# An Bord Pleanála



## PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## **Kildare County**

### Planning Register Reference Number: 16/482

An Bord Pleanála Reference Number: PL 09.247000

**APPEAL** by Evan Horan care of Coakley O'Neill Town Planning Limited of Building 1000, City Gate, Mahon, Cork against the decision made on the 4<sup>th</sup> day of July, 2016 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of an existing metal clad shed to the rear of the existing service station shop building and construction of a new single storey shop extension to include an increase of the retail area from 100 square metres to 271 square metres, a food prep area of 50 square metres, seating area of 30 square metres and an administration area of 142 square metres located within the existing building roof space. The development will include the installation of an external passive grease trap, the installation of stormwater attenuation and associated site works at Horan's Service Station, Main Street, Castledermot, County Kildare.

#### DECISION

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 6 so that it shall be as follows for the reasons set out.

#### REASONS AND CONSIDERATIONS

6. The café facility shall be operated as part of the existing service station and shall not be let, sub-let or leased as an independent area. This area including the provision of hot food/deli area shall not be operational between midnight and 6.00 am Monday to Sunday inclusive.

**Reason:** In the interests of residential amenities of property in the vicinity.

Having regard to the nature and scale of the proposed development, it is considered that the extension in the permitted opening hours to facilitate the operation of the facility from 6.00 am would be marginal in terms of its impact on the established amenities of the area including the residential amenities of dwellings in the immediate vicinity of the site and would not result in serious injury to the residential amenities of the area.

### 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.

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

Dated this day of 2016.