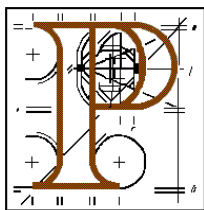


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## Kildare County Council

**Planning Register Reference Number: 17/693**

An Bord Pleanála Reference Number: ABP-300390-17

**APPEAL** by Anita Cleary of Celbridge Road, Maynooth, County Kildare against the decision made on the 10<sup>th</sup> day of November, 2017 by Kildare County Council to grant subject to conditions a permission to Adam Lyons care of Conor Furey and Associates Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use from Xtravision retail unit to a Thai restaurant to include the redecoration of the interior including artistic murals, a background photo booth and a private hire kiosk. The external frontage shall be repainted and have commercial signage. The external side wall shall have an artistic mural painted. The application includes plant associated with the operation of the restaurant located on the roof including extract fans and air conditioning compressors and the installation of an external grease trap at the connection to the existing mains as amended by the revised public notice received by the planning authority on the 6<sup>th</sup> day of September, 2017 providing for revised floor plans, and elevation and roof plans detailing extractor fan and handling unit, all at Greenfield Shopping Centre, Straffan Road, Maynooth, 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 zoning objective and permissible use of the site as set out in the Maynooth Local Area Plan 2013-2019, and the pattern of development in the neighbourhood, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the concerns raised regarding the location of the bin store in the rear lane but considered that alternative options are available and that the proposed development would not have an unacceptable impact on the amenity of the area.

## CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 24<sup>th</sup> day of August, 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. The bin store shall be located as per drawing number A6-001 received by the planning authority on the 24<sup>th</sup> day of August, 2017.

**Reason:** In the interest of public health and to ensure a proper standard of development.

3. (1) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (2) Grease traps shall be fitted in accordance with the requirements of the planning authority.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. Details of the proposed system for odour control 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 ensure a proper standard of development.

5. 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.**