



An
Bord
Pleanála

Inspector's Report

ABP-322104-25

Development	For the construction of a single storey extension to the rear of existing commercial premises.		
Location	Unit 6 Riverforest Shopping Centre, Leixlip, Co. Kildare.		
Planning Authority Ref.	24/61376.		
Applicant(s)	Sonrisa Limited.		
Type of Application	Permission.	PA Decision	Grant Permission
Type of Appeal	Third Party	Appellant	Jack McPolin
Observer(s)	None		
Date of Site Inspection	16-04-2025	Inspector	Adam Kearney

Context

1. Site Location/ and Description.

The appeal site comprises a 118m² ground floor commercial unit within the Riverforest Neighbourhood Centre. The Riverforest centre is approximately one kilometre to the north of Leixlip's Main Street in Co. Kildare and accessed from 'Captain's Hill'.

The appeal unit (Riverforest Dental Clinic) is located within a two storey Linear development with commercial uses on the ground floor and residential apartments on the first floor.

There is an adjoining unit immediately east (Unit 5) that is interrelated and whose rear yard area is the subject of this application/appeal for an extension.

The wider neighbourhood centre includes a Supervalu supermarket, newsagent, pharmacy, takeaway, burrito bar, barber shop and the River Forest Hotel.

The rear of the units are accessed by a road and footpath to the south that separates the development from the San Carlo Secondary school building and grounds.

There is separate block northeast with residential apartments only and a surface car park of c180 spaces that serves both the commercial and residential components.

2. Description of development

The application seeks the construction of a wraparound single storey extension (34m²) to the rear yard area of the adjacent unit (Unit 5) to increase the floor space of the dental practice.

3. Planning History

Adjacent

PA Ref 24/61096/ ABP-321614-25 - Permission granted (appealed and decision upheld to Jacaranda Homes Ltd for change of use from butcher shop to coffee shop, a new shopfront, a new shop sign and all associated site works.

P.A. Ref. 2360222 / ABP-318839-24

Refers to a 2024 grant of permission for the construction of 5 no. single storey storage units to service existing shopping centre retail units, to be located adjacent to the rear service road on the south side of the appeal site.

PA Ref 17/1231

Permission Granted to Sonrisa Ltd for (1) change of use of existing ground floor unit from retail to medical use. (2) demolish existing rear ground floor "lean to" extension. (3) construct new ground floor rear extension to facilitate the proposed medical use. (4) alterations to front elevation and (5) all associated site works and services

4. Local Planning Policy

Leixlip Local Area Plan (LAP) 2020-2023 (extended to 2026)

Under the Land Use Zoning Objectives Map, the site is zoned '*N: Neighbourhood Centre*', the objective of which is '*To provide for new/existing neighbourhood centres and associated facilities*'.

Strategic Objective S2

To protect and enhance, including through appropriate regeneration the quality, ambience and vitality of the traditional heart of Leixlip Town Centre in order to create a pleasant and attractive environment for local shopping, business, tourism, recreation and living needs alongside the enhancement and expansion of the neighbourhood centre offering, in a manner capable of accommodating the projected future population

Kildare County Development Plan 2023- 2029

15.9.1 Employment Uses

The following information should be submitted as part of any application for industrial / commercial / business development:

- Details of the nature and scale of the proposed operation, to include opening hours and anticipated traffic levels. 3 Insufficient details submitted at planning application stage may incur requests for additional information or a refusal of planning permission. 558
- Availability of adequate services to cater for the development, or the ability of the applicant to provide these services in a manner which does not adversely impact on surrounding properties or the broader environment.
- Proposals for the safe storage and disposal of waste in a manner which is visually and environmentally acceptable.
- Storage should generally be confined to the rear of the premises; height should be such that the materials stored are adequately screened either by the building unit or an alternative screening method.

5. Natural Heritage Designations

The site is not located within or adjacent to any designated sites.

- The closest European Site is the Rye Water Valley / Carton SAC (Site Code: 001398), c. 300m to the southwest.
- The Rye Water Valley / Carton pNHA (Site Code: 001398) is c. 300m to the southwest
- Royal Canal pNHA (Site Code: 002103) is c. 350m to the north.

Development, Decision and Grounds of Appeal

6. PA Decision

Local Authority Granted Permission subject to 7 conditions

Having regard to the policies and objectives of the Kildare County Development Plan 2023-2029, the nature and design of the proposed development and the character of adjoining development, it is considered that the proposed development would not seriously injure the amenities of the area or of property in

the vicinity, and if constructed in accordance with the attached conditions, the proposed development would accord with the proper planning and sustainable development of the area.

6.1 Planners Report

Area planner generally satisfied with the principle of extending to provide a 4th treatment room by extending into a vacant space leftover from the closure of the butcher shop in unit 5.

