

Comhairle Contae Chill Dara
Kildare County Council



Date: 20th February 2024.
Our Ref: ED/1095.

McDonalds Restaurants of Ireland Limited,
c/o Downey,
29 Merrion Square,
Dublin 2.
D02 RW64.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at McDonalds, Edward Street, Moorefield Road, Newbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 12th January 2024 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,


PP **Senior Executive Officer,
Planning Department.**



**Declaration of Development & Exempted Development under Section 5 of the
Planning and Development Act 2000 (as amended).**

ED/001095.

WHEREAS a question has arisen as to whether remedial refurbishment works to fire damaged premises at McDonalds, Edward Street, Moorefield Road, Newbridge, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 12th January 2024

AND WHEREAS McDonalds Restaurants of Ireland Limited requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4, of the Planning and Development Act 2000 (as amended);
- (b) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the remedial refurbishment works to fire damaged premises as indicated on the plans and particulars received by the Planning Authority on 12th January 2024

***IS development and IS EXEMPTED development pursuant to Section 4(1)(h) of the
Planning and Development Act 2000 (as amended).***

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

20th February 2024.


Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1095

Name Of Applicant(s):	McDonalds Restaurants Ireland.
Address Of Development:	McDonalds, Edward Street, Moorefield Road, Newbridge, Co. Kildare.
Development Description:	Remedial refurbishment works to fire damaged premises
Due date	09/02/2024.

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act that remedial refurbishment works to fire damaged premises is or is not exempt development.

Site Location

The site is located off the R445 (Dublin Road) in Newbridge. The site is currently fenced off at present as it contains a fire damaged fast food restaurant.



Fig 1: Site Location and context



Fig 2: Aerial view





Description of Proposed Development

The proposed works are remedial refurbishment works, which are necessary to return this fire damaged building to its previous conditions, including replacement of the northwest elevations and section of roof structure to match what was previously permitted on site prior to the fire.

Planning History

13/827: Permission was **granted** to McDonalds for alterations to existing drive thru lane to create side by side ordering points, additional order point canopy and single bay 3-sided internally illuminated menu sign. All with associated site works.

11/0843: McDonalds Restaurants of Ireland Ltd. - permission **granted** for:

- i) Cladding over of existing roof tiles as per drawings,
- ii) Removal of existing roof light boxes,
- iii) Removal of existing roof signs to be replace with new roof signs,
- iv) Additional roof & sire signage,
- v) Removal of existing drive thru' signage and installation of new drive thru' signage and height restrictor,
- vi) Alterations to existing elevations including modifications to existing drive thru' booths,
- vii) Modifications to existing site railings to include lighting to front of building.

All with associated site works

09/0666: Sean and Louise Quirke Pattin Products Ltd – permission **granted** for opening hours (previous planning ref. no 98/277) with proposed new opening hours as follows; 07:00 to 02:00 hours on Thursday, Friday and Saturday, 07:00 to 24:00 hours on the remaining day of the week for development at this site.

08/0029: Pattina Products Ltd – permission **granted** to retain existing bin storage shed to the south west of the restaurant and existing extension to the seating area to the north east of the restaurant.

98/0277: McDonald's Restaurant of Ireland Ltd – permission **granted** for a single storey 95-seat drive through restaurant with facility for sale of hot food for consumption off the premises, with associated advertising signs, accessed from Edward Street at Boylan's Motor Garage premises

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1)

In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Include other relevant sections of the act. E.g. (below)

Section 4(1)

The following shall be exempted development for the purposes of the Act-

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Assessment

Having carried out an assessment on the planning history it is considered they proposed development would not contravene any condition on any previous permission.

The applicants planning consultant has stated the following:

"Following the various post-fire assessments carried out by McDonald's and their design team in recent weeks, it has been determined that the majority of the building is in good structural order. The majority of the elevations (i.e. three of the four elevations or c. 75% of the building's elevations) have survived and are in good order, and thus only require remedial works such as general repairs, window

replacement, etc. It must also be noted that much of the damage to these elevations was not the result of the fire, but the actual fire tender equipment used in efforts to extinguish the fire. Additional structural assessments have been carried out on the existing floor structure which have determined that the floor structure of the building is also intact.” And “the north-west elevation where the drive-thru collections points are located, suffered extensive damage and will have to be rebuilt. Similarly, sections of the roof structure have been compromised such that this will also need to be replaced. However, it must be stressed that the current visual condition of the north-west elevation on site is the result of having to fully strip/clear this façade of fire debris by McDonald’s team of contractors such that assessments could be carried out. It is intention of the applicant that these sections of the building will be replaced like for like such that the works match what was previously permitted and existing on-site prior to the fire, as evidenced in the photomontages now being submitted in support of this application, as illustrated below with associated photographs.”

Section 4(1) (h) “development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”



Figure 4. Existing View from Moorefield Road i.e. North-West Elevation Post-Fire and Stripping/Clearance Works



Figure 5. Proposed CGI View from Moorefield Road i.e. North-West Elevation & Roof Post Works

Conclusion

Having regard to:

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended);
- The nature, extent and purpose of the works;


it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application ***is development and is exempted development*** under section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Signed: 
L. Murphy
Executive Planner

Date: 07/02/2024



Aoife Brangan
A/SP
20/02/24

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the remedial refurbishment works to fire damaged premises

AS INDICATED on the plans and particulars received by the Planning Authority on 12/01/2024

AND WHEREAS McDonalds Restaurants Ireland Ltd requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4, of the Planning and Development Act 2000 (as amended);
- (b) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

the remedial refurbishment works to fire damaged premises

IS development and IS EXEMPTED development pursuant to Section 4 (1) (h) of the Planning and Development Act as amended

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	ED1095
Applicant name	McDonalds Restaurants Ireland Ltd.
Development Location	Moorefield Road, Newbridge, Co. Kildare.
Site size	Unknown.
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The site is 1.3km east of Pollardstown Fen SAC (site code 000396).
Description of the project/proposed development – remedial refurbishment works to fire damaged premises	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development

			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley,	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or</i>	No

	Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	No
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest SAC site, the location of the site and the scale and extent of the proposal it is considered no potential exists for significant effects on the Natura 2000 network.		
Name:	L. Murphy	
Position:	Executive Planner	
Date:	22/01/2024	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO51356 **Section:** Planning

SUBJECT: ED/1095.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at McDonalds, Edward Street, Moorefield Road, Newbridge, Co. Kildare.

