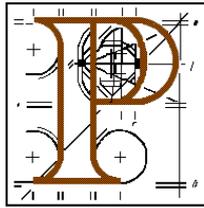


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kildare County

Planning Register Reference Number: 16/260

An Bord Pleanála Reference Number: PL 09.247364

APPEAL by Barry and Fedelma Reynor and others care of Patrick M. Kerr Architect of 39A Maynooth Road, Celbridge, County Kildare and by Aine Gaynor and others care of 91 Beatty Grove, Celbridge, County Kildare against the decision made on the 7th day of September, 2016 by Kildare County Council to grant subject to conditions a permission to Andrews Construction Limited care of The Planning Partnership of 2 Auburn Terrace, Sunday's Well Road, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising two and three storey housing of a vacant brownfield site and the construction of the following: 79 number houses, comprising 10 number two-bedroom terraced houses, 38 number three-bedroom semi-detached and terraced houses, 26 number four-bedroom semi-detached houses, three number four-bedroom detached houses and two number five-bedroom detached houses; the formation of 6,833 square metres of landscaped open space areas, 177 number car parking spaces (158 number dedicated spaces and 19 number visitor car spaces of which two number designated for disabled users); primary vehicular and pedestrian access to the proposed development will be provided from a new access and junction off the Thornhill Rad, associated residential estate roads, four number additional pedestrian/cycle accesses to be provided from the Maynooth Road, Beatty Grove, Thornhill Park and the adjacent Aldi Store. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths and ancillary works above and below ground on site of 3.13 hectares fronting Thornhill Road and Maynooth Road (R405), Celbridge, 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 “C” New Residential zoning objective for the area, the central location, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Kildare County Development Plan 2011-2017 and Celbridge Local Area Plan 2010-2016, would not seriously injure the amenities of adjacent residential neighbourhoods or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of 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 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 submitted to the planning authority on the 11th day of August, 2016, 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 proposed development shall be amended as follows:
 - (a) House Type C on Site 10 shall be amended to provide for dual aspect.
 - (b) revised plan at appropriate scale (1:500) to indicate the revised location of the bin store (adjacent to 91 Beatty Grove).
 - (c) revised site plan to show the location and detail of the proposed hedge strengthening and replanting measures along the southern boundary of the site.
 - (d) proposals for the location of gas and electricity meters to serve the proposed terraced dwellings and to ensure that these meters are not placed on the front elevation of the dwellings.

Revised drawings showing compliance 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 visual and residential amenity.

3. The development shall be carried out on a phased basis in accordance with a phasing scheme which, inter alia, shall have regard to the disposal of foul water from the proposed development in the context of the constraints in the Celbridge area of the Lower Liffey Valley Sewerage scheme. The phasing scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark grey in colour only.

Reason: In the interest of visual amenity.

6. Rear gardens to the proposed houses shall be bounded by block walls 1.8 metres in height, capped and rendered on both sides to the written satisfaction of the planning authority.

Reason: In the interest of visual and residential amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of public safety and the amenities of the development.

8. Cycleway/pathways shall be provided at the locations as set out in submitted plans and at width of three metres. A two metre footpath shall be provided along the site frontage to tie in with existing footpaths. Design details setting out measures to enhance safety of pedestrians and cyclists and to discourage anti-social behaviour shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian and traffic safety.

9. Prior to commencement of development, proposal for the location and form of all public lighting shall be submitted to, and agreed in writing with, the planning authority. This shall include details of design of individual lamp standards, and details of the likely intensity of lighting.

Reason: In the interest of orderly development.

10. 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) provision of parking for existing properties during the construction period;
 - (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The areas of public open space shown on lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. The work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

13. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing: -
 - (i) the species, variety, number size and locations of all proposed trees and shrubs;
 - (ii) details pf screen planting;
 - (iii) details of roadside/street planting; and
 - (iv) hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased 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 visual amenity.

14. 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.

15. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates and to ensure that the development, when completed, can be taken in charge by the planning authority.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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 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 and maintenance until taken in charge of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning 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.

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 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.

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

Dated this day of 2017.