



An
Bord
Pleanála

Inspector's Report

ABP-314133-22

Development	Change of use of the existing ground floor retail unit to a restaurant premises with ancillary take away use.
Location	No. 23 South Main Street, Naas, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22/252
Applicant	Qasim Foods Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant of Permission
Appellant(s)	Hugh Statham Jewellers.
Observer(s)	None.
Date of Site Inspection	01/05/2023.
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1. The address of the appeal site is No. 23 South Main Street, Naas, Co. Kildare. The site is located on the western side of South Main Street, c. 40m to the north of the junction of South Main Street and New Row. The appeal site comprises the ground floor level of an existing three storey building. The ground floor unit is currently vacant and was formerly in retail use. The appeal site has a stated area of 0.0115ha
- 1.2. In terms of the site surrounds, the site is bound to the north and south by three storey commercial buildings. The site to the immediate north is occupied by a jewellery store at ground floor level and the site to the south was vacant at the time of my inspection. There are a variety of commercial uses within the surrounds of the appeal site which is generally reflective of its town centre location.

2.0 Proposed Development

- 2.1. Planning permission is sought for a change of use of the ground floor retail unit to a restaurant for the preparation of hot and cold foods for consumption on the premises with an ancillary takeaway use. The proposed development will provide for a new internal layout including a kitchen and service area, storage room, staff toilet, customer toilets and a front of house seating area to cater for maximum of 25 no. people.
- 2.2. The proposal also seeks planning consent for modifications to the existing shop front comprising the replacement of the existing signage and the addition of new signage. Works are confined to the ground floor level of the existing premises only.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted planning permission subject to compliance with a total of 16 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Kildare County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site and the subject proposal, it sets out policy that is relevant to the development proposal and summaries the observations on the planning file.

In terms of their assessment of the application, the Planning Authority raise no concerns with respect to the principle of the proposed development. However, it is noted that there was insufficient information provided with respect to the proposed signage and there was a lack of detail with respect to the take away element of the business, the restaurant use and the opening hours. In terms of the concerns raised in the third party submissions, the Planning Authority noted that the town is not overly concentrated with the proliferation of fast food outlets, takeaways, amusement arcades and it was considered that the town centre is in a position to absorb the proposed development and the proposal can assist in addressing the levels of vacancy in the area and can assist in regenerating the town centre.

The Second Planning Report indicated that the Applicant had clarified that the use of the premises will be a predominantly sit in restaurant, with a 25% take away element. The Planning Authority also noted that the Applicant's signage proposals and the retention of the existing shopfront is acceptable within the streetscape context. A grant of permission was therefore recommended.

3.2.2. Other Technical Reports

Environment: Report received stating no objection subject to conditions.

EHO: Report received stating no objection subject to conditions.

Transportation: Report recommending additional information noting the potential impact of noise from the existing road and its impact on the use of the premises. However, the Planning Authority had regard to the town centre location, the average general speed of traffic on the road and the speed limit applicable on the road, and this issue was not considered to be of significant relevance to the proposal.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two (2) no. third-party observations were received from Cllr. Bill Clear and Hugh Statham. The issues raised in the observations can be summarised as follows:

- Support for the use of a vacant building.
- Concerns with respect to the lack of detail for proposed signage given the site's location in the context of the architectural conservation area.
- It was suggested that the seating arrangement provides mainly for take away usage.
- Waste storage related concerns.
- The principle of the proposed development at this location and the need for an additional restaurant and take away business is questioned.
- It is stated that there is no policy support for development of this nature and the proposal will negatively impact the activity and footfall within this area of the town.
- Concerns with respect to the location of the proposed use relative to existing schools.
- It was highlighted that the application is lacking in detail in terms of opening hours, type of restaurant service, potential odour impacts, plant equipment, conservation, details with respect to the remaining use of the building.
- Concerns are highlighted that the proposal will impact the access to the upper floors of the building and the potential for additional uses.
- It highlighted that there is limited parking available in the area and lands to the rear of the of the building is currently congested. As a result, there will be issues with respect to deliveries to the premises.

4.0 Planning History

None.

