises concerns about the planning status of the pedestrian access from Kimberly Lane.
- 7.4.2 It is clear from the Existing and Proposed Site Layout Plan of the Part 8 scheme provided by both the appellant and the applicant that the existing pedestrian entrance onto Kimberly Lane forms part of the approved Part 8 scheme. This was endorsed by the Executive Planner, who also raised no concerns about pedestrian safety along Kimberly Lane. No objection was also raised by the Roads Department of WCC.

- 7.4.3 The addition of the proposed pedestrian entrance from Marine Road will further ensure good permeability to the site, both in terms of the café and ice cream booth, the sauna, and the Carraig Eden facility, and the future apartment scheme.
- 7.4.4 It is noted that the new access includes a concrete arch, which the Executive Planner considers to be acceptable on visual grounds and having regard to the location of the site in the Greystones Harbour Architectural Conservation Area. I would concur with this.
- 7.5 Noise
- 7.5.1 The appeal raises concerns about noise impacts arising from the café use to be retained.
- 7.5.2 The Executive Planner also noted the small scale of the café, and that any noise impact must be considered in this context, and in the context of its town centre, coastal location, as well as the proposed extended day time hours of operation.
- 7.5.3 While I note that the notices did not expressly identify a proposed amendment to the hours of operation, I would concur with the Executive Planner and the applicant that the town centre location of the use and the proximity to the coast and existing walkways/cycleways are relevant factors that merit consideration in the acceptability of the noise impacts of the small-scale use to be retained at this site.
- 7.5.4 In this context, the existing hours of operation, 7 days, from 7am-4pm, and the proposed additional 3 hours of operation, from 4pm to 7pm, are not likely to give rise to any significant noise impacts that require specific noise mitigation measures. Indeed, it is noted that the hours of operation for the adjacent permitted sauna container are from 7am-10pm daily May to September inclusive and 7am-9pm daily October to April inclusive, and these are considered to be suitable to protect residential amenities. Hours of operation as set out in the application will be conditioned, in the event that the Board is minded to grant planning permission.
- 7.5.5 I note that the applicant proposed the Orchard Garden as an interim noise mitigation measure pending the implementation of the approved Part 8 scheme, however, I do not consider this to be necessary.
- 7.5.6 I note that the applicant proposes the fitting of glass protective balustrades to the local boundary walls as a noise mitigation measure. I have reviewed the application

materials and note that there is a reference on the Proposed Contextual Elevations drawing PP-11 to a proposed new frameless glass screen to top of existing boundary wall, to finish c. 550mm above the top of the existing wall. However, the screen is not evident on the drawing. Noting the location of the site in the Greystones Harbour ACA, I recommend the attachment of a condition requiring the submission of revised drawings of the balustrades for the written agreement of the Planning Authority prior to the commencement of development, in the event that the Board is minded to grant planning permission.

7.5.7 In concluding that no further noise mitigation measure is necessary, I note the permission to retain the existing sauna container without the requirement for noise mitigation, which endorses the suitability of this location for these types of uses, and general acceptability in amenity terms.

7.5.8 I have also have had regard to the level of support for the café use received during the planning process.

7.5.9 I also note that the building for which the café and ice cream booth is proposed to be retained was a former tea rooms.

7.5.10 I therefore see no reason to reject the application on noise grounds.

8.0 AA Screening

8.1 I have considered the permission for retention of use of the building as a café and ice-cream booth with associated external seating areas; planning permission is also sought for the relocation of the pedestrian access from Kimberley Lane to the Marine Road boundary of the site, the fitting of glass protective balustrades to the local boundary walls and associated redesign and reduction of the existing external seating areas along with new screening landscaping all as indicated on the drawings in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The Bray Head SAC (Site Code: 000714) and Bray Head pNHA (Site Code: 000714) are located c. 1.37km to the north of the proposed development site.

The proposed development consists of the retention of use of the building as a café and ice-cream booth with associated external seating areas; planning permission is also sought for the relocation of the pedestrian access from Kimberley Lane to the Marine Road boundary of the site, the fitting of glass protective balustrades to the local boundary walls and associated redesign and reduction of the existing external seating areas along with new screening landscaping all as indicated on the drawings on a site at 1 Marine Road, Rathdown Lower, Greystones, Co. Wicklow.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location and distance from nearest European site and lack of connections
- Taking into account the Screening Report and Determination by Wicklow County Council.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission for the development be granted for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the site's location, the established uses within the subject site and nature and scale of the development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity and would be

acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20th October, 2023 as amended on 29th May, 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 development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Revised drawings illustrating the glass protective balustrades to the boundary walls are to be submitted to the Planning Authority for agreement prior to the commencement of development.</p> <p>Reason: In the interests of orderly development, and to protect the heritage and visual amenities of the area.</p>
3.	<p>The hours of operation shall be between 07:00 to 19:00 daily.</p> <p>Reason: To protect the amenities of the area.</p>
4.	<p>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</p>

	<p>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.</p> <p>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.</p>
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Relevant Policies

Wicklow County Development Plan 2022-2028

In the Settlement Hierarchy (Table 3.3) of the Core Strategy of the Wicklow County Development Plan 2022, Greystones – Delgany is a Level 3 Self-Sustaining Growth Town in the Core Region of the County. A Self-Sustaining Growth Town is defined as one with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

Chapter 5 of the Plan sets out the policies for placemaking and regeneration in the County's town centres.

CPO 5.1 seeks to protect and maintain the viability of town and village centres, target the reversal of decline and deliver sustainable reuse and regeneration outcomes.

