



An
Bord
Pleanála

Board Order
ABP-311919-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/828

Appeal by Aidan Henry care of PDC Architectural of Churchfields, Kentstown, Navan, County Meath against the decision made on the 15th day of October, 2021 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Revision of existing planning permission Reference 17/711, to create a new neighbourhood convenience unit, to include new revised entrance position, internal modifications, new signage, bin storage, delivery area to rear. Parking area to front and associated site works at Callenders Mill, Celbridge, 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.

Reasons and Considerations

Having regard to the Retail Planning Guidelines for Planning Authorities published by the Department of Environment, Community and Local Government in April 2012, the provisions of the Kildare County Development Plan 2017- 2023 and the Celbridge Local Area Plan 2017- 2023, the zoning of the site, the planning history, and the nature, scale and location of the proposed development, it is considered that the proposed development would be an acceptable form of development at this location, consistent with national retail planning policy and local planning policy objectives, would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, having regard to its nature and scale, the proposed development would not seriously injure the residential amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety and convenience. The Board also noted that the planner's report had noted that the report of the planning authority's transportation department indicated no objection to the proposed development subject to conditions, and the planning authority's decision to refuse permission had not been based on residential amenity or traffic safety.

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 20th day of September 2021, 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. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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.

3. 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.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. No deliveries shall be taken at or dispatched from the premises outside the hours of 08:00 and 18:00, Mondays to Saturdays, nor at any time on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

6. Provision shall be made for a loading bay within the development. Details of this provision, including swept manoeuvring paths, bay dimensions etc, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.

7. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site without the prior approval, in writing, of the planning authority.

Reason: To protect the visual amenities of the area.

9. Six number car parking spaces shall be provided within the site, one of which shall be reserved for persons with impaired mobility. The layout and design of this designated space shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" published by the National Disability Authority.

Reason: To ensure that adequate off-street car parking provision is available to serve the proposed development.

10. Six number bicycle parking spaces shall be provided within the site. The layout and 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.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

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

13. 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.

14. The hours of operation (including those of the lighting system the subject of Condition number 12 of this Order) shall be restricted to between 07:00 and 21:00 daily.

Reason: In the interest of residential amenity.

15. 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 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.

16. The grant of permission excludes the use of the premises as an internet café or for the sale of hot food for consumption off the premises.

Reason: In the interest of the protection of amenity and character of the area.

17. 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 interests of public safety and residential amenity.



18. 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.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 10th day of August 2022