5.0 Policy Context

5.1. Kildare County Development Plan, 2023-2029 (CDP)

The Kildare County Development Plan, 2023-2029 (CDP) came into effect on 28th January 2023, and after the decision of the Planning Authority to grant planning permission. Naas is designated a Large Growth Town 1 within the current CDP. Naas is also designated as a Primary Economic Growth Town and is promoted for local and regional enterprise and servicing its urban and rural hinterland areas.

Chapter 8 of the current CDP sets out the policy with respect to 'Urban Centres and Retail' and under Map 8.10, the appeal site is located within the Core Retail Area. Section 8.7.1 (Level 2 – Major Town Centres and County (Principle) Town Centres) notes that the town centre is located primarily along North and South Main Streets and expands out onto neighbouring streets and towards the Devoy Quarter. It offers a range of convenience and comparison shops, pharmacies, cafés, restaurants, hotels and public houses. It has a strong evening economy and has been accredited the Purple-Flag status for standards of excellence in managing the evening and night-time economy, as one which is enjoyable, entertaining, diverse and safe. The CDP acknowledges that a number of sites, retail units and buildings located within the town centre are vacant and/or underutilised and have been for a number of years.

Chapter 15 of the current CDP sets out the various Development Management Standards. Section 15.13.7 (Fast Food Outlets, Takeaways, Bookmakers, Budget Shops, Vape Shops, Charity Shops, Telephone / Mobile Shops and Amusement / Gaming Arcades) notes that in order to maintain the appropriate mix of uses and protect the amenities in a particular area, it is the policy of the Council to prevent the excessive concentration of Fast Food Outlets, Takeaways, Bookmakers, Budget Shops, Vape Shops, Charity Shops, Telephone/ Mobile Shops and Amusement/Gaming Arcades. The provision of any of the above will be assessed having regard to the following:

- The number and frequency of such facilities in an area and their cumulative impact in association with the proposed development;
- The need to safeguard the vitality and viability of shopping areas in the town centre and to maintain a suitable mix of retail uses;

- The proximity of such uses to other vulnerable uses, e.g. residences, schools, open space;
- The likely impact on general and residential amenity in terms of noise / disturbance, traffic, parking, litter and fumes;
- Proposed façade design, the type and degree of any advertising / signage and lighting, and the visual appearance of vents / extractors;
- The design shall be required to respect the character of the street and the buildings, particularly within Architectural Conservation Areas.
- The status of the existing unit i.e., is the building in a poor state of disrepair, has it been vacant for a prolonged period and is vacancy a sustained prolific issue in the surrounding area.
- Gaming arcades will not generally be considered other than where the proposal is part of a large tourist attraction. Noise insulation measures will be required at the time of the submission of the planning application and ongoing noise monitoring may be required. Adequate provision for refuse disposal, storage and collection must be indicated in both new and existing buildings. Fast food / Takeaway facilities should include proposals for on-street bins (with appropriate design for boxes / packaging) and a plan for their maintenance. Proposed opening hours must be specified which will be controlled by the Planning Authority

Policy with respect to shopfronts, including design and advertisements is contained within Section 15.14 of the Plan.

5.2. Naas Local Area Plan (LAP), 2021-2027

The site is within an area zoned 'A – Town Centre', the objective of which is "To protect, improve and provide for the future development of the town centre". I note that LAP zoning matrix indicates that a 'Restaurant' use is 'permitted in principle' and a 'Hot Food Take-Away' is 'open for consideration'. Objectives of the LAP, as contained within Chapter 6 (Economic Development, Retail and Tourism) include:

- EDO 3.6: Manage the proliferation of certain uses of development of undesirable uses such as fast-food outlets, amusement arcades, off-licences,

bookmakers, and of other non-retail uses in the interest of protecting the vibrancy, residential amenity and public realm of Naas Main Street.

- EDO 3.7 Encourage and facilitate the re-use and regeneration of vacant / derelict land and buildings for retail and other town centre uses, with due cognisance of the character, heritage and design requirements for the Architectural Conservation Area (ACA).
- EDO 3.9 Ensure that new shop front and signage design contributes positively to and enhances the streetscape and is in accordance with the guidance set out in the County Kildare Shopfront Guidelines (July 2013) and Kildare County Council Policy on Signage (April 2013).

The appeal site is located within the Town Centre Architectural Conservation Area (ACA) and the relevant policies with respect to development within ACAs is included within Section 8.2 of the current LAP.

