



An
Bord
Pleanála

Inspector's Report

ABP-313779-22

Development	Change of use and alterations to existing ground floor retail units from retail to Café, Wine Bar and Delicatessen, and new shop front.
Location	Retail Units 5,6,7,8 & 9, Sallins Town Centre, Sallins, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22139
Applicant(s)	Citywest Catering Limited.
Type of Application	Permission.
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Aoife Burke.
Observer(s)	None.
Date of Site Inspection	8 th February 2023.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is in Sallins, Co. Kildare, on the western side of Clane Road (R407), c250m north of Sallins Bridge and The Grand Canal and c0.5km north of Sallins Station.
- 1.2. The site comprises Sallins Town Centre, a three storey, mixed-use development of 16no duplex apartments over 9 retail units. The development fronts directly onto the public realm. Recent road improvement works / traffic calming measures on the R407 (Clane Road) have facilitated the provision of a cycle lane and nine on-street parking spaces to the front of the appeal site, seven of these spaces are located to the front of unit's 5,6,7,8 & 9. On-site parking of c27no. spaces is available to the rear (west) of the site and is accessed via a passageway through the centre of the building.
- 1.3. Retail unit's 5,6,7,8 & 9, the subject of this application, are currently vacant. Most of the units are boarded up, their exteriors falling into a state of disrepair, detracting from the streetscape.
- 1.4. Development in the vicinity of the site comprises a mix of commercial and residential uses. Sallins Medical Centre is located on the opposite side of R407. Lands to the west of the site are largely undeveloped.
- 1.5. The site has a stated area of 0.28ha.

2.0 Proposed Development

- 2.1. Permission has been sought for the change of use and alterations to existing ground floor retail units No's 5,6,7,8 & 9. Retail Units No's 5,6,7,8 & 9 have a combined gross floor area of 192sqm (as stated).
- 2.2. The application as presented to the planning authority comprised the following:
 - a) The change of use of Units 6,7,8 & 9 from retail to Café, Wine Bar and Delicatessen. The use of unit 5 is to remain retail, selling gelato.
 - b) Internal alterations to provide disable and staff toilets, preparation kitchen and connections between each unit.

- c) Alterations to the elevational treatment of the shop front to facilitate disable access to each unit,
- d) New shop front to units 5,6,7,8 & 9, to both front and side elevation, along with all associated site development and facilitating works

2.3. In response to the issues raised in the grounds of appeal the applicants have stated that they no longer wish to operate the premises as a wine bar and are therefore agreeable to a condition being imposed restricting the use to café and deli with operating hours from 8am to 8pm.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council did by order dated 16th May 2022 decide to grant permission for the proposed development subject to 15no. conditions. The following conditions are of note:

Condition 2 Relates to the provision of Electric Vehicle charging points, tactile paving at the under pass vehicular entrance and disable parking.

Condition 3 Restricts the use and hours of operation of the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 1st April 2022

- The initial report of the case planner has regard to the location context and planning history of the site; relevant planning policy pertaining to the area, third party submissions and interdepartmental reports received.
- Following assessment of the key issues, the case planner requests further information on several items including:
 - The submission of additional plans and elevations

- Details of the external fans and ventilation
- Noise generation and its impact on residential amenity
- Details of the construction work already carried out and the impact of same on the structural integrity of the building
- Parking and bin storage
- The submission of an Acoustic Design Statement and construction management plan

Report dated 13th May 2022

- The second report of the case planner has regard to the further information received on the 22nd of April 2022 and the interdepartmental report received from the Roads and Transportation Section.
- Following assessment, the case planner is satisfied that the applicant has adequately addressed the issues raised in the further information request.
- The case planner concludes the report with a recommendation to grant permission subject to 15no. conditions.

3.2.2. Other Technical Reports

Water Services: No objection subject to condition

Roads, Transportation and Public Safety:

26th March 2022 Requests further information, including, the submission of a revised site layout plan to address issues relating to parking, access design and bin storage etc: the submission of an Acoustic Design Statement and a (draft) construction management plan.

11th May 2022 No objection subject to condition

EHO: No objection subject to condition

Environment: No objection subject to condition

3.3. Prescribed Bodies

Irish Water

No objection subject to condition

3.4. Third Party Observations

The planning authority received three third party submissions in respect of the proposed development. The issues raised in the submissions are similar to those set out in the grounds of appeal, which are summarised in Section 6.0 of this report.

4.0 Planning History

KCC Ref.No:04/2027

Permission granted in 2005 for mixed use development comprising 16 apartments over 9 retail units. (ABP - PL09.212956, appeal against conditions, relates).

