



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/1027

Appeal by Mel Mimmagh of 6 Milford, Athgarvan, County Kildare against the decision made on the 18th day of April, 2017 by Kildare County Council to grant subject to conditions a permission to Thoval Properties Limited care of M.D. Gilligan of Belgrade Building, Unit W4-D1, Ladytown Business Park, Naas, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of seven number houses as follows:- (a) four number four bedroom two-storey semi detached houses on sites 1, 2, 6 and 7, (b) three number four bedroom two-storey detached houses on site 3, 4 and 5, (c) access road, car parking, connection to mains sewer, landscaping and all associated site development works, all at Athgarvan, Newbridge, County Kildare as amended by the revised public notice received on the 22nd day of March, 2017 comprising construction of seven number houses as follows:- (a) four number four bedroom two-storey semi detached houses on sites 4, 5, 6 and 7 (Type A), (b) two number four bedroom two-storey detached houses on site 2 and 3 (Type B), (c) one number four bedroom two-storey detached house on site 1 (Type C), (d) access road, car parking, connection to mains sewer, landscaping and all associated site development works. The revised plans include for a change in site layout, including public open space area and lowering of height of houses to circa 8.3 metres.

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 lands zoned Town Centre in the Athgarvan Small Town Plan and to the development standards as set out in 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 seriously injure the residential amenities of the area or the amenities of property in the vicinity 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 22nd day of February, 2017 and the 22nd 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 houses 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. The developer shall comply with the requirements of the planning authority with respect to off-site parking, site entrance details, signage, naming of development and road markings, details of which shall be ascertained and submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

4. Prior to commencement of development, a revised site layout plan showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:

- (a) relocation of the footway and the indented parking along the L2032, so that the sightline at the entrance to the new estate is not obscured by vehicles parked in the bays, and
- (b) on the R416 the new indented parking area shall be moved, so that it is a minimum of 15 metres from the approach to the new signal heads.

Reason: In the interest of traffic and pedestrian safety.

5. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) a detailed design for the proposed refurbishment of the existing traffic signals (at the junction between the L2023 and R416). The design shall include a new pedestrian crossing for the Western Arm of the Athgarvan cross roads,
- (b) details of the design, implementation, costing and phasing of these works. All installations shall be connected to Kildare County Council's Traffic Management Centre. The cost of the design and implementation of these works shall be at the applicants' expense, and
- (c) the agreed new area of footway, junction and signal refurbishment shall be constructed and implemented prior to the occupation of the development.

Reason: In the interest of pedestrian and traffic safety.

6. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) an extension of the footway along the south side of the L2032 carriageway to the Athgarvan cross roads. A minimum 2 metres wide footpath shall be provided from the development to the junction with the R416 Road and shall be constructed and implemented prior to the occupation of the development.

Reason: In the interest of pedestrian safety.

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 house of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) a hard landscaping plan with delineation and specification of site boundary along the access from the public road, and other site boundary details including the entrance finishes, and
- (b) a soft landscaping plan incorporating native/indigenous species.

Reason: In the interest of visual amenity.

