



An
Bord
Pleanála

Board Order
PL 09.248492

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/977

Appeal by Frank and Mary Murtagh of 1 Moyglare Abbey, Maynooth, County Kildare against the decision made on the 20th day of April, 2017 by Kildare County Council to grant subject to conditions a permission to Justin and Grainne Dunne care of Horan Architectural Design Limited of 1 Ringwood Centre, Damastown Close, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: A reconfigured layout extension to existing shop level 60.35 Ordnance Datum and extension to residential unit over at first floor level 63.15 Ordnance Datum. Proposed ground floor extended shop floor area 26 square metres and residential entrance hall, stairs and store at ground floor area 19.5 square metres. Proposed first floor residential unit extended floor area 57 square metres. The total proposed floor space new and existing shop area is 94 square metres. The total floor space residential two-bedroom unit area is 132.5 square metres. Proposed replaced new shop signage, associated site development works and site services, safety lighting, boundary walls and revised car parking layout for six cars. Proposed private residential garden area of 50 square metres. Existing site access retained, all at Moyglare Village Shop, Moyglare Road, Maynooth, 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 location of the site on residentially zoned lands and to the compliance with the development standards for residential and retail development in the Kildare County Development Plan 2017-2023 and the Maynooth Local Area Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area. 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 24th day of March 2017, 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. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Details of the external shopfront and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site 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.

5. Details of all external lighting associated with the development 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.

6. The proposed shop shall not operate outside the period of 0800 to 2100 hours on Monday to Friday and 0900 to 2100 hours on Saturday, Sunday and Bank Holidays inclusive.

Reason: In the interest of residential amenities.

7. No deliveries shall be taken at the premises outside the hours of 0900 hours and 1700 hours on Monday to Saturdays, nor at any time on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

8. The grant of this permission does not include permission for the sale of hot food for consumption off the premises.

Reason: In the interest of orderly development.

9. The area to the side and rear of the premises shall be used for car parking associated with the residential unit only and not for delivery vehicles.

Reason: In the interest of residential amenity.

10. Existing planting located along the northern rear boundary of the site shall be retained.

Reason: In the interest of visual and residential amenity.

11. 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: In the interest of public health.

12. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 developers 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