5.3. Natural Heritage Designations

- 5.3.1. The nearest designated site is the Mouds Bog SAC (Site Code: 000395) c. 8.2km to the west of the site. The proposed Natural Heritage Area (pNHA): Grand Canal, is also located c. 100m to the west of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale the development, which consists of the change of use of an existing commercial premises in a serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party appeal has been prepared and submitted on behalf of Hugh Statham Jewellers, with an address at 22A South Main Street, Naas East, Naas, Co. Kildare. This property is located to the immediate north of the appeal site. The main grounds of the appeal can be summarised as follows:

- It is stated that the appellant welcomes the use of a vacant unit in the town but has serious reservations about the need for yet another restaurant/take away use at this end of the town which already struggles with footfall and activity during the daytime. There are also concerns with respect to the proximity of the take away element of the business to a local school, a lack of a conservation assessment and lack of basic information submitted with the application in respect of odour control, details on upper floors etc.
- It is highlighted that the southern end of Main Street is characterised by vacant units and restaurant/beverage uses. This end of Main Street tends to struggle attracting tenants compared to the northern end and thus it is important that any new commercial uses make a positive contribution to this end of the street during the day that will help generate footfall and activity.
- It is stated that it is surprising that no report has been received from the Conservation Officer given the site adjoins a Protected Structure and is contained within an Architectural Conservation Area. It is considered that the Planning Authority should have obtained a report from the Conservation Officer.
- In terms of the claim that the take away element of the proposal will constitute 25% of the business, it is noted that no empirical evidence has been provided in the form of sale receipts or similar to support this claim. The appellant refers to two other similar type establishments that are operated by the applicant and it is noted that they have very few seats and essentially operate as takeaways. It is stated that the Applicant has not provided a convincing argument to demonstrate that this unit will not essentially be a takeaway. It is submitted that adding yet another fast food restaurant/takeaway will undermine the activity and footfall at this end of the town during the day as such uses only generate activity in the evening and night time. The Applicant has confirmed the premises will only be operating after 4pm.
- It is submitted that there is not a suitable mix of retail uses at this end of the town and there is a need to promote more traditional retail uses to broaden the mix and prevent an overreliance on restaurants/takeaways.
- It is stated that the proposed development is located in close proximity of an existing school (210m) and it is submitted that the takeaway element could become an attraction for pupils during lunch hour and after school if opened

during the day and this could undermine healthy lifestyles promoted by the government and the County Development Plan.

- It is stated that there are no details provided about the plant associated with the proposed development and this has not been addressed by the Planning Authority in their assessment.
- It is stated that the car parking area to the rear of the premises is under huge pressure in terms of demand and is usually full. It is also notoriously difficult to manoeuvre in and out due to its tight nature and the fact that part of the car park is kept clear for entry to a dwelling. It is stated that the Applicant has not provided any details about how exactly it is proposed to service the restaurant via this area given the existing problems.
- There are potential concerns associated with noise emanating from the development and the lack of noise insulation measures have been highlighted.
- The absence of any detail in terms of plant equipment is again noted. The question is asked how are odours going to be dealt with, where will the plant be located, what will it entail? It is stated that this is basic information which third parties have a right to know about and be able to assess. References are also made to the residential dwelling located to the rear of the site.
- It is again reiterated that the Applicant has not provided any assessment of the impact of the proposed development on the character and setting of the street given its location within an Architectural Conservation Area and its location in the context of the Protected Structure to the site's north. It is submitted that this type of food outlet will materially impact the Architectural Conservation Area and the adjoining Protected Structure in a negative manner.
- The first and second floors are marked as not being part of the application and there is no direct access to the upper floors, except through the proposed restaurant itself. This implies that they will be left vacant or for storage which would be contrary to the promotion of the use of upper floors in town centres. It is stated that this issue was not discussed by the Planning Authority and did not form part of the further information request. It is stated that there is strong policy support for the use of upper floor levels as residential accommodation and the proposal will seriously undermine the potential for these upper floors to be utilised. It is submitted that to allow the proposed development to proceed in its

current design is effectively condemning the future use and potential use of these upper floors to vacancy which runs contrary to the proper planning and sustainable development of the area.

