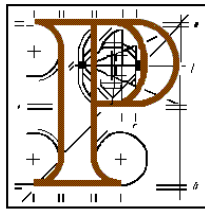


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 14/1114**

An Bord Pleanála Reference Number: PL 09.245510

**APPEAL** by Nua Healthcare Services care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 26<sup>th</sup> day of August, 2015 by Kildare County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of use of this eight bedroom dormer bungalow as a community-based dwelling for six people with intellectual's disability and retention of minor change made to the front façade of previous planning application, all at 'The Bungalow', Walshestown, Athgarvan, County Kildare.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the existing pattern of development on the site and the nature of existing and permitted development on the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not adversely impact on the amenities of the area, would not give rise to traffic hazard or seriously injure the amenities or depreciate the value of property in the vicinity of the site and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 31<sup>st</sup> day of July, 2015 and by the further plans and particulars received by An Bord Pleanála on the 18<sup>th</sup> day of September, 2015, 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Vehicular access/egress to the site shall be carried out in accordance with the details submitted to An Bord Pleanála on the 18<sup>th</sup> of September 2015. Within two months from the date of this order, the applicant shall agree in writing with the planning authority details relating to finishes of the boundary wall and access and also a timescale for the implementation of the details outlined in drawings NRB-AP-001, NRB-AP-002, NRB-AP-003 and NRB-AP-004 submitted to An Bord Pleanála on the 18<sup>th</sup> day of September 2015. The set down area indicated on the drawings shall be reserved for that purpose. The two metre strip reserved for a future footpath shall be reserved free of any development and obstruction.

**Reason:** In the interest of traffic and pedestrian safety.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to the planning authority for written agreement, and such agreement obtained within two months of the date of this order. The scheme shall also include a timescale for its implementation.

**Reason:** In the interest of residential and visual amenity.

4. 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 within two months of the date of this order 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.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**