SUBMITTED: File Ref. ED/1092 with recommendation from the A/Senior Planner and reports from the Council's Technical Officers.

AD

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

MADE THIS 20th DAY

SIGNED: Alan Dunney

OF February YEAR 2024

DIRECTOR OF SERVICES

Kildare County Council
Declaration of Exempt Development under Section 5,
of the Planning and Development Act 2000

Incomplete application forms will
be deemed invalid and returned



All responses must be in block
letters

Section 1	Details of Applicants
-----------	-----------------------

- 1.Name of Applicant(s) MCDONALD'S RESTAURANTS OF IRELAND LTD.
Phone No: N/A Fax No: N/A
- 2.Address: FIRST AND SECOND FLOOR OFFICE SUITES, 14/15/16 MARY STREET, DUBLIN.
D01 DH59

Section 2	Person/Agent acting on behalf of applicant (if applicable)
-----------	------------------------------------------------------------

- 1.Name of Person/Agent: EVA BRIDGEMAN, FOR AND ON BEHALF OF DOWNEY
Phone No: 01 253 0220 Email: eva.bridgeman@downeyplanning.ie Fax No: N/A
2. Address: 29 MERRION SQUARE, DUBLIN. D02 RW64

Section 3	Company Details (if applicable)
-----------	---------------------------------

- 1.Name of Company MCDONALD'S RESTAURANTS OF IRELAND LTD.
Phone No: N/A Fax No: N/A
- 2.Company Reg. No: 127316
- 3.Address: FIRST AND SECOND FLOOR OFFICE SUITES, 14/15/16 MARY STREET, DUBLIN.
D01 DH59

Section 4	Details of Site
-----------	-----------------

1. Planning History of Site: Reg.
REG. REF. 98277 6TH MARCH 1998 REG. REF. 0829 11TH JANUARY 2008
REG. REF. 09666 12TH JUNE 2009 REG. REF. 11843 19TH AUGUST 2009
REG. REF. 13827 21ST OCTOBER 2013
2. Location of Proposed Development: MCDONALD'S EDWARD STREET, MOOREFIELD ROAD,
NEWBRIDGE, CO. KILDARE
3. Ordnance Survey Sheet No: 3605-25 3606-21
4. Please state the Applicants interest in the site: OWNER
5. Please state the extent of the proposed development: REMEDIAL REFURBISHMENT WORKS TO
FIRE DAMAGED PREMISES - REFER TO ENCLOSED DOCUMENTS FOR FURTHER DETAILS

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (specific details required)

SECTION 4(1)(H) OF THE PLANNING AND DEVELOPMENT ACT 2000

7. Please give a detailed description of the Proposed Development (Use separate page if necessary)

WHETHER THE REMEDIAL REFURBISHMENT WORKS, WHICH ARE NECESSARY TO RETURN THIS FIRE DAMAGED BUILDING TO IT PREVIOUS CONDITION, INCLUDING REPLACEMENT OF THE NORTH-WEST ELEVATION AND SECTIONS OF ROOF STRUCTURE TO MATCH WHAT WAS PREVIOUSLY PERMITTED/EXISTING ON-SITE PRIOR TO THE FIRE, IS CONSIDERED EXEMPTED DEVELOPMENT.

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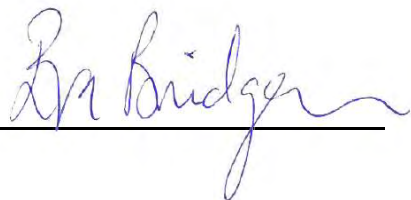
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Section 5	The following must be submitted for a valid application
-----------	---------------------------------------------------------

(Please Tick)		
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

Section 6	Declaration
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I, Eva Bridgeman (for and on behalf of DOWNEY) certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: 

Date: 12/01/2024

Planning Department
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare

12th January 2024

RE: Section 5 Declaration Application at McDonald's, Edward Street, Moorefield Road, Newbridge, Co. Kildare

APPLICANT: McDonald's Restaurants of Ireland Ltd.

Dear Sir/Madam,

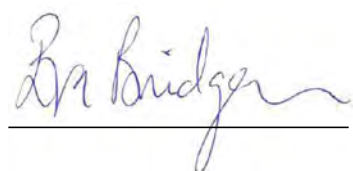
DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, on behalf of our client and the applicant, McDonald's Restaurants of Ireland Ltd., hereby wish to submit this application under Section 5 of the Planning and Development Act, 2000 (as amended), to provide support to Kildare County Council that the remedial refurbishment works to the fire damaged McDonald's drive-thru restaurant at the subject site in Newbridge, are exempted development, as defined within the Planning and Development Act, 2000 (as amended) and associated Planning and Development Regulations, 2001 (as amended).

As required by the Planning Authority, this application being made under Section 5 of the Planning and Development Act, 2000 (as amended), is supported by the following:

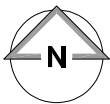
- 1 no. payment of the appropriate fee (€80);
- 1 no. completed Section 5 Application Form;
- PDF copy of Site Location Map, Site Layout Plan, and all relevant plans and documentation; and,
- PDF copy of Planning Statement prepared by DOWNEY.

We trust that the enclosed plans and particulars pertaining to this Section 5 application are in order and look forward to a favourable decision from Kildare County Council in due course.

