



An
Bord
Pleanála

Board Direction
BD-003086-19
ABP-303443-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/05/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature of the proposed development, its location within an existing commercial site, and to the relevant 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 not detract from the surrounding area in terms of scale and height, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the revised proposals included in the further information submitted to the planning authority on the 13th of November 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. (a) Following completion of the proposed development the proposed temporary pre-fab unit shall be removed from the site within 1 month of the proposed development been occupied.

(b) The offices on the first floor shall be incidental to the retailing use on the ground floor and shall not be sold, let or otherwise transferred from the primary use of the building.

Reason: In the interests of orderly development.

3. Prior to commencement of development, a revised site layout shall be submitted to, and agreed in writing with, the planning authority indicating a clear pathway to 'accessible car parking' spaces and bicycle parking spaces on the site. The site layout shall include measures to ensure access to the carparking areas is free from obstructions at all times.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Saturdays inclusive, and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution

6. No advertisement, advertisement structure or signage other than those shown on the drawings submitted with the application, shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. 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 noise management measures and off-site disposal of construction/demolition waste.

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

8. UrbanWaste1

9. 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 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 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.

Board Member

Date: 20/05/2019

Stephen Bohan