



An
Bord
Pleanála

Board Order

PL 09.248860

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/645

Appeal by Stuard Dowzer of Clandon, Twomilehouse, Naas, County Kildare against the decision made on the 3rd day of July, 2017 by Kildare County Council to grant subject to conditions a permission to J.P. Quinn and Sons Limited care of Fitzgibbon McGinley Architects Limited of First Floor, Unit W1G, Toughers Business Park, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 13 number detached dwellings consisting of nine number four bedroom storey and a half dwelling houses with a single storey extension to the side together with four number three bedroom storey and a half dwelling houses, a new site entrance and all associated site works at Two Mile House, Naas, County Kildare, as amended by the revised public notice received by the planning authority on the 6th day of June, 2017 as follows: a revised site layout and access arrangements, revisions to the proposed house types to incorporate an increase in the overall housing mix to provide four number three-bedroom storey and a half dwellings, three number four-bedroom storey and a half dwellings and six number five-bed storey and a half dwellings (total 13 number storey and a half dwellings).

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 site's location, the pattern of development in the immediate vicinity of the site and the provisions of the Kildare County Development Plan 2017-2023 in particular the provisions as they pertain to the settlement of Two Mile House, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential amenities of properties in the vicinity of the site, would not be prejudicial to public health, would contribute to the orderly and incremental growth of Two Mile House and 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 on the 18th day of May, 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 interests of clarity.

2. This grant of permission is for a total of thirteen dwellings and six of these units shall be first occupied as a place of permanent residence for a period of seven years by persons who comply with the provisions as set out in accordance with VRS3 of the Kildare County Development Plan 2017-2023. Details in relation to procedures to comply with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of site development works on the site.

Reason: In the interests of clarity and to secure in the interests or orderly development that the development complies with policy VRS3 of the Kildare County Development Plan 2017-2023 in meeting needs for local housing demand.

3. 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 brown or dark grey in colour only.

Reason: In the interest of visual amenity.

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

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

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. 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.

8. 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 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

9. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots. When the development is being taken in charge, the open spaces shall be vested in the planning authority, at no cost to the planning authority, as public open spaces.

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

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following: -

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; and
- (c) details of proposed boundary treatments at the perimeter of the site, and internally within the site including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and shall include a timescale for implementation.

Reason: In the interest of visual amenity.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water and the ongoing maintenance of the system, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. (a) No works shall take place until the applicant has submitted to the planning authority a copy of a signed agreement concerning the discharge of the foul sewerage to the private treatment plant and also a signed agreement for the discharge of surface water through adjoining lands in combination with a suitable wayleave agreement.
- (b) No works shall take place until the private plant is upgraded in accordance with the works as outlined in planning register reference number 16/438 and that the running operations of the plant comply with the requirements of the planning authority.

Reason: In the interest of orderly development and to ensure the proper and satisfactory servicing of the development.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 property in the vicinity.

14. 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 provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. 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 by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