Yours sincerely,



Eva Bridgeman MIPI
Director
For and on behalf of DOWNEY



NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dims only.
- This drawing shall not be reproduced without express written permission from AEW.
- Title overlay drawings and ownership boundaries are provided solely for information purposes. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CONSTRUCTION REGULATIONS
(SAFETY, HEALTH AND WELFARE AT
WORK (CONSTRUCTION)
REGULATIONS 2013)

CDM 2015

Client notified of duties: **At Designs Workshop**
Principal Designer: **AEW Architects**

- Drawing Based on OS Pro map
- Scale for planning purposes only.
- Extent of McDonald's Application Indicated:

Unless noted below, all known hazards have been highlighted on the drawing.

Description:
=====

Digital Landscape Model (DLM)

Publisher / Source:
=====

Ordnance Survey Ireland (OSI)

Data Source / Reference:
=====

PRIME2

File Format:
=====

Autodesk AutoCAD (DWG_R2013)

File Name:
=====

v_50369668_1.dwg

Clip Extent / Area of Interest (AOI):
=====

LLX,LLY= 679474.76,714160.97
LRX,LRY= 680057.76,714160.97
ULX,ULY= 679474.76,714590.97
URX,URY= 680057.76,714590.97

Projection / Spatial Reference:
=====

Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
=====

X,Y= 679766.26,714375.97

Reference Index:
=====

Map Series | Map Sheets
1:1,000 | 3606-21
1:1,000 | 3605-25

Data Extraction Date:
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Date= 22-Nov-2023

Source Data Release:
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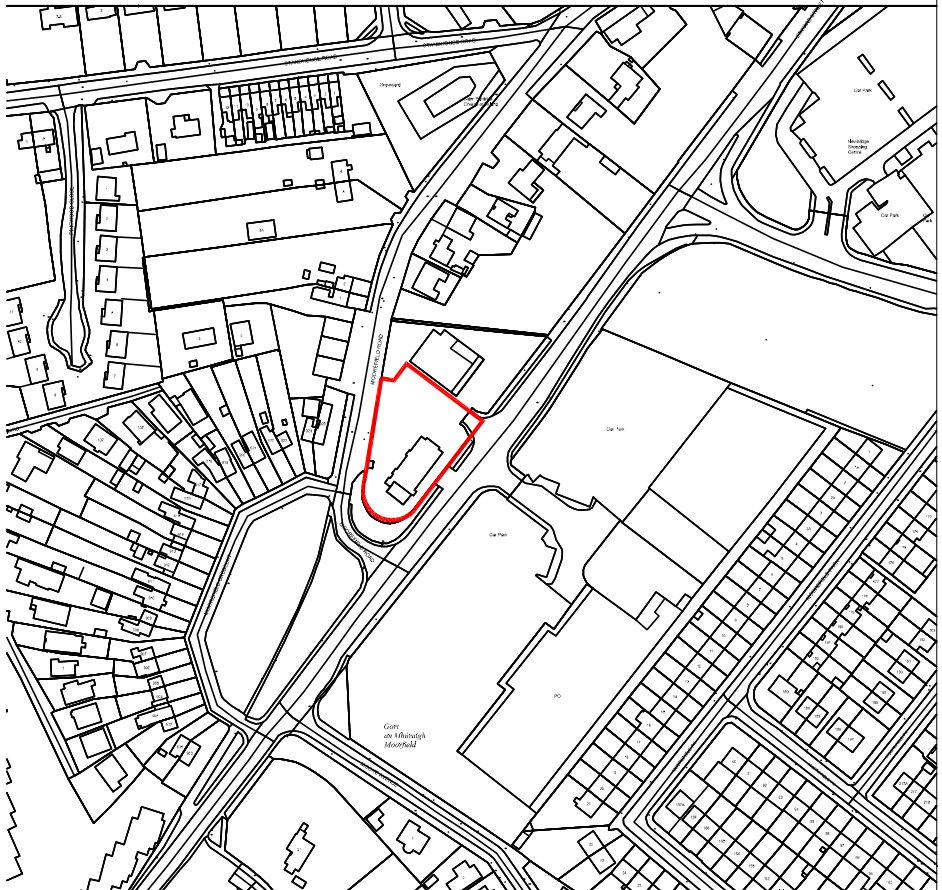
DCMLS Release V1.170.116

Product Version:
=====

Version= 1.4

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Ordnance Survey Ireland, 2023

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or footpath is not evidence of the existence of a
right of way.

Ordnance Survey maps never show legal property
boundaries, nor do they show ownership of physical
features.

Suirbh ireacht Ordán is ireann, 2023

Arna thioms agus arna fhoilsi ag
Suirbh ireacht Ordán is ireann, P.irc an
Fhionnuisce, Baile tha Cliaht 8, ire.

S ra onn at irgeadh neamh daraithe c ipheart
Shuirbh ireacht Ordán is ireann agus Rialtas
na h ireann.

Gach cead ar cosnamh. N ceadrnach aon
chuid den fhoilseach n seo a ch ipe il, a
at irgeadh n a tharchur in aon fhoim n ar aon
bhealach gan cead i scr bhinn roimh r in ir
an ch ipchirt.

N hionann b thar, bealach n cos n a bheith ar
an I arsc il seo agus fianaise ar chead sl .

N thaispe nann I arscail de chuid Ordán is
Shuirbheireacht na h ireann teorann phoint dleath il
de mhaoin riamh, n in ireacht de ghn ithe fhisici la.