Notwithstanding the submission received they considered that the proposed development is acceptable for the site in question and considered that the proposed development would not seriously injure the amenities of the area subject to construction in accordance with conditions

6.2 Technical Reports

Area Engineer: No objection subject to conditions

Environmental Section: Recommended permission with following conditions to be applied

1. Construction and Demolition Resource Waste Management Plan
2. foul sewage, trade effluent and soiled water shall discharge to the public foul sewer system.
3. Specified noise levels for construction phase
4. All waste shall be managed and disposed of in accordance with the Waste Management Act 1996, as amended and the Kildare County Council Waste Presentation Byelaws 2018. Prior to commencement of development, applicant shall send in for approval an operational waste management plan drafted by a competent Consultant in accordance with these byelaws.

7. Third Party Appeal. Grounds:

- Disruption to existing operations with the removal of the storage area to the rear of unit 5 and unit 6 forcing large storage bins to be stored on the rear street.
- Bins on the street will have the potential to block emergency services, cause clutter and environmental concerns with potential for rodent infestation
- Fire safety concerns with potential for fire spread between units
- Questions the necessity and feasibility of the extension, believes the premises is not currently operating at capacity
- Concerns raised about traffic and parking
- Questions the entitlement to seek a change of use in the absence of a functioning management company

7.1 First Party Response to Appeal

- have been providing dental and orthodontic services in Riverforest Shopping Centre for many years. Originally located at first floor level above Unit 3 the practice relocated to Unit 6 in 2019
- proposal is to construct a single storey extension to the rear of this existing commercial premises
- Sonrisa acquired the adjoining premises, No. 5, with the intention of expanding the practice
- Bin storage provision for all of the commercial units is currently along the footpath between the service road and the rear boundaries of the buildings and will remain so.
- None of the properties along the terrace have rear yards with the exception of No. 7
- service road is not required to serve as an access route for emergency services as contended by the appellant

- The size of the individual units is such that access for fire brigade appliances to the rear of the building is not required in accordance with Technical Guidance
- An application for a Fire Safety Certificate in accordance with the Building Control Act 1990 will be made for the proposed development prior to the commencement of the works
- contention by the appellant that the extension to the premises is unnecessary is entirely irrelevant
- adequate parking provision provided within the curtilage of Riverforest Shopping Centre. There are no issues with traffic congestion
- Permission was granted for the extension of one commercial premises into the adjoining commercial premises therefore the appellant's contention that permission from the management company (Riverforest Management Company Ltd) is required is incorrect.
- The extension is similar to other extensions that have been granted planning permission by Kildare County Council therefore there is a well-established precedent for such a development

8. PA Response

The Planning Authority responded by email on the 14th of April

They note the content of the appeal and confirm their decision and ask that ABP refer to the Planners' Report, internal department reports and prescribed bodies reports in relation to the assessment of the planning application

Environmental Screening

9. EIA Screening

The proposal relates to a proposed extension to an existing commercial unit within the development boundary of Leixlip. The site is located on zoned lands and not within a designated area. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended. No mandatory

requirement for EIA therefore arises and there is also no requirement for a screening determination. Please refer to Form 1 as per Appendix 1 below.

10. AA Screening

Refer to Appendix 2.

Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, 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.

3.0 Assessment

3.1. I have visited the site, reviewed the application and the appeal documents and consider the relevant planning issues are as follows

- Principle of Development
- Waste management & Drainage
- Other matters

3.2. Principle of Development

Under the current Leixlip LAP, the appeal site is zoned 'N: Neighbourhood Centre', the objective of which is *'To provide for new/existing neighbourhood centres and associated facilities.'*

Strategic Objective S2 of the LAP seeks to protect and enhance Leixlip Town Centre along with the enhancement and expansion of the neighbourhood centre offering. Given the land use designation and the limited scale of the proposal, the extension as proposed is acceptable in principle at this location.

3.3. Waste Management

The recent application for Unit 5 encompassed the same yard area that is also proposed to accommodate the current extension to the dental practise, and which was submitted to Kildare County Council on the 19/12/2024 just over 2 weeks after

the Unit 5 application and was decided on the 21/02/2025. The Unit 5 application was subsequently appealed to ABP and the decision upheld Under ABP-321614-25 The planning inspector noted t

Note: The extension would be built within the full confines of the rear yard of the appeal site and includes a separate corridor / accessway for rear access to the service lane for the appeal site unit, the door for which corresponds with the drawings submitted with the application subject of this appeal.

In their assessment of the appeal relating to Unit 5 they recommended inclusion of a condition around waste management.

