



An
Bord
Pleanála

Board Direction
BD-000735-18
ABP-300733-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/07/2018.

The Board decided, generally in accordance with the Inspector's recommendation, to make a split decision,

- (1) **grant** permission for Block F, for the following reasons and considerations marked (1), and subject to the following conditions,
- (2) **refuse** permission for Block E for the following reasons and considerations (2) as outlined below,

Reasons and Considerations (1)

Having regard to the planning history, pattern of development, the scale, height and design of the proposed Apartment Block F, and the provisions of the Kildare County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of the existing apartment blocks within Craddockstown Court, would adequately protect the residential amenity of adjacent properties and of properties within the scheme. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and with the further plans and particulars received by An Bord Pleanála on the 19th of January 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The grant of permission is for Block F only. The residual site area shall remain as permitted under the original planning permission registration number 04/500138, except for the following modifications:-
 - a. the existing bin store located between Block B and Block D to be removed, and area landscaped for the use of the residents,
 - b. 4 no. bin stores to be provided at the locations shown on drawing 5074-02-104, as received by An Bord Pleanála on the 19th of January 2018.
 - c. additional car parking spaces to be provided in accordance with the provisions of the Kildare County Development Plan 2017-2023 are to be located adjacent to proposed Block F to the north west.

Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the character of the area

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future

maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. The landscaping scheme as submitted to An Bord Pleanála on the 19th day of January 2018, shall be amended to incorporate modifications required under condition number 2 above, and revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The agreed scheme shall be carried out prior to occupation of any of the units permitted by this grant of permission.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Reasons and Considerations (2)

Having regard to the pattern of development in the vicinity and the planning history of the site, it is considered that the proposed development (Block E), by reason of its scale, layout and overall design, would be visually incongruous and contrary to the visual amenities of the area, and would adversely affect the setting of the two existing apartment blocks alongside Ballymore Road, and by reason of its bulk, height and proximity to adjoining properties within Craddockstown Court would seriously injure the residential amenities of such adjoining property by reason of being visually overbearing and would significantly reduce the overall amount of

public open space available to the existing and future residents of the scheme. The resulting excessive surface car parking would detract from the quality and attractiveness of the development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:

Date: 24/07/2018

Michelle Fagan