28/11/2023	MW	DP
INITIAL ISSUE		
REV	Date	Drawn by: -
Status	Purpose of Issue	Checked by: -
S2	For Information	
Drawing stage	Feasibility	
Client	McDonald's Restaurants Ltd	
Project	Moorfield Newbridge Co. Kildare, W12 TH63	
Drawing title	LOCATION PLAN	
Scale	28/11/2023	Drawn MW
Scale: 1:2500	1:2500	Checked DP

0 20 40 60 80 100m

Scale 1:2500

LOCATION PLAN

McDonald's New Build Newbridge #7049

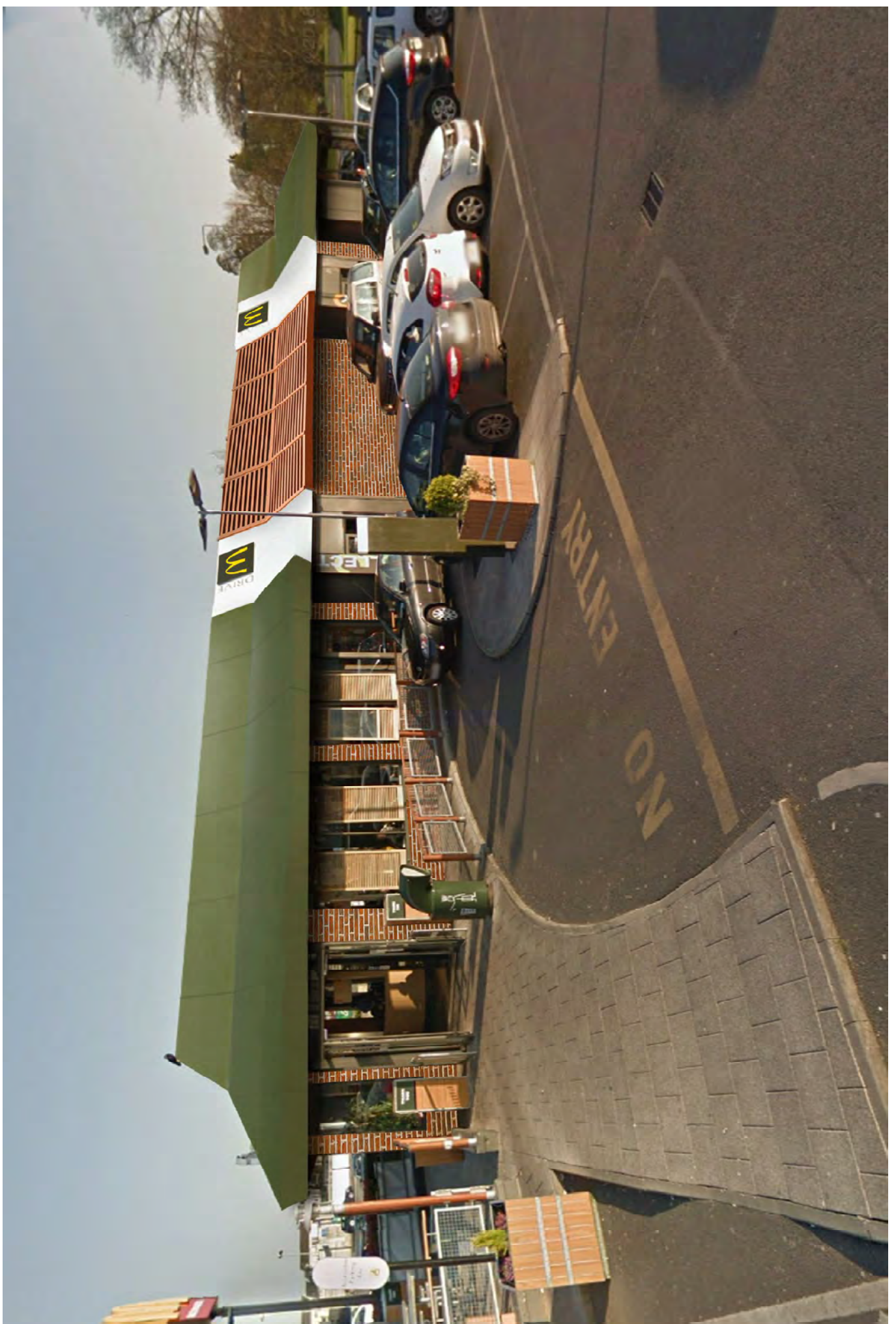
Proposed CGI Elevation
Newbridge, Kildare



Document reference 13607-AEW-7049-XX-VS-A-0001_P01
Date 03/11/2023



Existing view - From Moorfeild Rd



Proposed view - From Moorfeild Rd



aew architects
Trinity Court
16 John Dalton Street
Manchester, M2 6HY
T: 0161 214 4370
www.aewarchitects.com

Comhairle Contae Chill Dara
Kildare County Council



Date: 23rd January 2024.
Our Ref: ED/1095.

McDonalds Restaurants of Ireland Limited,
c/o Downey,
29 Merrion Square,
Dublin 2.
D02 RW64.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at McDonalds, Edward Street, Moorefield Road, Newbridge, Co. Kildare.

Dear Sir/Madam,

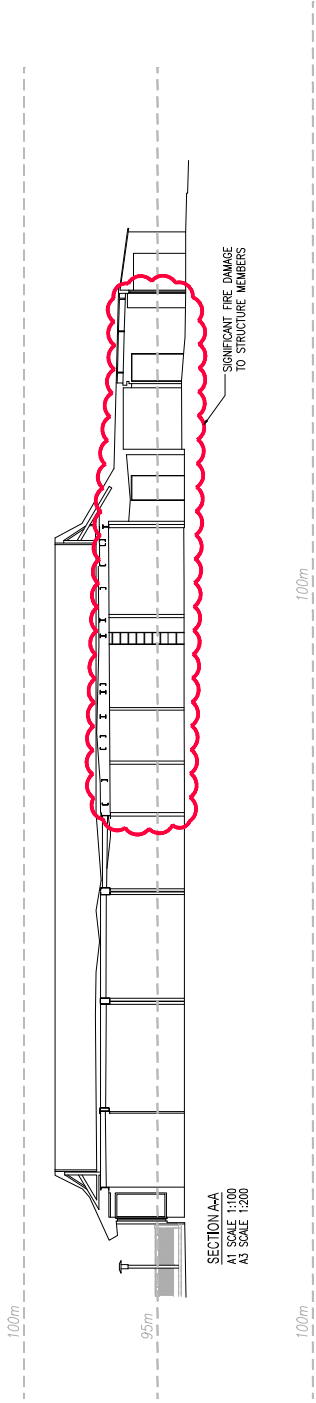
I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 12th January 2024 in connection with the above.

Please find enclosed Receipt no. FIN1/0/495472 for €80 application fee.