Condition 34:

Car parking space shall be provided for 27 cars (24 spaces for the use of residents and 3 spaces for use of the retail units) in accordance with drawing number 0435/03A received by the planning authority on the 9th day of May, 2005.

Reason: In the interest of traffic safety.

KCC Ref. No:08/1950

Permission granted in 2008 for change of use of retail unit 01 from shop use to use as a bookmaker.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The application was assessed by Kildare County Council in accordance with the policies and objectives of the Kildare County Development Plan 2017-2023. The Kildare County Development Plan 2023-2029 was adopted by Kildare County Council on the 9th of December 2022 and came into effect on the 28th of January

2023. I have assessed the proposal under the provisions of the operative Development Plan, namely the Kildare County Development Plan 2023-2029.

5.1.2. **Chapter 15 Development Management Standards is relevant.**

Section 15.7.8 Car Parking

- Car parking standards are set out in Table 15.8 below to guide proposed development. Parking standards are maximum standards.

Extract from Table 15.8 – Maximum Car Parking Standards	
Retail Convenience	1 per 20sqm GFA
Lounge / Bar	1 per 15sqm GFA
Restaurant / Cafe	1 per 10sqm GFA

- the maximum provision of parking should not be viewed as a target. Lower rates of parking and car-free developments should be considered in the first instance, particularly where such developments are close to and can avail of public transport.

Section 15.13.8 relates to Hours of Operation and Control of Sales Hatches

The hours of operation of shops and the use of wall / window / door hatches for shop sales shall be controlled, having regard to the following:

- The effects of noise, general disturbance, hours of operation, litter, and fumes on the amenities of nearby residents.
- The need to safeguard the vitality and viability of shopping areas in town centres and to maintain a suitable mix of retail uses.
- Traffic considerations and pedestrian and public safety; and
- The number and frequency of similar facilities in the area. Sales hatches may be acceptable where shopfronts are removed from the public footpath and a specific need is demonstrated (e.g., late opening fuel filling stations).

Section 15.16 Outdoor dining

- The siting of outdoor dining and associated structures on a public footpath is subject to a licence in accordance with Section 254 of the Planning and Development Act 2000 (as amended). Planning permission is required where the outdoor dining structures are located on private land.
- Kildare County Council's Licensing of Outdoor Dining and Seating Guidelines and Checklist Document (2021) set out the Council's approach to effectively managing outdoor dining. All applications shall be considered having regard to these guidelines.

5.2. Sallins Local Area Plan 2016-2022

5.2.1. Zoning

The site is located within lands zoned K1 which comprises an area of c3.8ha identified for Commercial and Residential use.

The objective of this zoning is *to protect and improve existing commercial and residential uses and provide for additional compatible uses.*

The purpose of this zone is to reflect the established mix of commercial and residential uses which have developed historically in Sallins. Any new development in this zone must not prejudice the viability of established land uses in the zone, especially the Town Centre.

5.3. Natural Heritage Designations

The appeal site is not located within or adjacent to a designated site. The Ballynafagh Bog SAC (000391) is located c8km to the northwest; the Mouds Bog SAC(002331) c9km to the southwest and The Grand Canal pNHA (002104) c280m to the south.

5.4. **EIA Screening**

5.5. Having regard to the nature and scale of the proposed development, which comprises the change of use and alterations to existing ground floor retail units it is considered that the proposed development does not come within a Class under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Therefore, preliminary examination for EIA is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a first party appeal against the decision of Kildare County Council to grant permission for the change of use and alterations to existing ground floor retail units from retail to Café, Wine Bar and Delicatessen etc. The issues raised in the grounds of appeal can be summarised as follows:

- Insufficient car parking. The appellant estimates that 14no car parking spaces are required to serve the proposed uses. 24 of the 27no existing spaces within the development are for residential use only (as per condition 34 of the parent permission, KCC Ref: No.04/2027). Those 24no spaces should be retained for that use.
- The development falls under the MUD (Multi-Unit Development) Act 2011 legislation. The applicant must confirm compliance with same and accord with the Owners Management Company 'house rules' for the development.
- The applicant should prove compatibility of the proposed change of use with existing (residential) development and provide mitigation measure in relation to the possible impact of the new uses on the residents, in relation to noise, hygiene, refuse collection.
- In sufficient detail has been provided on the level of staff and likely increased traffic levels.
- The proposed development involves the amalgamation of four retail units into one. The applicant should carry out a full dilapidation survey prior to works

commencing to ensure no structural damage is caused to the apartments above.