6.2. Planning Authority Response

In response to the Third Party appeal, the Planning Authority noted that the proposal involves a change of use of the premises from retail to restaurant use, and there is no change to the façade, other than a name change. The Board is advised to refer to the internal reports of Planning Authority and the Planner's Report in arriving at a determination of the appeal.

6.3. First Party Response

In response to the Third Party appeal and on behalf of the Applicant, it is confirmed that the proposed restaurant will create c. 15 no. employment positions and will quality Turkish cuisine to the town. It is stated that the opening hours will be as per normal sit-down restaurant hours and are mostly outside of normal office and school hours. There are a total of 8 no. car parking spaces to the rear of the premises which can adequately cater to the delivery requirements of the restaurant. It is stated that the upper floor levels of the business are in use as storage and the Applicant has plans in the future to convert this space to apartments subject to planning permission.

6.4. Observations

None.

6.5. Further Responses

None sought.

7.0 Assessment

The main issues to be considered are those raised in the Third Party grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development & Use.

- Built Heritage.
- Other Matters.
- Appropriate Assessment.

7.1. Principle of Development & Use

The proposed development seeks planning consent for the change of use of the existing vacant retail use to a restaurant with an ancillary take-away. The proposal also includes internal works to facilitate the change of use and replacement of the existing signage on the ground floor shopfront. Under the Naas LAP, the appeal site is zoned 'A – Town Centre', the objective of which is 'To protect, improve and provide for the future development of the town centre'. As per the zoning matrix for A zoned lands, a 'Restaurant' use is 'permitted in principle'. Table 11.2 of the LAP highlights that 'Land uses designated under each zoning objective as 'Permitted in Principle' are generally acceptable, subject to compliance with those objectives as set out in other chapters of this Plan'. In terms of the ancillary take-away element of the business, the proposed use would fall under the definition 'Hot Food Take-Away' which is 'open for consideration' under this zoning. The LAP notes that 'Land uses shown as 'Open for Consideration' are uses that are not considered acceptable in principle in all parts of the relevant use zone. However, such uses may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area'.

- 7.1.1. Concerns have been raised within the Third Party appeal with respect to the nature of the proposed use. It was highlighted by the appellant that this end of Main Street tends to struggle attracting tenants compared to the northern end and thus it is important that any new commercial use make a positive contribution to this end of the street during the day, which will in turn will help generate foot fall and activity. In addition, it was submitted that there is not a suitable mix of retail uses at this end of the town and there is a need to promote more traditional retail uses to broaden the mix and prevent an overreliance on restaurants/takeaways. The appeal site is located on the western side of South Main Street and I note that this section of main street is characterised by a variety of commercial and retail uses, which is typical of its town centre location.

I also observed there to be a level of vacancy within the site's immediate surrounds. From my inspection of the site and surrounds, I did not observe there to be a proliferation of restaurants uses at this end of Main Street and I would agree with the Planning Authority that the proposal would not detract from or impact negatively on the existing retail offering within the town, particularly given the current levels of vacancy.

7.1.2. As noted, the take-away element of the business is identified as being 'open for consideration' under the Naas LAP. At additional information stage, the Planning Authority requested the Applicant to submit further details with respect to the nature of the proposed use (type of service, menus etc.) and a rationale for the proposed hours of operation. In response to this, the Applicant confirmed that the premises will operate as a Turkish Restaurant and the take-away element will represent c. 25% of the restaurant business. A sample menu for the restaurant was also included as an appendix to the Applicant's response. Although I agree with the appellant that there is no empirical evidence to substantiate this claim (i.e. c. 25% of business), I understand that this may be difficult for the Applicant to quantify. Notwithstanding this, I note that the majority of floor area of the premises is designated to what you would describe as 'front of house'. The submitted floor plans identify a dining area that can accommodate a total of 24 no. patrons and includes 3 no. customer toilets. Given the layout of the proposed premises, I am satisfied that the take-away element of the business is ancillary to the proposed restaurant use. I have also had regard to the various policies of the CDP and LAP with respect to take-aways. From my inspection of the area, I do not consider the proposal would result in or exacerbate a proliferation of similar uses at this location. Having regard to the current level of vacancy within the site's immediate surrounds, I am also satisfied that the proposal will not adversely impact the vitality and viability of shopping areas in the town centre and it will not detract from the variety of retail uses within the surrounding area. I am therefore satisfied that the proposal is in accordance with the policy for take-aways contained within Section 15.13.7 of the Kildare County Development Plan, 2023-2029 and Objective EDO 3.6 of the Naas Local Area Plan (LAP), 2021-2027.