Yours sincerely,



Senior Executive Officer,
Planning Department.



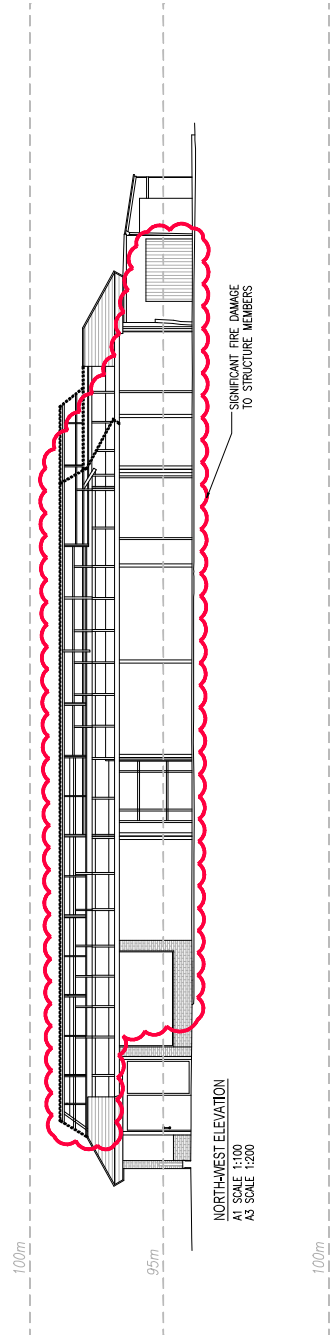
SECTION AA
A1 SCALE 1:100
A3 SCALE 1:200



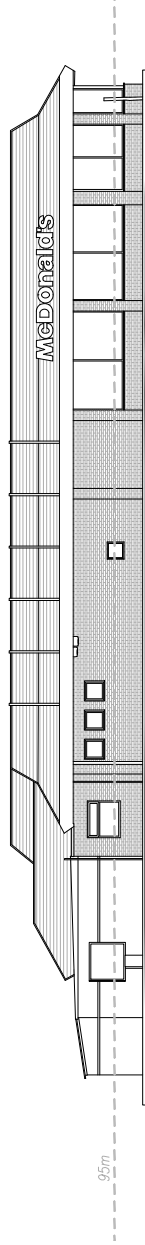
SECTION C-C
A1 SCALE 1:100
A3 SCALE 1:200



NORTH-EAST ELEVATION
A1 SCALE 1:100
A3 SCALE 1:200



NORTH-WEST ELEVATION
A1 SCALE 1:100
A3 SCALE 1:200



SOUTH-EAST ELEVATION
A1 SCALE 1:100
A3 SCALE 1:200

Health and Safety:

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, SPECIFICATIONS AND THE PROJECT SUPERVISOR DESIGN PROCESS IS THE CLIENT'S RESPONSIBILITY. THE APPOINTMENT OF THE PROJECT SUPERVISOR DESIGN PROCESS IS THE CLIENT'S RESPONSIBILITY. THE APPOINTMENT OF THE PROJECT SUPERVISOR DESIGN PROCESS IS THE CLIENT'S RESPONSIBILITY. THE APPOINTMENT OF THE PROJECT SUPERVISOR DESIGN PROCESS IS THE CLIENT'S RESPONSIBILITY.

Notes:

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- ALL DIMENSIONS IN mm UNLESS NOTED OTHERWISE.
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- ALL DIMENSIONS IN mm UNLESS NOTED OTHERWISE.

THIS DRAWING TO BE USED FOR PRELIMINARY PURPOSES ONLY



St Catherine's House,
Catherine Street,
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Tel: +353 51 876 855
Email: info@maloneoregon.ie
Web: www.maloneoregon.ie

Office also in:

DUBLIN : Tel: +353 1 200 2655
Email: info@malone.ie
LONDON : Tel: +44 20 301 551 089
Email: info@malone.co.uk

Client: MARTIN REDDIN LTD.

Job: McDONALDS, NEWBRIDGE,
CO. KILDARE

Drawing

AREAS OF FIRE DAMAGE

Rev.	Description	Date	Drawn	Check	Appr.	Job No.	Proj No.	Sheet	Scale
1						W23966	P708	PP	A1 1:100 A3 1:200

D C W N E Y

PLANNING STATEMENT

**McDonald's Edward Street,
Moorefield Road, Newbridge,
Co. Kildare**

McDonald's Restaurants of Ireland Ltd.

January 2024

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DOWNEY

DOWNEY Document Control			
	Name	Date	Version
Prepared by	Stephen Mahony Assistant Planner	03/01/2024	DRAFT_V_01
	Elahe Saki MIPI Senior Planner	10/01/2024	DRAFT_V_02
Approved by	Eva Bridgeman MIPI Director	12/01/2024	FINAL_V_03

1.0 INTRODUCTION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, on behalf of our client and the applicant, McDonald's Restaurants of Ireland Ltd., hereby wish to submit this application under Section 5 of the Planning and Development Act, 2000 (as amended).

This application seeks to provide support to Kildare County Council that the remedial refurbishment works to the fire damaged McDonald's drive-thru restaurant at the subject site in Newbridge, are exempted development, as defined within the Planning and Development Act, 2000 (as amended) and associated Planning and Development Regulations, 2001 (as amended).

The applicant has liaised with representatives of Kildare County Council's Planning Department since the fire and prior to the submission of this Section 5 application. Kildare County Council also facilitated a pre-planning meeting with the applicant and design team representatives on Wednesday 20th December at 10am via MS Teams.

At this juncture, it must be stressed that the business has been closed since the fire in August 2023, leaving 92 people without work. This McDonald's drive-thru restaurant provides a considerable number of jobs in Newbridge and the wider area through both its operational staff and its suppliers; as such, there has been significant commercial, financial, and personal impact on both the franchisee and their staff at this restaurant location since its closure. To this end, the applicant wishes to return the premises to its previous condition without delay and ensure these families' livelihoods are supported. There has also been an impact on the customers, with no access or use of the internationally renowned restaurant in Newbridge since its closure as a result of the fire.

