

An
Coimisiún
Pleanála

Commission Order
ABP-320199-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 24/60448

Appeal by Vincent and Anne Naughton of 22 Arconagh, Limerick Road, Naas, County Kildare against the decision made on the 10th day of July, 2024 by Kildare County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Single storey extension to the southern elevation of the existing Aldi store (permitted under planning register reference number 05500053 and as amended by planning register reference number 07500126) of 365 square metres gross floor area (297 square metres net retail floor area) to accommodate reconfiguration of the existing store layout comprising relocation of the warehouse/storage area to the rear of the extension and replacement of the previous warehouse area with an extended retail area to result in a reconfigured store comprising 1,693 square metres gross floor area (1,147 square metres net retail floor area (850 square metres permitted)) as well as the provision of a deposit return scheme room. The proposal also includes alterations to the car park area and layout consisting of relocation of seven number car parking spaces from the southern boundary to the eastern boundary resulting in a net loss of 13 number car parking spaces (85 number

existing, 72 number proposed), installation of four number EV charging parking spaces, minor infrastructural upgrades, and all associated works to facilitate the development, at the existing Aldi Foodstore, Newbridge Road, Jigginstown Park, Naas West, 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 nature, siting and design and layout of the proposed development, the characteristics of the entirety of the site and its surrounding area, the provisions of the Naas Local Area Plan 2021-2027 and the Kildare County Development Plan 2023-2029, and the relevant provisions of the Retail Planning Guidelines for Planning Authorities, it is considered that, subject to compliance with the conditions set out below, the proposed development would enhance the retail offering on an established site which would not detract from a healthy and vibrant town centre in Naas, would be in accordance with the County's Settlement Strategy and Retail Strategy, would not have a significant adverse impact on the residential amenities of adjoining properties, would not pose a significant risk to the environment or have any significant negative effects, including noise pollution, and would be acceptable in terms of car parking and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The provision of external plant equipment associated with the permitted refrigeration and cooling system shall be strictly in accordance with the submitted plans and particulars and as detailed in the applicant's submission to An Coimisiún Pleanála received on the 14th day of August, 2024. Any deviation(s) to same shall not be permitted, except with the prior written agreement of the planning authority.

Reason: In the interest of clarity, to protect the residential amenities of adjoining properties, and in the interest of the proper planning and sustainable development of the area.

3. (a) Construction stage noise limits for construction activity of 70 dB(A) (LAeq 1 hour) shall apply between the hours of 0800 and 1800 Mondays to Fridays, inclusive (excluding bank holidays), and between 0800 and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

(b) Operational stage noise from the development shall not give rise to sound pressure levels (LAeq 15 minutes) when measured at noise sensitive locations (including a dwelling house) which exceed the following limits:

- (i) 55 dB(A) between the hours of 0800 and 1800 Mondays to Fridays, inclusive (excluding bank holidays), or
- (ii) 45 dB(A) at any other time.

Reason: In the interest of public health, the protection of residential amenities of adjoining properties, and the proper planning and sustainable development of the area.

4. A detailed noise study, with recommended noise remediation measures (where required) shall be carried out by a competent noise/environmental consultant and to the requirements of the planning authority within three months of the development being in full operation and at any other time as may be specified by the planning authority. The noise study and any subsequent noise study (as required) shall be submitted for the written agreement of the planning authority.

Reason: In the interest of public health and residential amenities, to avoid pollution, and in the interest of the proper planning and sustainable development of the area.

5. All on-site lighting shall be directed into the site and shall not spill onto surrounding residential properties in a manner, or to an extent, likely to cause a nuisance to residential amenity.

Reason: In the interest of residential amenity.

6. The site shall be landscaped strictly in accordance with the details submitted, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure a satisfactory completion of the development and to allow its effective integration into its surroundings.

7. All service cables associated with the proposed development (such as electrical, and telecommunications) shall be located underground.

Reason: In the interest of visual amenity.

8. Drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of public health and the protection of the environment.

9. 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 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.

10. Construction and demolition waste shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays, inclusive, between 0800 and 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.

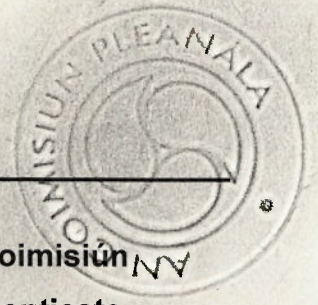
Reason: In order to safeguard the amenities of property in the vicinity.

12. 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 Coimisiún 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.


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission



Dated this 24th day of July

2025