During my site visit I observed an unkempt approach to waste management along the service road to the south of the commercial units. It would appear that over time the rear yard spaces associated with each unit have evolved in function and no longer accommodate waste bins. This view has been supported by the applicant in their appeal response. It appears that bins are left externally at the rear along a footway in an ad hoc fashion.

The waste bin arrangement is open to scavenging from wildlife and to toppling over from high winds and given the location of this service road immediately adjacent to food units and immediately adjacent to a second level school there is potential for a risk to public health if not properly managed. I am satisfied however that waste arrangements can be dealt with by condition

3.4. Drainage

The application for the 'change of use' to Café in Unit 5 proposed the removal of a cold storage unit associated with the previous use as a butcher and the patch and repair of the yard area. There are foul drainage pipes shown on the proposed site layout entering the yard area from a kitchen unit and a WC. This drainage configuration does not feature in the current application/appeal and where this area would be built over and how this could impact on the configuration in terms of access to this foul drainage and the use of grease interceptors etc. the drainage arrangement need clarification, but I am satisfied same can be addressed by way of condition.

3.5. Other Matters

The appeal raises issues around the impact of the proposed development on Fire Safety with regard to access for fire tenders and the spread of fire between units. In this regard the units can be access from the front in the event of fire and I note that there have been no issues raised in this regard by way of internal comment. With regard to the development itself it will be the subject of standard building control requirements and will require a Fire Safety Certificate to be issued prior to commencement. I am satisfied therefore that there are no issues evident in relation to fire hazards from the proposed development.

The appeal raises questions about the entitlement to make an application in the absence of a functioning management company.

As I understand it the individual units at the centre are owned by different people/entities and as such are entitled to apply for permission on their own lands.

4.0 Recommendation

4.1. I recommend that permission for the development be Granted.

5.0 Reasons & Considerations

Having regard to the location, nature and scale of the proposed development and the limited impact of the proposal on residential amenity, it is considered that, subject to appropriate conditions, the development would be consistent with the Neighbourhood Centre zoning objective and Strategic Objective S2 of the Leixlip Local Area Plan 2020-2023, as amended (extended to 2026) and therefore would be in accordance with proper planning and sustainable development of the area.

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise, be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the
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	<p>planning authority prior to commencement of 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>A plan containing details for the management of waste 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 agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan. Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.</p> <p>Reason: In the interests of residential amenity</p>
3.	<p>The surface water from the proposal shall be contained on the subject site. No surface water shall discharge from the proposed development onto any adjoining properties.</p> <p>Reason: In the interests of public health, to avoid pollution and to ensure proper servicing of the development.</p>
4.	<p>Full details of existing and proposed internal underground drainage arrangements and how same may be impacted by development of adjacent Unit 5 shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of public health, to avoid pollution and to ensure proper servicing of the development.</p>
5.	<p>Apart from the signage in-situ/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>

	Reason: in order to prevent advertising clutter and in the interest of visual amenity
6.	<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.

Name: Adam Kearney

Planning Inspector

Date: 22-04-2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-322104-25		
Proposed Development Summary	construction of a single storey extension to the rear of existing commercial premises		
Development Address	Unit 6 Riverforest, Shopping Centre, Leixlip, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	√	Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial uses.)	Proceed to Q3
No			No further action Required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
		Threshold	Comment (if relevant)
			Conclusion
No	√	Class 10(b)(iv): The site is 0.017ha, therefore well below the threshold of 2ha	Proceed to Q4
Yes			EIA Mandatory EIAR required

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?

Yes	√	<p>State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.</p> <p>Class 10(b)(iv): The site is 0.177ha, therefore well below the threshold of 2ha</p>		Preliminary examination required (Form 2)
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4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: Adam Kearney

Date: 22-04-2025

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-322104-25
Proposed Development Summary	Extension to retail premises
Development Address	Unit 6 Riverforest, Shopping Centre, Leixlip, Co. Kildare
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is the construction of a small commercial extension, it does not require any significant demolition works and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites</p>	<p>Having regard to the limited nature and scale of development as well as the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); there is no real likelihood of significant effects on the environment arising from the proposed construction of a dwelling. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary</p>

of historic, cultural or archaeological significance).	examination and a screening determination is not required	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	NO
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	NO
There is a real likelihood of significant effects on the environment.	EIAR required.	NO

Inspector: _____ Date: 22-04-2025

DP/ADP: _____ Date: _____

Appendix 2

AA Screening

I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is not located within or immediately adjacent to any European Sites. The closest European Sites is the Rye Water Valley / Carton SAC (Site Code: 001398), c. 300m southwest.

The proposed development comprises the construction of a wraparound single storey extension (34m²) to the rear yard area of the adjacent unit (Unit 5) to increase the floor space of the dental practice.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows

- Nature and scale of the proposed development
- The distance from nearest European site
- Urban location with access to all public services and utilities,

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.