As such, the applicant wishes to complete the remedial refurbishment works and recommence trading as soon as possible to ensure that all staff regain employment as quickly as possible. In light of this, McDonald's Restaurants of Ireland Ltd., hereby wish to submit this Section 5 Application for exempted development for the approval of Kildare County Council.

2.0 SITE LOCATION AND DESCRIPTION

The subject site consists of an existing McDonald's drive-thru restaurant which is located off Moorefield Road, with access from both the east and west. This McDonald's drive-thru restaurant has been successfully established at this location since the late nineties, following An Bord Pleanála's approval by Order dated 11th December 1998 (Reg. Ref. 98/277 – ABP-107012-98).

The subject restaurant and drive-thru premises is a stand-alone single storey building, with a KFC restaurant and drive-thru unit located to the immediate north of the site. There is a pharmacy and opticians to the west of the subject site and a Tesco Superstore and Woodies Garden Centre to the east.

The subject site is located to the southern side of Newbridge centre, with access to the M7 Motorway only 1.5km to the south via the R445 road, owing to the accessibility of the site. Newbridge offers an abundance of amenities and facilities, all of which are spread across the town.



Figure 1. Aerial View of the Subject Site (approximate site denoted in red)



Figure 2. McDonald's Drive-Thru Restaurant Newbridge (prior to August 2023 fire)

3.0 PLANNING HISTORY

DOWNEY have carried out an extensive examination of the planning history via Kildare County Council's online planning search portal. Accordingly, the planning history for the subject site can be summarised as follows:

Reg. Ref. 98/277 (ABP-107012-98 – parent permission): By Order dated 11th December 1998, An Bord Pleanála overturned the decision of the local authority and granted permission for a single-storey, 95-seat drive through restaurant with facility for sale of hot food for consumption off the premises, with associated advertising signs.

Reg. Ref. 08/29: By Order dated 1st August 2008, permission was granted for retention of the existing bin storage shed to the south-west of the restaurant and existing extension to the seating area to the north-east of the restaurant.

Reg. Ref. 09/666 (ABP-234682-09): By Order dated 11th November 2009, An Bord Pleanála overturned the decision of the local authority and granted permission for amendments to the opening hours with proposed new opening hours as follows:- 07:00 to 02:00 hours on Thursday, Friday, and Saturday, 07:00 to 24:00 hours on the remaining day of the week.

Reg. Ref. 11/843: By Order dated 17th November 2011, permission was granted for the following works: (i) Cladding over of existing roof tiles as per drawings, (ii) Removal of existing roof light boxes, (iii) Removal of existing roof signs to be replaced with new roof signs, (iv) Additional roof & sire signage, (v) Removal of existing drive thru' signage and installation of new drive thru' signage and height restrictor, (vi) alterations to existing elevations including modifications to existing drive thru' booths, (vii) Modifications to existing site railings to include lighting to front of building.

Reg. Ref. 13/827: By Order dated 21st January 2014, permission was granted for alterations to existing drive thru lane to create side by side ordering points, additional order point canopy and single bay 3-sided internally illuminated menu sign.

4.0 NEED & RATIONALE FOR WORKS

As previously mentioned, this Section 5 application is being submitted in the context of remedial refurbishment works to the fire damaged McDonald's premises at the subject site in Newbridge. A fire occurred at the premises in mid-August 2023 when a customer's vehicle caught on fire in the drive-thru lane. The fire spread from the vehicle to the building and caused significant damage to the north-west elevation of the premises (drive-thru bays area/lane) and the associated roof structure.

Following the various post-fire assessments carried out by McDonald's and their design team in recent weeks, it has been determined that the majority of the building is in good structural order. The majority of the elevations (i.e. three of the four elevations or c. 75% of the building's elevations) have survived and are in good order, and thus only require remedial works such as general repairs, window replacement, etc. It must also be noted that much of the damage to these elevations was not the result of the fire, but the actual fire tender equipment used in efforts to extinguish the fire. Additional structural assessments have been carried out on the existing floor structure which have determined that the floor structure of the building is also intact.

It is recognised that the elevation nearest to where the fire started i.e. the north-west elevation where the drive-thru collections points are located, suffered extensive damage and will have to be rebuilt. Similarly, sections of the roof structure have been compromised such that this will also need to be replaced. However, it must be stressed that the current visual condition of the north-west elevation on site is the result of having to fully strip/clear this façade of fire debris by McDonald's team of contractors such that assessments could be carried out. It is intention of the applicant that these sections of the building will be replaced like for like such that the works match what was previously permitted and existing on-site prior to the fire, as evidenced in the photomontages now being submitted in support of this application, as illustrated below with associated photographs.

Kildare County Council are also respectfully invited to refer to all supporting documents submitted by AEW Architects, Malone O'Regan Consulting Engineers, and Martin Reddin Ltd., which outlines further details of the damage caused, and the remedial works required to return the unit to its previous condition.



Figure 3. Pre-Fire View from Moorefield Road i.e. North-West Elevation & Roof



Figure 4. Existing View from Moorefield Road i.e. North-West Elevation Post-Fire and Stripping/Clearance Works



Figure 5. Proposed CGI View from Moorefield Road i.e. North-West Elevation & Roof Post Works

5.0 EXEMPTED DEVELOPMENT - THE QUESTION

Having set out the remedial refurbishment works and the need and rationale for such works, DOWNEY now wish to clarify the question being asked of the Planning Authority to determine whether it is or is not development and is or is not exempted development.

The Question:

"Whether the remedial refurbishment works, which are necessary to return this fire damaged building to it previous condition, including replacement of the north-west elevation and sections of roof structure to match what was previously permitted/existing on-site prior to the fire, is considered exempted development."

In the first instance, it is important to determine whether it is or is not 'development', as defined by the Planning and Development Act, 2000 (as amended).

Section 3(1) of the Act defines 'development' as:

"except where the context otherwise requires, 'development' means the carrying out of any works on, in, or over or under land or the making of any material change in the use of any structures or other land".