CPO 5.2 seeks to protect and increase the quality, vibrancy and vitality of town and villages centres by promoting and facilitating an appropriate mix of day and night time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to control uses that may have a detrimental impact on the vitality of the streetscape and the public realm.

CPO 5.6 sets out the regeneration and renewal priorities for Greystones-Delgany, to include:

- Capitalise on the potential of underutilised sites and brownfield sites to deliver compact growth, new economic opportunities and to strengthen the Greystones urban structure. The lands around the Council's office, park and ride site and former depot are a key public asset which should be the focus of any regeneration proposals. Redevelopment of this site should retain and enhance the existing public amenities including Council offices, playground and car parking and incorporate high intensity mixed use development.
- The Greystones Public Realm Plan identifies a number of opportunities to improve the public realm, improve permeability and public safety, improve access to the sea for recreational purposes, develop an events space, harness the potential for renewable energy to power public lighting and smart

street furniture, enhance green space and biodiversity and harness the town's heritage potential.

- Strengthen and revitalise the urban structure of Delgany, harnessing its unique heritage and environmental assets. Address dereliction and underutilised sites to deliver compact growth and revitalise the town centres.

CPO 5.7 seeks to harness and integrate the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive reuse, recognising its important contribution to placemaking. New development should respect and complement the historic fabric of existing towns and villages – the traditional street patterns, plot sizes, mix of building types, distinctive paving and attractive street furniture.

CPO 8.22 states that the design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:

- Proposals will only be considered where they positively enhance the character of the ACA.
- The siting of new buildings should, where appropriate retain the existing street building line.
- The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.
- Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing, chimneys, entrances and boundary walls, both within and outside the architectural conservation area, should be retained where possible.

- A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.
- The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.
- Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from, the attributes of the ACA.

Greystones- Delgany and Kilcoole Local Area Plan 2013

In Map A and by reference to Table 11.1, of the Greystones- Delgany and Kilcoole Local Area Plan 2013, the site is zoned TC Town Centre, which seeks to protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas.

Policy Objective RT2 seeks to provide for the development of a mix of uses within Greystones town centre, including retail, service and commercial outlets, and complementary leisure, entertainment, cultural and community facilities, to a degree that is akin to its designation as a Level 3 town centre.

TOUR1: To promote and facilitate the sustainable development of tourism and recreation related development within the overall plan area at appropriate locations. Tourism and recreation related development shall be located on suitably zoned land within the settlement boundaries of GreystonesDelgany and Kilcoole. Applications for tourism and recreation related developments on zoned land outside the settlement boundaries (e.g. greenbelt lands), shall be determined on the basis of policies that apply to the rural area, as set out in the Wicklow County Development Plan, and in particular, TR4 of the current County Development Plan.

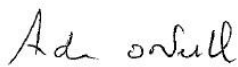
TOUR2: To promote the development of tourism and recreation related developments in a sustainable manner at suitable locations that are of an

appropriate scale and design. It is an objective of the Council to particularly promote tourism and recreation related developments that are associated with / which provides access to / which increase awareness of the following tourism products or themes:

- (i) The area's coastal amenity, including the existing cliff walk, Greystones harbour and marina, the former medieval settlement at Rathdown, and Kilcoole marshes, linking the Murrough and the East Coast Nature Reserve near Newcastle,
- (ii) Kindlestown Wood and local recreational trails linking it with Glen of the Downs Nature Reserve,
- (iii) Delgany Heritage Trail,
- (iv) Early Christian, Medieval, Victorian and Edwardian built heritage, (v) Golfing,
- (v) Entertainment / cultural venues, e.g. restaurants, craft shops, art galleries, family entertainment venues etc.

By reference to Map C, the site is not located in a flood zone.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Aiden O'Neill
Planning Inspector

9th February, 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320215-24		
Proposed Development Summary	Retention of use of the building as a café and ice-cream booth with associated external seating areas; planning permission is also sought for the relocation of the pedestrian access from Kimberley Lane to the Marine Road boundary of the site, the fitting of glass protective balustrades to the local boundary walls and associated redesign and reduction of the existing external seating areas along with new screening landscaping all as indicated on the drawings.		
Development Address	1 Marine Road, Rathdown Lower, Greystones, Co. Wicklow.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Tick if relevant and proceed to Q2.
		No √	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: *Adan Sull* 9th February, 2025

_____ Date: _____

Appendix 2 - AA Screening Determination Test for likely significant effects

AA Screening where no screening report was submitted, and no significant AA issues arise.

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics Case file: ABP-320215-24				
Brief description of project	Normal Planning appeal Retention of use of a building as café and ice cream booth, 1 Marine Road, Rathdown Lower, Greystones, Co. Wicklow See section 2.0 of inspectors Report			
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is located in the town centre of Greystones. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.			
Screening report	No Wicklow County Council screened out the need for AA.			
Natura Impact Statement	No			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
Bray Head SAC (Site Code: 000714)	Sea cliffs, dry heath (2 x habitats) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000714.pdf NPWS, 2017	1.37km	No direct connection	Y
¹ summary description / cross reference to npws website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N Further Commentary / discussion Due to the location of the development site and the distance between the site and the nearest designated site, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.				

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites
AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site Bray Head SAC (Site Code: 000714) Vegetated Sea Cliffs [1230] Dry Heath [4030]	Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Bray Head SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from the nearest European site

9th February, 2025

Ad. O'Neill

Inspector: _____ **Date:** _____