



An
Coimisiún
Pleanála

Commission Order
ABP-322120-25

Planning and Development Acts 2000 to 2024

Planning Authority: Kildare County Council

Planning Register Reference Number: 2461162

Appeal by Maria Macari care of Whyte Planning Consultants Limited of Great Connell, Newbridge, County Kildare against the decision made on the 27th day of February, 2025 by Kildare County Council to grant permission, subject to conditions, to Valdrim Lubishtani care of Geraldine Fahy, Planning and Development Consultant of Mulhussey, Maynooth, County Kildare for the proposed development.

Proposed Development: Retention for the change of use of ground floor from retail to use as a take-away restaurant for the sale of hot food for consumption off the premises. Modifications to the internal layout, new signage to shopfront and all associated and ancillary works at Nugent Street, Station Road, Kildare Town, 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 and extent of the development proposed to be retained, which comprises a change of use from retail use to take-away restaurant for the sale of hot food for consumption off the premises, the town centre location of the site where a hot food takeaway is open for consideration as per Table 11.6 in Section 11.5 of the Kildare Town Local Area Plan 2023-2029, and having considered the wider town centre economy and pattern of development in the area, it is considered that the development proposed for retention, subject to compliance with the conditions set out below, would comply with Section 15.3.7 of the Kildare County Development Plan 2023-2029, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the architectural character of the Kildare Town Architectural Conservation Area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 within three months of the date of this Order and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The take-away restaurant shall not operate outside of the hours of 1500 to 2300, Monday to Sunday, unless otherwise permitted through a prior grant of planning permission.

Reason: In the interest of residential amenity

3. No further advertising signage or devices other than those included with the current application shall be erected outside the premises inclusive of footpath and no external roller shutters, awnings, canopies or grilles, shall be erected, without prior grant of planning permission.

Reason: In the interest of visual amenity.

4. The developer shall control odour emissions from the premises in accordance with measures which 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 protect the amenities of the area.

5. 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 public health and visual amenity.

6. 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 within three months of the date of this Order 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 the 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.



Mick Long

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



Dated this 30th day of June 2025.