In this regard, it can be considered that the remedial refurbishment works constitute 'development' as defined by the Planning and Development Act.

Following on from this, it is important to consider whether the development is or is not exempted development. In this regard, Section 4(1)(h) of the Planning and Development Act (2000), as amended, is as follows:

"The following shall be exempted developments for the purposes of this Act –

(h) development consisting of the carrying out of works for the maintenance, improvement, or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."

The pre-requisite in qualifying for the above exemption, is that the structure will remain in-situ, with remedial refurbishment works being carried out to repair the building including the replacement of the north-west elevation and sections of the roof structure which were damaged by fire, and it is intended that the works will be completed to match that of the previous condition and appearance of the building prior to the fire.

It is respectfully considered that the repair works which will return the fire damaged building to its former condition, will not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and therefore is considered exempted development under Section 4(1)(h) of the Act.

6.0 PLANNING PRECEDENT

DOWNEY have researched similar Section 5 applications, specifically applications whereby the Planning Authority deemed that the refurbishment of the building following fire damage was considered "exempted development". The following cases were found as precedent examples:

Fingal County Council Reg. Ref. F25/048/21 – By Order dated 16th September 2021, Fingal County Council deemed the following to be exempted development: *"Following a major fire, the dwelling must be renovated and repaired to the exact same dimensions, specification, finishes and details of the existing dwelling."*

DOWNEY notes that this Section 5 Application was made following a previous Section 5 Application by the same applicant, where it was sought to *"demolish the building (due to fire) down to ground floor level and rebuild to the exact same dimensions, specifications, finishes and detail of the existing dwelling."* It was considered that this was not deemed exempt development as it required the full demolition of the structure. Therefore, under Reg. Ref. F25/048/21, it was confirmed that full demolition of the structure was not required, with the front façade fully retained, up to 70% of the blockwork on the side and rear elevations retained, and the roof structure to be replaced and retained.

Within the planner's assessment of this application, it states that the pre-requisite in qualifying for the exemption of Section 4(1)(h) of the Planning and Development Act 2000 *"is that the structure is required to remain in-situ, with works being carried out to repair the building. It is not proposed to demolish the structure; it is remaining in situ and will be repaired and renovated in accordance with the details outlined in the submitted Declaration. **As such it is considered that Section 4(1)(h) can be used to facilitate repairs without a requirement to seek planning permission**"* (emphasis added by DOWNEY).

This assessment concludes by stating that *"it is considered that the renovation and repair of the fire damaged dwelling to the exact same dimensions, specification, finishes, and detail prior to it being fire damaged is development and it is exempted development."*

Dun Laoghaire-Rathdown County Council Reg. Ref. REF4823 – By Order dated 26th May 2023, Dun Laoghaire-Rathdown County Council deemed the following to be exempted development: *"Proposed works to repair an area of external render following fire damage from neighbouring structure. Existing damaged render to be removed and the subject area of masonry wall to be repointed with lime mortar. New lime render to be applied and repainted with breathable mineral paint to match existing wall. These works will be carried out to best practice conservation methodologies as described in previously granted planning application D22A/0117 for house."*

Within the assessment of this application, the Planner concurred with the applicant that the proposed works would not be considered to materially affect the character of architectural interest of the sites proximity (with a Protected Structure) and as such is considered to be exempt development.

South Dublin County Council Reg. Ref. ED11/0006 – By Order dated 5th April 2011, South Dublin County Council deemed the following to be exempted development: *"Refurbishment of bungalow following fire damage, incorporating alteration of two existing windows to rear of existing bungalow to form patio doors to be incorporated during refurbishment."*

Within the assessment of this application, it was confirmed by the Planner that the proposed development was considered exempted development under Section 4(1)(h) of the Planning and Development Act.

Having set out the above precedent examples, DOWNEY respectfully submit that this application is of a similar nature to the above. It is not proposed to demolish any structures, but the structure is to remain in-situ with works being carried out to repair the building. This repair will be in accordance with the details outlined in this application which essentially is in accordance with what was previously granted and existing on site prior to the fire.

7.0 CONCLUSION

DOWNEY, Chartered Town Planners, 29 Merrion Square, D02 RW64, on behalf of our client and the applicant, McDonald's Restaurants of Ireland Ltd., have prepared this planning statement to accompany a Section 5 Application which will assist Kildare County Council to agree with our position that the remedial refurbishment works to the fire damaged McDonald's drive-thru restaurant at the subject site in Newbridge, are exempted development, as defined within the Planning and Development Act, 2000 (as amended) and associated Planning and Development Regulations, 2001 (as amended).

Following the fire in August 2023, a total of 92 no. jobs have been affected, causing significant commercial, financial, and personal impact on both the franchisee and their staff at this restaurant location. Customers have also been impacted as a result of the closure. As such, McDonald's Restaurants of Ireland Ltd. are looking to complete the remedial refurbishment works and recommence trading as soon as possible.

DOWNEY, Chartered Town Planners, respectfully request that the Planning Authority issue a Section 5 Declaration of exemption development in this regard.

#7049 Newbridge

Site Views

Document to be read in conjunction with 13607_AEW_7049_SK01
Images taken from Google Maps.



13607_AEW_7049_PP_0001_Site Views

aew architects
together we

create buildings and interiors, masterplan
and design urban spaces, we work with the
virtual and the real, we make places to work,
live and play, we volunteer and fundraise,
we collaborate with each other, with every
client on every project.

