

An  
Bord  
Pleanála

## Board Order ABP-313779-22

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### Planning and Development Acts 2000 to 2021

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/139**

**Appeal** by Aoife Burke of 13 Sallins Town Centre, Clane Road, Sallins, County Kildare against the decision made on the 16<sup>th</sup> day of May, 2022 by Kildare County Council to grant subject to conditions a permission to Citywest Catering Limited care of DHArchitectural of Clownings, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use and alterations to existing ground floor retail Units Numbers 5, 6, 7, 8 and 9. The application will include the followings: (a) change of use of Units 6, 7, 8 and 9 from retail to café, wine bar and delicatessen, (b) internal alteration to provide disabled and staff toilets, preparation kitchen and connections between each unit, (c) alterations to the elevational treatment of the shop front to facilitate disabled access to each unit, (d) new shop fronts to Units 5, 6, 7, 8 and 9 to both front and side elevations along with associated site development and facilitating works, all at Units Numbers 5, 6, 7, 8 and 9 Sallins Town Centre, Sallins, 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.**

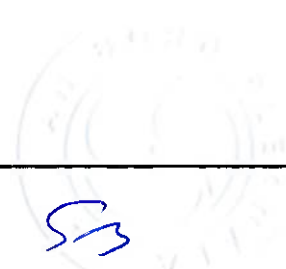
## Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2023 - 2029 and the Sallins Local Area Plan 2016 - 2022, to the nature and scale of the proposed development (as amended), to the established character and patten of development in the area and to the availability of on-street car parking, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in 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.

## 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 22<sup>nd</sup> day of April, 2022 and by the further particulars received by An Bord Pleanála on the 11<sup>th</sup> day of July 2022, 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 interests of clarity



2. (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), the use of Units Numbers 5, 6, 7, 8 and 9 shall be restricted to gelato, café and delicatessen, as detailed on Drawing Number MG-22-P-04, submitted to the planning authority on the 22<sup>nd</sup> day of April, 2022 and as revised by the particulars received by An Bord Pleanála on the 11<sup>th</sup> day of July 2022, unless otherwise authorised by a prior grant of permission.
- (b) This grant of permission does not include permission for the use of Units Numbers 5, 6, 7, 8 or 9 in Sallins Town Centre as a wine bar nor does it allow for the provision of external seating.

**Reason:** In the interests of clarity and orderly development and to protect the residential amenities of properties in the vicinity.

3. The hours of operation shall be between 0800 and 2000 hours.

**Reason:** In order to safeguard the amenities of the area.

4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a site layout plan at a scale of 1:200 indicating the following: -

- (a) Details of Electric Vehicle (EV) dual charge points to serve the development site. The Electric Vehicle Charge Points are to be compatible with the sustainable Energy Authority of Ireland's Triple E Register;

- (b) The incorporation of tactile paving at the underpass vehicular entrance of the development;
- (c) A disabled parking space within the curtilage of the development site. The disabled parking space shall be in accordance with the Irish Wheelchair Association's Best Practice Access Guidelines. These spaces shall be clearly marked with 100 millimetres wide white lines with a durable permanent material and have 1.2 metres wide accessibility aisles hatched in yellow.

**Reason:** In the interest of proper planning and sustainable development of the area.

- 5. (a) The proposed signage shall consist of individual solid lettering of a matt finish affixed directly to the fascia board, or high-quality sign writing.
- (b) There shall be no signage panels, projecting signs or internally illuminated signage.
- (c) No adhesive material shall be affixed to the windows or the shopfront.
- (d) Notwithstanding, the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

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

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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

7. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at one metre from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for the evening and night-time.

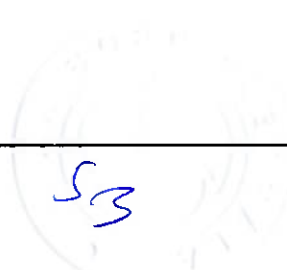
**Reason:** In the interest of public health.

8. The applicant shall install a carbon filtration system as specified in the documents submitted to the planning authority on the 22<sup>nd</sup> day of April, 2022.

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

9. 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.



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 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. Grease traps shall be provided within the curtilage of the premises.

**Reason:** In the interests of public health and of proper planning.

12. Site development and building works shall be carried only out between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 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.

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.



**Stephen Brophy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 5<sup>th</sup> day of October 2023.