

An
Bord
Pleanála

Board Direction
BD-015956-24
ABP-314749-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2024.

The Board decided by a majority of 2:1 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 objectives of the Kildare County Development Plan 2023-2029, the nature, scale and design of the proposed development (as amended), its location on serviced lands within an established residential area and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would provide an adequate level of amenity for future occupants and would be acceptable in terms of the safety and convenience of pedestrians and road users. 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, as amended by the further plans and particulars received by the planning authority on the 14th day of July 2022, 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. This permission provides for 18 dwellings.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:

(a) Block A shall be omitted from the development together with the related bin area and 8 car parking spaces adjoining to the south east of Block A. The resultant lands shall be provided and landscaped as part of the public open space of the development. The pedestrian/cycle route shall be re-aligned at this location through this public open space.

(b) proposed cycle stores located east of Block B shall be omitted and replaced with a new building of permanent construction to house secure cycle parking for residents of Block B (minimum 16 spaces) and also separate storage of bins within the structure.

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

Reason: In the interests of residential amenity and sustainable transport.

4. The proposed development shall be amended as follows:

(a) Block C shall be omitted from the development together with the related bin area, car parking spaces and bicycle store adjoining to the north and the road/car parking to the west of Block C.

(b) a 10 metre wide linear public open space shall be provided at this location along the north eastern site boundary to accommodate the pedestrian/cycle route with a minimum set back of 3 metres from the boundary for the physical route/path

- (c) Subject to (a) and (b) above, remaining lands at this part of the overall site may be the subject of a revised future planning application for residential development which has due regard to the adequate protection of the amenities of established residences in the vicinity

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

Reason: In the interests of residential amenity and sustainable transport.

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

Reason: In the interests of visual amenity.

6. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transport.

7. Public lighting shall be provided in accordance with a scheme which shall include lighting of the proposed pedestrian/cycle link with Osberstown Drive, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

8. 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.

Reason: In the interests of visual and residential amenity

9. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

10. The developer shall enter into water and wastewater connection agreements with Uisce Eireann prior to the commencement of development.

Reason: In the interest of public health.

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

12. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.

Reason: In the interests of traffic safety.

13. The pedestrian/cycle route and connection to Osberstown Drive shall be provided and open to the public prior to the occupation of the development. Arrangements and required works for the integration of the pedestrian/cycle route to open space to the north west of the development shall be agreed in writing with the planning authority prior to the commencement of the development.

Reason: in the interest of sustainable transport and the amenities of the area.

14. 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 traffic management, 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.

15. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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 properties in the vicinity.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

17. A revised landscaping plan for the development shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall be carried out within the first planting season following the commencement of the development. 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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 interest of residential and visual amenity.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good

20. 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

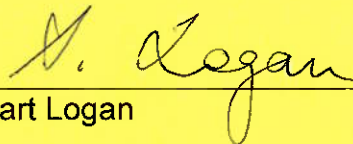
application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

21. 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.

Board Member



Stewart Logan

Date: 28/03/2024

Note: The Board noted the recommendation of the Inspector to modify the fenestration of Blocks A and C in order to address identified issues of adverse impact of the residential amenities of the established housing in the vicinity. However, the Board did not consider the proposed measures sufficient to mitigate these adverse impacts and accordingly decided to omit these Blocks from the development. In addition, the Board considered the provision of the pedestrian/cycle route to be an important part of the overall development of this site that required adequate separation from proposed residential development and proper integration with existing and proposed public open space provision.