

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 15/255**

An Bord Pleanála Reference Number: PL 09.245564

**APPEAL** by Alan Nolan care of Falcondale Properties Limited of Lower Main Street, Newbridge, County Kildare against the decision made on the 21<sup>st</sup> day of September, 2015 by Kildare County Council to grant subject to conditions a permission to Sophie Wu care of Derek Whyte of Great Connell, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A development consisting of: (A) The construction of a single storey side and rear extension, (B) the re-opening of existing blocked up doors and windows onto Robert Street at ground floor level, (C) change of use of existing ground floor level for a sit down family restaurant with ancillary takeaway services, coffee bar area located in the original Arch Bar window, construction of internal kitchen, food preparation and food storage rooms, staff and customer toilet facilities, (D) the use of a portion of the first floor premises for a staff office and toilet facility, (E) the subdivision of the existing first floor premises for conversion into two number apartments (a one bedroom apartment and a two bedroom apartment). To facilitate the conversion of the first floor, minor internal modifications will be necessary to accommodate the construction of the apartment development element of the application and all associated site works at property previously known as "The Arch Bar", Main Street and corner of Robert Street, Newbridge, County Kildare.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to its nature, scale and design and to the provisions of the Newbridge Local Area Plan 2013-2019 and to the Town Centre zoning objective for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development in this location, would not seriously injure the amenities of the area or of property in the vicinity, would make a positive contribution to the streetscape, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of July, 2015 and the 25<sup>th</sup> day of August, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

3. The use of the ground floor unit shall be restricted to that of a sit down restaurant with ancillary takeaway element and shall be subject to one occupier.

**Reason:** In the interest of clarity, and the amenity of adjoining properties.

4. The restaurant's ancillary takeaway shall operate only during evening and in association with the restaurant, from 1800 hours to 2300 hours.

**Reason:** In the interest of the amenity of adjoining properties and the proper planning and sustainable development of the area.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including a traffic and pedestrian management plan during the course of site development works, noise management measures and off-site disposal of construction waste.

**Reason:** In the interest of accessibility, pedestrian and traffic safety, and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Proposals for advertisement signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of use of the shop and restaurant. Thereafter, only the agreed signage shall be installed. Other than the aforementioned advertisement signage, no advertisement or advertisement structure shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the 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:** To provide for the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

11. 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 the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

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

12. 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 the commencement of development.

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

13. No external security shutters shall be erected on the 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.

14. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Dated this            day of            2016.**