- Works have already been carried out on site without planning permission and it would appear that these works have resulted in damage to apartments. The applicant should be liable for any damage affecting the residential apartments above.
- Insufficient detail has been provided in relation to the proposed external seating area (which is proposed on a public footpath) and the need for the proposed serving hatch for the cafe.
- Bins should be provided for this area
- A revised Fire Safety Certificate is required.
- The introduction of a new wine bar would have a significant detrimental impact on all residents within the development as a result of noise. The wine bar should be omitted.
- Inadequate bin storage. Food and drink waste will be significant and the allocation bin store within the development is for domestic use only.
- The applicant must comply with the Technical Guidance Documents in relation to ventilation and hygiene.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- Given the opposition to the wine bar element of the application, and its associated opening hours the applicants have decided that they will not now look to operate a wine bar in these premises and would be agreeable to a condition being imposed restricting the use of the Café and Deli with operating hours from 8am to 8pm
- Kildare County Council, in granting permission for the original mixed-use development made an allowance for 3 parking spaces for the retail units. It is assumed that this reduce parking standard was applied due to the location of the development in the centre of Sallins and the availability of public transport

- The proposed change of use would require six additional spaces. A minimum of five additional spaces have recently been provided along the front of the units by Kildare County Council
- The proposed change of use to a café would not interfere with the existing parking for residents.
- Works carried out by the applicant to the opening between units were carried out properly and structural supports but in place.
- The building was originally designed with integrated refuse storage which was but in place to service both the apartments and retail units. The applicant runs a number of food establishments and is aware of the requirements regarding the proper management of refuse.
- The proposed kitchen units are to be fitted with a carbon filter to remove odour. This type of system is used successfully in many other locations. Details were submitted with the FI response

6.3. **Planning Authority Response**

- The planning authority confirms its decision and has no further comments or observations to make.

6.4. **Further Responses**

A further submission was received from the third-party appellant. The appellant welcomes the decision of the applicant to omit the Wine Bar and considers that a condition to prohibit the use of the units as a wine bar would be satisfactory. The remaining concerns of the appellant, as set out in the grounds of appeal, are reiterated.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. The proposed development comprises the change of use and alterations to existing ground floor retail units No's 5,6,7,8 & 9 within Sallins Town Centre, a mixed-use

development of 16no duplex apartments over 9 retail units. The development as presented to the planning authority included a proposal for the use of unit no. 5 as a Gelato Bar, and for the use of units 6, 7, 8 and 9 (amalgamated) as a café, wine bar and delicatessen. The Board will note that in response to issues raised in the grounds of appeal, the applicants are no longer proposing the use of units 6, 7, 8 and 9 as a wine bar. For clarity I intend to assess this development on this basis.

7.2. Having examined the application details and all other documentation on file, (including the submissions received in relation to the appeal), and having inspected the site, I consider the main issues are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of the Development (Zoning)
- Parking / traffic
- Amenity Impacts
- Other
- Appropriate Assessment

7.3. Principle of Development

7.3.1. The appeal site is located on lands zoned for commercial and residential uses under the Sallins Local Area Plan 2016-2022. The objective for this area is to protect and improve existing commercial and residential uses and provide for additional compatible uses. The Zoning Matrix set out in Table 10 of the Sallins LAP, lists a range of land uses together with an indication of their broad acceptability in each of the land use zones. Restaurants and shops are listed as uses which are 'acceptable in principle' within this zoning.

7.3.2. Having regard to the zoning objective for the area and the zoning matrix, I am satisfied that, subject to normal planning considerations, the proposed commercial uses are acceptable in principle at this location.

7.4. Parking / Traffic

- 7.4.1. Sallins Town Centre was originally permitted by Kildare County Council under Planning Reg. Ref. No:04/2027. Condition No.34 attached to the grant of permission required the provision of 27no car parking spaces to serve the mixed-use development. As per the requirements of Condition 34, 24 of the 27no car parking spaces were for the use of residents while the remaining 3no spaces were allocated to the retail units. The appellant is concerned that the proposed change of use would result in an increase in the demand for car parking within the development and that this increased demand would impact existing residential parking facilities. The appellant requests that the applicant comply with the requirements of Condition 34 of Planning Reg. Ref. No:04/2027.
- 7.4.2. The development management standards for car parking are set out in Section 15.7.8 and Table 15.8 of the Kildare County Development Plan 2023-2029 (KCDP). The plan states that parking standards are maximum standards and should not be viewed as a target. It also states that lower rates of parking and car-free developments should be considered in the first instance, particularly where such developments are close to and can avail of public transport.
- 7.4.3. As per the standards set out in Table 15.8, the permitted retail use of Units 5, 6, 7,8 and 9 (with a combined gross floor area of 192sqm) would generate a demand for approximately ten car parking spaces. The proposed change of use, which would see the introduction of a café, would generate a demand for an additional six spaces. No additional parking spaces are being proposed as part of this development; however, I note from the details on file and from site inspection that nine on-street parking spaces have recently been provided to the front of appeal site and that seven of these spaces are located directly to the front of Units 5, 6,7,8 and 9.
- 7.4.4. Having regard to the provisions of the KCDP in relation to car parking provision, the nature and scale of the proposed development and the availability of on street parking in the immediate vicinity of the subject site, I am satisfied that there is adequate car parking in the area to serve the proposed development.

