



An
Bord
Pleanála

Inspector's Report

ABP-319410-24

Development	Change of use of retail unit for mixed use development as a coffee shop with takeaway facility, and all associated site works.		
Location	Edward Street, Newbridge, Co. Kildare.		
Planning Authority Ref.	2360473.		
Applicant(s)	MU Partnership.		
Type of Application	Permission	PA Decision	Grant with conditions.
Type of Appeal	Third Party	Appellant	Siobhan and Mary Caulfield.
Observer(s)	None		
Date of Site Inspection	21.10.2024	Inspector	Des Johnson

Context

1. Site Location/ and Description.

1.1 The site is on the north-west side of Edward Street in the core retail area in Newbridge town. It is a short distance south-west of Henry Street.

1.2 The appeal premises is single storey and currently used as a restaurant/café; there is also a small counter which appears to stock electronic equipment. It is at the northern end of a short row of commercial premises (single storey and two storey). Adjoining the north-eastern boundary of the appeal site is a gated laneway leading to a car parking area to the rear of a row of two-storey (with dormer) properties. There is no access from the appeal site directly on to this laneway. To

the rear of the appeal site is an area overgrown with trees and shrubbery. The appeal premises has an access door on to a laneway adjoining to the south-west; this laneway provides access on to the public footpath to the south-east. The laneway is terminated by a concrete block wall at its north-western end.

2. Description of development.

2.1 The proposal is for a change of use of retail unit for mixed use development as a coffee shop with takeaway facility, and all associated site works. The proposed coffee shop would have a takeaway facility, sit down restaurant with takeaway facility, new front door and front façade arrangement, external retractable canopy and external seating area (on private lands) with removable wind screens, and all associated site works.

2.2 The gross floor area of the existing building is stated to be 168 sqm, and the site area is stated to be 0.020ha. The applicant is recorded as the owner of the site.

3. Planning History

3.1 The following planning history is given for the site:

Reference 09/1380: Permission granted for change of use of existing single storey unit to Turkish Restaurant and Takeaway service

Reference 07/1244 - Permission granted for a) demolition of existing single storey retail premises, (b) construction of a two-storey retail premises consisting of two units with mezzanine first floors and (c) all ancillary site works.

Reference 73/1456 - Permission granted for Revised Plans For Shop

Reference 70/8934 - Permission granted for erection of boundary wall

4. Planning Policy

4.1 Newbridge Local Area Plan 2013-2019.

The site is in an area zoned T – ‘Town Centre’ with the objective *to provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses. It is in the Core Retail Area.*

4.2 Kildare County Development Plan 2023-2029 came into effect on 28th January 2023.

S. 15.13 – Retail Developments

S 15.13.7 - Fast Food Outlets, Takeaways etc.

Policy to prevent excessive concentration of Fast Food Outlets, Takeaways etc. Adequate provision for refuse disposal, storage and collection must be indicated in both new and existing buildings.

S 15.13.8 – Hours of Operation

S 15.14 – Shopfronts

S 15.14.4 – Canopies

S 15.15 – Advertising & Signage

S 15.16 – Outdoor dining.

5. Natural Heritage Designations

- Pollardstown Fen SAC & pNHA – c. 1.9km to the west.
- Mouds Bog SAC & pNHA – c. 3km to the north.

Development, Decision and Grounds of Appeal

6. PA Decision.

6.1 The Planning Authority, by Order dated 1st March 2024, decided to grant permission subject to 12 conditions. In addition to a compliance condition (condition 1), other significant conditions are as follows:

Condition 2: Details and plans of proposed signage and canopy to be submitted for written agreement

Condition 3: Proposed outdoor seating area to be limited in depth to 2.5m from the shop front

Condition 5: Coffee shop/restaurant not to operate outside the hours of 07.0am to 23.00pm without the prior written agreement of the Planning Authority

Condition 6: Compliance with Uisce Eireann requirements for the management of oils, fats and greases arising during the operational activities

Condition 10: Noise control condition

6.2 The Planners report states that the applicant addressed the request for FI. The proposed development complies with the zoning objectives of the CDP and Newbridge LAP.

6.2 The Planning Authority decision was made following the submission of FI on 12th February 2024. This included the following information:

- The front façade is to be a 4-panel door/window system

- Details of the retractable canopy and signage are not finalised and could be made subject to a condition.
- It is intended to use the existing bin store which has existed for 40 years. An alternative bin store location is shown on a submitted revised Site Layout Plan.