7.1.3. In terms of the appellant's concerns with respect to the location of the proposed development relative to existing schools, I note that it is not intended to operate the business during lunchtime hours (proposed opening hours are 4pm – 12am) and the Planning Authority have included a condition restricting the hours of operation. The Appellant has also highlighted concerns that the proposal will impact the potential use of the upper floors of the existing premises and there should be an emphasis on reducing town centre vacancy above ground floor level. I note that the upper floors of the existing building do not form part of this development proposal, so it is unclear if they are currently in use. However, I note that it is not currently possible to independently access the upper floors of the building on the basis of the existing retail layout. Notwithstanding this, I am satisfied that works could be facilitated to provide independent access to the upper floors of the building should the need arise in the future subject to the relevant planning consents. Overall, I am satisfied that the proposed restaurant with an ancillary take-away is acceptable at this town centre location and can make a positive contribution to the mix and range of uses within the town.

7.2. Built Heritage

7.2.1. Concerns have been highlighted within the appeal submission with respect to the impact of the proposal on the architectural character of the site and surrounds given the site's location relative to an existing Protected Structure (immediate north) and its location within an Architectural Conservation Area. Concerns were also noted that the Planning Authority's Conservation Officer had no role in the assessment of the application and there was no report on the planning file. Section 8.2.1 (Management of Development in the Architectural Conservation Area) of the current LAP notes that all planning applications within and adjoining the ACA shall be assessed in the context of the following criteria and the impact of any development on the immediate environs of the site, the broader townscape or its landscape setting:

- The height, scale and orientation of the proposed development.
- The bulk, massing and density of the proposed development and its layout in relation to any building line and the surrounding plan form.
- The quality and type of materials to be used in the construction of the development including any boundary treatments and landscaping.

- The design and detail of the proposed development.
- The retention of the traditional plot boundaries of the town.

Policy Objective BH 2.1 of the current LAP is also relevant to the assessment of the application which seeks to “Ensure that new development, extensions and renovation works within or adjacent to Naas ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features.” In addition, Policy Objective BH 2.8, seeks to reduce and prevent visual and urban clutter, where appropriate, within the ACA including signage (including sign protruding from the façade) at ground and upper floor levels, internally affixed stickers and Internally illuminated signage.

7.2.2. Within their assessment of the application, the Planning Authority requested the Applicant to submit details of the works proposed to the existing shopfront which has regard to the pertinent policy of both CDP and LAP. In response, the Applicant confirmed that it is the applicant's intention to retain the existing traditional shopfront design, consisting of pilasters, stallrisers, capitals and fascia. It was stated that all care will be taken to ensure the preservation of the existing timber shopfront which is currently in very good condition and no remedial works are required. It was stated that the signage will be kept to a minimum with just the business name (Passion 4 Food) across the fascia and it is confirmed that there will be no posters or advertisements posted in the shop front window in order to avoid a cluttered appearance. In support of the response, the applicant submitted a revised elevation of the front facade of the building which included details of the proposed signage on the shopfront's fascia.

7.2.3. From my inspection of the appeal site, I observed the existing shopfront to be in a good state of repair and it is evident that it provides a valuable contribution to the architectural character of the existing streetscape. Works to the existing shopfront are minimal and comprise the replacement of the existing signage with fascia signage for proposed restaurant. Overall, I am satisfied that the scale and proportionality of the signage it's acceptable having regard to the existing fascia and I am satisfied that the proposal will preserve and protect the character of the traditional shopfront. In addition, no illumination of the proposed signage forms part of the development proposal and

the Applicant has confirmed that the glazing within the shopfront will remain free of stickers or advertisements. On the basis of the information submitted at application and additional information stage, I am satisfied that the proposal will not detract from the character of the existing Architectural Conservation Area or the adjoining Protected Structure and is therefore in accordance with policies contained within Section 15.14 of the Kildare County Development Plan, 2023-2029 and Objectives BH 2.1 & BH 2.8 of the Naas Local Area Plan (LAP), 2021-2027. In this regard, the proposed development is considered to be acceptable having regard to the architectural character of the site and surrounds.

