

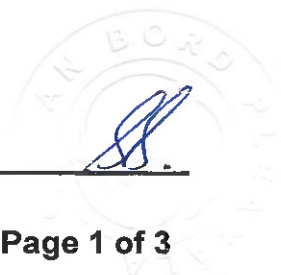
Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/1134

Appeal by Tesco Ireland Limited care of Avison Young Planning and Regeneration Limited of 2-4 Merrion Row, Dublin against the decision made on the 5th day of October, 2020 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The provision of a mezzanine level (183 square metres) previously permitted under planning register reference number 05/2371, and the change of use of the existing retail unit to accommodate the provision of a 24 hour gymnasium at ground level (457 square metres) and mezzanine level. The proposal also includes the reinstatement of previously permitted mezzanine level window to the rear elevation, signage, frosted decals to windows, connection to existing services, and all site development works at a 0.47 hectares site, all at Unit 22, Carton Park Retail Campus, Dublin Road, Maynooth, 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 REMOVE condition number 2 (b) and to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. The subject unit shall only be used as a 24 hour gym and for no other purpose without a prior grant of planning permission.

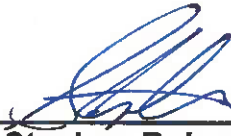
Reason: In the interest of clarity and of residential amenity.

Reasons and Considerations

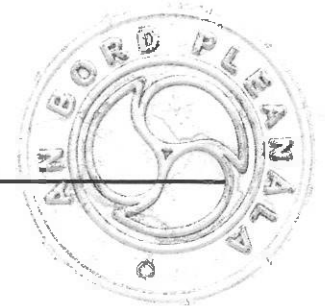
Having regard to nature and scale of the proposed development, its location within an established retail park accommodating a range of commercial and service uses, the A2:Town Centre Extension zoning objective pertaining to the site as set out in the current Development Plan for the area, and the planning history of the site and its vicinity, it is considered that the restriction of the gymnasium use to an appropriate period of 12 months from the date of final grant of permission as required by the planning authority in its imposition of Condition number 2(b) is not warranted, and that the proposed development with the omission of condition number 2(b), would not seriously injure the residential amenity of the area. Therefore, the proposed development would be in accordance with the proper planning and sustainable development 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.



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



Dated this *2nd* day of *June* 2021.