7. Third Party Appeal

7.1 The grounds of appeal relate solely to the location of the bin store and may be summarised as follows:

- There is no precedent for a bin store to be located beyond the gable wall at the end of the appellant's garden, at the rear of the existing retail units. There is no access to the retail units through the appellant's garden
- All of the retail units to the rear of the appellant's garden use a common alleyway for bin storage.
- The neighbouring Chinese restaurant does not store bins beyond the gable wall at the rear of the restaurant, and to do so would breach fire regulations and planning permissions as this is a fire escape for the residential accommodation on the first floor
- The appellants have security concerns if the proposed bin store location is permitted. There are personal safety concerns, and the enjoyment of their property will be affected.
- The existing bin store area for the retail units is in the alleyway behind the metal gate bordering the two units.
- There would be disturbance to wildlife in the appellant's garden.
- There would be a loss of residential amenity.
- Permission should be refused for the proposed location for the bin store, or a condition should be imposed requiring the current communal bin store within the alleyway to the front be the location for the proposed change of use.

8. PA Response

8.1 The Planning Authority confirmed its decision to grant permission, and refer the Board to planning reports, internal department reports, and prescribed bodies reports.

Environmental Screening

9. EIA Screening

9.1 Having regard to the limited nature and scale of development located in an urban area, and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10. AA Screening

10.1 Having regard to the nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11 Assessment

11.1 I have read the file, inspected the site and surrounding area, considered the grounds of appeal and all other documentation submitted and on file.

11.2 The proposal is for a change of use of retail unit for mixed use development as a coffee shop with takeaway facility, and all associated site works. The proposed coffee shop would have a takeaway facility, sit down restaurant with takeaway facility, new front door and front façade arrangement, external retractable canopy and external seating area (on private lands) with removable wind screens, and all associated site works. The gross floor area of the existing building is stated to be 168 sqm, and the site area is stated to be 0.020ha. The applicant is recorded as the owner of the site.

11.3 I consider that the key issues to be addressed in this appeal are as follows:

- Principle of development
- Bin storage
- Conditions
- Environmental assessments

Principle of development

11.4 The site is within the Retail Core in Newbridge Town. It is in an area zoned for town centre uses and is surrounded by mainly commercial type uses. I submit that there is no objection in principle to the proposed development.

Bin storage

11.5 The grounds of appeal relate solely to the proposed bin storage for the proposed development. The submitted Layout Plan appears to show 'Existing Bin Store' to the rear of the site and outside the red line for the application. It also indicates 'Alternative Bin Store' in a laneway adjoining the south west boundary of the site, on to which there is an access door from the appeal premises. Both bin store locations are indicated on a 'Right of way for access'. At the time of inspection, I noted that the area for the 'Existing Bin Store' is outside the application site, and is blocked off with no obvious access for

collection purposes; there is no connection to the adjoining laneway to the north east, and no access to the existing laneway which is used for bin storage and leads on to the public footpath at the front of the row of commercial premises. Bin storage at this location would be likely to give rise to public health and amenity issues. In these circumstances I consider that it is reasonable to insert a condition restricting bin storage to the laneway adjoining the south west of the appeal premises, to which the applicant indicates a right of access.

Conditions

11.6 Having regard to the nature of the proposed development, and the urban location, I consider that the Planning Authority's Condition 10 (Noise Control) to be unreasonably restrictive, and should be amended to provide greater flexibility for Saturday trading.

Environmental assessments

11.7 Having regard to the limited nature and scale of development located in an urban area, and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

11.8 Having regard to the nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Recommendation

I recommend that permission for the development be granted.

Reasons & Considerations

Having regard to the nature of the proposal, the location within Core Retail Area, and to the provisions of the Kildare County Development Plan 2023-2029 and the Newbridge Local Area Plan 2013-2019, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and operated in accordance with the plans, particulars, and specifications received by the Planning Authority on 12.12.2023, as clarified and amended by Further Information received on 12.02.2024, except as may be amended by the following conditions.

Reason: In the interests of clarity.

2. Bin storage shall be confined to the location identified as 'Alternative Bin Store' on the submitted Layout Plan received by the Planning Authority on 12.02.2024.

Reason: In the interests of public health and protection of amenity.

3. With 3 months of the date of this permission details of the following shall be agreed in writing with the Planning Authority:

- Proposed signage and canopy
- Operating hours for the coffee shop/restaurant
- Resource Waste Management Plan for the operation of the premises
- The management of fats, oils and greases during operational activities

The development shall be carried out in accordance with the written agreed details.

Reason: In the interests of visual and residential amenity, public health and the proper planning and sustainable development.

4. The disposal of surface water, foul sewage, trade effluent and soiled water shall be in accordance with the requirements of the Planning Authority.

Reason: In the interest of public health.

5. Noise from the operation of the premises shall not give rise to sound pressure levels (Leq 15 minutes) measured at any noise sensitive locations which exceed the following limits

- (i) 55 dB(A) between the hours of 08.00 and 18.00 Monday to Saturday inclusive (excluding Bank Holidays), or
- (ii) 35 dB(A) at any other time.

Reason: In the interest of protecting the amenities of the area.

6. The outdoor seating area to the front of the premises shall be limited in depth to 2.5m from the shop front.

Reason: In order to facilitate future upgrading/widening of footpaths/cycle tracks along Edward Street.

Des Johnson

Planning Inspector

24th October 2024.

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.