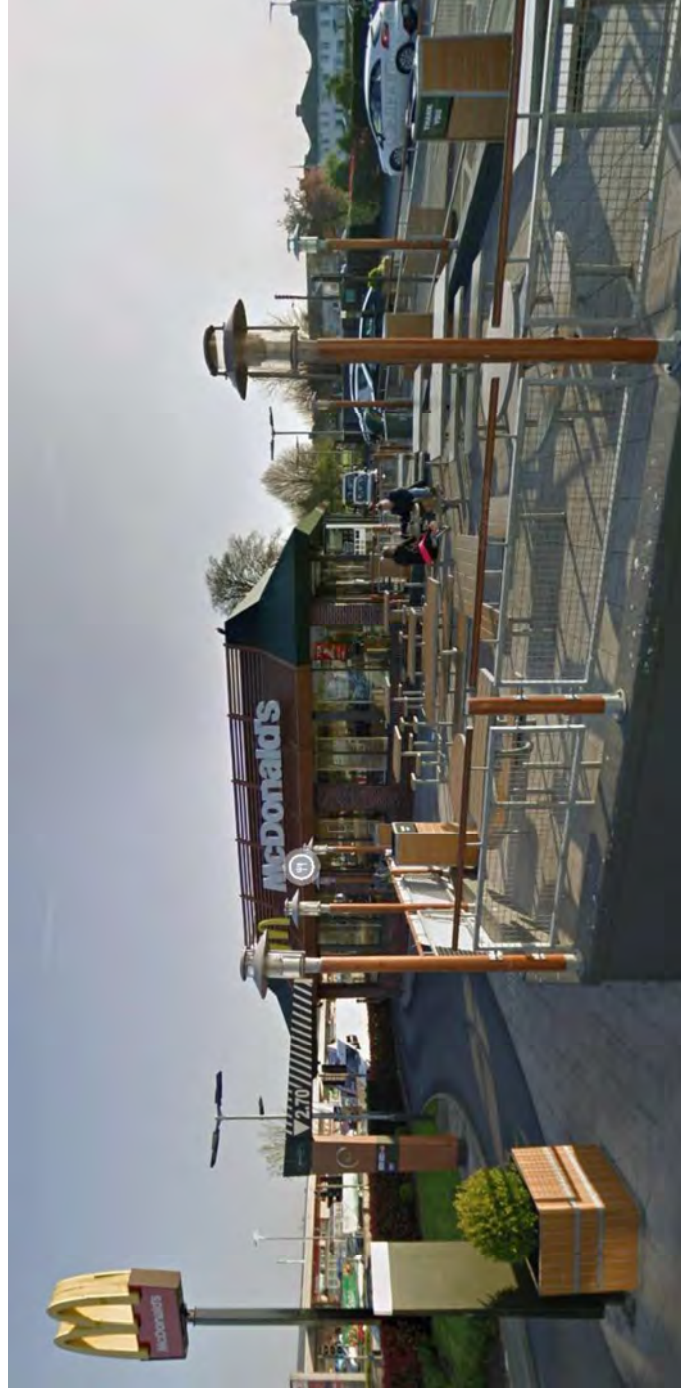
This is the work we do everyday.

View 1



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View 2



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View 3



View 4



May

View 5



View 6



May

View 7



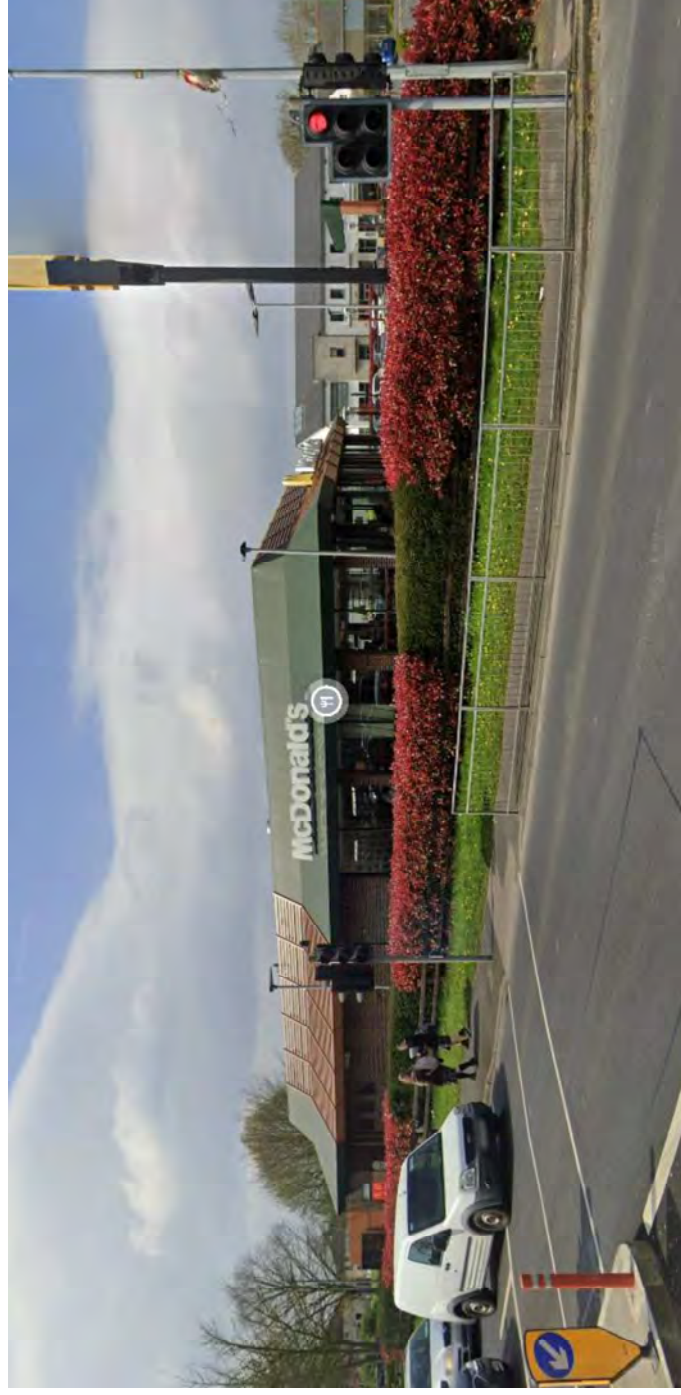
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View 8



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View 9



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aeW architects
Trinity Court
16 John Dalton Street
Manchester, M2 6HY
T: 0161 214 4370
www.aewarchitects.com