



An  
Bord  
Pleanála

**Board Order**

**PL 09.248675**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 16/1337**

**Appeal** by Andrew Ross of Unit 6B Cill Dara Industrial Estate, Athgarvan, Newbridge, County Kildare against the decision made on the 15<sup>th</sup> day of May, 2017 by Kildare County Council to grant subject to conditions a permission to Castlebrook Investment Limited care of Patrick O'Neill, Dunnes Stores, 46-50 South Great George's Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) Part demolition of existing shopping mall and restaurant area structure (1,475 square metres); (b) extension and modification of licensed Dunnes Stores retail area through amalgamation of adjacent shop units/toilet area into store and new extension (1,679 square metres) to provide retail and ancillary café/restaurant floorspace (net retail sales area - 6,426 square metres); (c) renovation of remaining shopping mall area to incorporate four number shop units (338 square metres) and an upgraded toilet block; (d) upgrading of shopping centres elevations to include new centralized mall entrance along car park elevation; (e) reconfiguration of car park layout to provide 417 number car parking spaces; (f) new pedestrian covered walk-way and trolley bays in car park; (g) replacement of existing elevation signage; (h) provision of two number totem signs and (i) all associated ancillary site layout alterations and site service works at Newbridge Shopping Centre, 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 the location of the site on town centre zoned lands as set out in the Newbridge Local Area Plan 2013-2019, to the existing use on site and previous permissions, to the pattern of development in the area, and to the acceptable scale and design of the refurbishment proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the provisions of the Newbridge Local Area Plan 2013-2019. The proposed development 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 on the 6th day of March, 2017 and on the 18th day of April, 2017, 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. Other than the signage indicated on the drawings submitted with this application, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity, and to allow the planning authority assess any such further advertisements/advertisement structures through the statutory planning process.

3. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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 amenities of property in the vicinity.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment, lighting and landscaping shall be carried out in accordance with the agreed scheme.

**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:
  - (a) location of the site and materials compound(s) including areas identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

8. 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 within the development 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.

9. Bicycle parking spaces shall be provided within the site as required by Chapter 17 of the Kildare County Development Plan 2017-2023. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

10. Prior to the commencement of development, details of modifications to the SCOOT – Urban Traffic Control Region RNE Newbridge Edward Street, to maximise traffic flows in this SCOOT region shall be submitted to, and agreed in writing with, the planning authority. The modifications shall include some traffic signal adjustments, addition of traffic detectors, SCOOT validation and commissioning. The cost of the design and implementation of these works shall be borne solely by the developer. The works shall be constructed and implemented prior to occupation of the development.

**Reason:** In the interest of safety for all road users at this location.

11. Prior to the commencement of development, details for the upgrade of the existing traffic related CCTV facilities at the junction of Moorefield Road (R445) and the Dunnes Stores entrance shall be submitted to, and agreed in writing with, the planning authority. The cost of the design and implementation of these works shall be borne solely by the developer. The works shall be constructed and implemented prior to occupation of the development.

**Reason:** In the interest of safety for all road users at this location.

12. The damaged footpaths at the entrance to the delivery area shall be reconstructed, and the precast concrete capping along the wall of the service yard shall be secured, to the satisfaction of the planning authority. Details shall be submitted to, and agreed in writing with, the planning authority.

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

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.

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

**Dated this      day of      2018**