

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kildare County

Planning Register Reference Number: 16/919

An Bord Pleanála Reference Number: PL 09.247561

APPEAL by McDonalds Restaurants of Ireland Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 20th day of October, 2016 by Kildare County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Construction of a single-storey, drive-thru restaurant (410 square metres) incorporating an enclosed yard (20 square metres) and the ancillary sale of hot food for consumption off the premises. The proposed development will also include the provision of vehicular access from within the existing shopping centre car park, the removal of 47 number existing car parking spaces, the provision of two number parked order spaces, two number mobility impaired spaces and one number set-down space, the re-ordering and introduction of footpaths and pedestrian crossing facilities, covered bicycle parking (10 number spaces), lighting, signage (elevational and freestanding), freestanding structures for the drive-thru restaurant including a height restrictor and customer order points, landscaping, outdoor seating area and associated fencing and lighting, boundary treatments and all associated site works above and below ground on a 0.2178 hectare site approximately, situated within the existing car park of Celbridge Shopping Centre (Tesco), at the junction of Shackleton Road and the Maynooth Road, Celbridge, County Kildare.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 the nature and extent of the proposed development, the planning history of the site and the larger site of which the subject site forms part, the pattern of development in the area, the provisions of the Celbridge Local Area Plan 2010 including the 'R' zoning of the site which seeks 'to provide for retailing, commercial, office, cultural and other uses appropriate to the town' and to the relevant objectives in the Kildare County Council Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be in accordance with the provisions of the relevant development plan and the local area plan, would be acceptable in terms of traffic safety and convenience and would, therefore, 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 to the Board with the appeal on the 15th day of November, 2016, 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. The hours of operation, including service deliveries, shall be between 0800 hours and 2300 hours on any day.

Reason: In the interest of the amenities of the area.

3. (a) The proposed freestanding sign proposed for the north-eastern extremity of the site, shall not exceed six metres in height.

(b) The proposed servicing of the site by HGVs shall generally be as indicated in the documentation submitted to the planning authority on the 26th day of August, 2016. No permission is granted for the revised servicing arrangements, involving the loss of landscaped area to provide a loading bay, as set out in the appeal documentation submitted on the 15th day of November, 2016.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. No advertisement or advertisement structure other than those shown on the drawings submitted with the appeal shall be erected or displayed on the building or within the curtilage of the site 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 and to protect the residential amenities of the area.

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 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

8. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) intermittent screen planting (shrubby and trees) along the western and northern elevations. As much of this area is located within a way leave of a watermain, any trees will need to be placed within a contained root system such as raised planters or tree pits, and
- (ii) the species, variety, number size and locations of all proposed trees and shrubs.

- (b) External fencing, other than that around the rear yard, shall be omitted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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

Reason: To ensure the proper drainage of the proposed development.

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 and for the ongoing operation of these facilities 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. All waste oil shall be stored in an approved area while awaiting disposal. All waste oil shall be disposed on to the satisfaction of the planning authority. Records shall be kept of volumes of waste oil produced and disposed of and the names of persons to whom such waste is transferred. The register shall be available for inspection by the planning authority at all reasonable times.

Reason: To protect the adjacent watercourses from potential water pollution.

12. The developer shall control odour emissions from the premises in accordance with measures including extract duct. Details in this regard 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.

13. 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 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.

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

Dated this day of 2017.