7.3. Other Matters

- 7.3.1. Within the grounds of appeal, the appellant has noted that there is an absence of information with respect to location of plant equipment and the potential for noise impacts associated with the proposed use. Although this does not appear to have been addressed in detail within the body of the Planner's Report, I note that a condition has been included which restricts the location of all services associated with the proposed development. A condition to limit noise levels has also been included. However, this is restricted to the construction phase of the proposed development and I would question the necessity for this condition given the nature of the proposed works and the restriction on the hours of construction. Although I acknowledge the town centre location of the appeal site, I am conscious of the location of the appeal site relative to the established residences to the site's west. In this regard, I recommend the inclusion of a condition requiring details of all ventilation and plant equipment and its associated screening and their locations to be submitted to the Planning Authority for written agreement prior to the commencement of development on site.
- 7.3.2. In terms of servicing the site, the Applicant has noted within their additional information response that deliveries to the site will be managed from the rear of the property. I note that there is a small car parking area at this location and I am generally satisfied that this arrangement is acceptable given the nature of the proposed development, its overall scale and its town centre location. I note that a condition with respect to waste management has been included by the Planning Authority which I deem to be of

relevance given the nature of the proposed use and the need to carefully manage food waste generated by the development.

7.4. Appropriate Assessment

- 7.4.1. The nearest designated site is the Mouds Bog SAC (Site Code: 000395) which is located c. 8.2km to the west of the site. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, 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. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and extent of the proposed development which comprises a change of use of an existing vacant retail use to a restaurant with ancillary take-away, the town centre location of the site and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, 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 site and surrounds and would, therefore, be accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The proposed development shall comply with the plans and particulars lodged with the application submitted, and as amended by additional information on 03/06/2022, 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
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	<p>development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission relates to the change of use of the ground floor of 23 South Main Street only and not to any other part of the premises. The opening hours of the premises shall be as indicated on the particulars received by the Planning Authority on 03/06/2022 and shall not be altered, unless agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Apart from the signage permitted in this permission, no advertising signs, or devices shall be erected outside the premises without a prior grant of permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths. No external roller shutters or their housings, awnings, canopies or grills, shall be erected without a prior grant of planning permission.</p> <p>Reason: In order to prevent advertising clutter and in the interest of visual amenity.</p>
4.	<p>Prior to the commencement of development, the Applicant shall submit to the Planning Authority for written agreement, the location and details of all services (plant, ventilation etc.) and associated screening. No such units shall be located above the ridge height of the building or to the front facade of the structure.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Tier One Resource Waste Management Plan (RWMP) in accordance with the Environmental Protection Agency 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects - 2021. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. These details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the Planning Authority for written agreement prior to the commencement of development. All records including</p>

	<p>for waste and all resources pursuant to the agreed RWMP shall always be made available for inspection at the site office.</p> <p>Reason: In the interest of proper planning and sustainable development of the area.</p>
6.	<p>The management of fats, oils and greases arising during operational activities to be in accordance with Irish Water requirements. Prior to the opening of the development, a Section 16 License will be required from Irish Water.</p> <p>Reason: In the interest of public health, to avoid pollution, and to ensure proper development.</p>
7.	<p>All food waste shall be managed and disposed of in accordance with the Waste Management (Food Waste) (Amendments) Regulations 2015 and the Kildare County Council Waste Presentation Byelaws 2018, as amended. All segregated food waste from the development shall be offered for collection to a waste contractor in possession of a valid waste collection permit either under the Waste Management (Collection Permit) Regulations 2001 or the Waste Management (Collection Permit) Regulations 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 whichever may be relevant.</p> <p>Reason: In the interest of public health, to avoid pollution, and to ensure proper development.</p>
8.	<p>All overground oil, chemical storage tank(s) shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal to 1.1 times the capacity of the largest tank. Filling and offtake points shall be located within the bund.</p> <p>Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.</p>
9.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water and adhere to</p>

	<p>the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The Applicant shall ascertain and comply with the requirements of the Environmental Health Office.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 8am to 7pm Mondays to Fridays inclusive, between 9am to 2pm 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.</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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

03/05/2022