7.4.5. In relation to the potential impact of the proposed development on existing residential parking facilities within the Sallins Town Centre, I note from the details provided by appellant in their submission of the 2nd of August 2022, that car parking spaces within the development are sold with the apartments and held in the ownership of the residents. I therefore consider that the management / control of these spaces is a matter for owners / occupiers of the scheme and for the management company. The granting of this permission would not alter Condition 34 of Planning Reg. Ref. No:04/2027, nor would it negate the need to comply with the requirements of that condition.

7.5. Amenity Impacts

7.5.1. The third-party appellant has raised concerns in relation to the impact of the proposal on the existing occupied apartments within Sallins Town Centre and their occupants, by way of noise / disturbance, refuse, and smell. I shall consider the issues raised in turn as follows:

Noise and disturbance

7.5.2. In relation to noise and disturbance, the main issues raised in the appeal relate to the use of the premises as a café and wine bar and the associated hours of operation. I note that the applicants are no longer proposing to operate the premises as a wine bar and that they are happy to restrict the operational hours of the café / deli from 8am to 8pm. I am of the view that the applicant's proposals in this regard are reasonable and that they could be conditioned in the event of a grant of permission. In addition, I have no objection to the proposed serving hatch operating within these hours.

Ventilation

7.5.3. The appellant has requested that appropriate ventilation systems be installed to prevent adverse smells / odours affecting residents of the apartments, and that these units are located away adjacent windows and doors.

- 7.5.4. Details of the proposed ventilation system were submitted to the planning authority on the 22nd of April 2022. The applicant is proposing to fit the kitchen unit with a carbon filter to remove odour from the extracted air before it is exhausted out of the rear of the building. I consider such a proposal to be acceptable and recommend that it be conditioned in the event of a grant of permission.
- 7.5.5. Extraction / ventilation units have fitted to the rear of the premises, below the protecting balconies serving the apartments above. The location of these units is I consider acceptable in the context of the existing development. Condition 8 of the planning authority's decision requires that all mechanical plant and ventilation inlets and outlets be sound insulated and / or fitted with sound attenuators to control the level of noise generated, I consider such a condition reasonable in this instance.

Refuse

- 7.5.6. It is proposed to utilise existing bin storage facilities to accommodate the waste generated by the proposed development. The appellant has raised concerns in relation to the nature (commercial kitchen waste) and volume of waste likely to be generated by the proposed development and is of the opinion that existing refuse storage facilities are not large enough to facilitate the proposed units. In response, the applicants contend that the existing refuse storage areas were put in place to service both the apartments and the retail units. They state that they run a number of other food establishments and are well aware of the requirements regarding the proper management of refuse.
- 7.5.7. The appeal site is currently serviced by two refuse storage areas, one to the rear of retail unit No9 (the proposed deli) and one to the rear of Unit 4. I am satisfied, on the basis of information available, that these storage areas were intended to serve both the apartments and retail units within this scheme; the use of these facilities to accommodate both domestic and commercial waste (of the manner proposed) is I consider acceptable in principle. Furthermore, I am satisfied that subject to appropriate management in terms of the separation, storage, and collection of wastes, that existing facilities could adequately cater for additional wastes generated.

Amenity Impacts – Conclusion

7.5.8. On the basis of the foregoing, I consider that the use of the premises as a gelato, café and deli represents an appropriate use for these vacant units at this location and I am satisfied that, subject to appropriate conditions in relation to hours of operation and the management of odour, refuse, litter etc, that the proposed uses would not impact unduly on the residential amenities of the nearby properties.

7.6. **Other**

Compliance with non-planning legislation / Unauthorised development

7.7. The grounds of appeal refer to issues relating to fire safety certificates, compliance with the Multi-unit Development Act 2011, compliance with building regulations and possible unauthorised activity.

7.8. In the first instance, it is noted that a decision on a planning application is based on an assessment of the development specific to the planning application, which in this case is whether or not the proposed change of use and alterations to existing ground floor retail units No's 5,6,7,8 & 9, is acceptable and in accordance with the proper planning and sustainable development of the area. Having regard to the previous sections of this assessment I consider that the change of use is acceptable and consistent with the land use zoning objective, and that the proposed development would have no undue adverse impact on the residential amenity of properties in the vicinity.

7.9. Compliance with fire safety and building regulations is evaluated under separate legal codes and thus need not concern the Board for the purposes of this appeal. Compliance with the requirements of the Multi-Unit Development Act 2011 and the Owners Management Company 'House rules' for the development is a matter between the applicants and the OMC.

7.10. In relation to alleged unauthorised activity, this planning application relates solely to the development sought and any unauthorised activity that may exist, is a matter for the relevant planning authority. The Board has no role in, or powers of, enforcement. Any structural damage caused as a result of the works carried out / proposed would be a civil matter between parties.

Outdoor seating

7.10.1. The plans submitted with the planning application (Drawing No's. MG-22-P-03 and MG-22-P-04) suggest that it is the intention of the applicants to provide outdoor seating to the front of the premises; however, it is unclear if such works are being proposed as part of this application, as no detailed proposals for same have been submitted. As the provision of outdoor seating at the location indicated on the submitted plans would appear to necessitate works to/on the public realm, outside of the redline development site boundary, I consider that any proposal for outdoor seating would be best dealt with separately by way of a Section 254 licence application.

7.11. Appropriate Assessment

7.12. Having regard to the nature and scale of the proposed development which comprises the change of use of existing retail units, the location of the site on zoned and serviced lands within the development boundary of Sallins, and the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site

8.0 Recommendation

8.1. I recommend that permission for this development be granted subject to condition as outlined below.

9.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2023-2029 and the Sallins Local Area Plan 2016-2022, the nature and scale of the proposed development (as amended), the established character and pattern of development in the area and, the availability of on-street car parking, it is considered that, subject to compliance with the conditions as set out below, the 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.

10.0 Conditions

1.	<p>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 22nd day of April 2022 and by the further particulars received by An Bord Pleanála on the 11th 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination</p> <p>Reason: In the interests of clarity</p>
2.	<p>(a) Notwithstanding, the exempted development provisions of the Planning and Development Regulations, 2001 (as amended) the use of units 5, 6, 7, 8 and 9 shall be restricted to gelato, café and delicatessen as detailed on Drawing No: MG-22-P-04, submitted to the planning authority on the 22nd day of April 2022 and as revised by the particulars received by An Bord Pleanála on the 11th day of July 2022, unless otherwise authorised by a prior grant of permission.</p> <p>(b) This grant of permission does not include permission for the use of Units 5, 6, 7, 8 or 9 in Sallins Town Centre as a wine bar nor does it allow for the provision of external seating.</p>

	<p>Reason: In the interests of clarity and orderly development and to protect the residential amenities of properties in the vicinity</p>
3.	<p>The hours of operation shall be between 08:00 hours and 20:00 hours</p> <p>Reason: In order to safeguard the amenities of the area</p>
4.	<p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority a site layout plan at a scale of 1:200 indicating the following</p> <ul style="list-style-type: none"> (a) Details of Electric Vehicle (EV) dual charge points to serve the development site. The EV Charge Points are to be compatible with the sustainable Energy Authority of Irelands 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 is to be in accordance with the Irish Wheelchair Association’s Best Practice Access Guidelines. These spaces are to be clearly marked with 100mm wide white lines with a durable permanent material and have 1.2 metre wide accessibility aisles hatched in yellow <p>Reason: In the interest of proper planning and sustainable development</p>
5.	<ul style="list-style-type: none"> (a) The proposed signage shall consist of individual solid lettering of a matt finish affixed directly to the fascia board, <u>or</u> 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

	<p>(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</p> <p>Reason: In the interests of visual amenity</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
7.	<p>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 1 meter 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</p> <p>Reason: In the interest of public health</p>
8.	<p>The applicant shall install a carbon filtration system as specified in the documents submitted to the Planning Authority on the 22nd of April 2022.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
9.	<p>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</p>

	<p>development. This scheme shall include the provision of litter bins and refuse storage facilities.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
11.	<p>Grease traps shall be provided within the curtilage of the premises.</p> <p>Reason: In the interest of public health and proper planning.</p>
12.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>

13.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
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Lucy Roche
Planning Inspector

16th February 2023