



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/574

Appeal by Ronan Bolger of 16B Maryfield Court, Naas, County Kildare against the decision made on the 4th day of September, 2017 by Kildare County Council to grant subject to conditions a permission to Thoval Properties Limited care of Project Design Architects of Unit 1, Beech Court Business Park, Kilcoole, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: 16 number light industrial/warehouse units (272.5 square metres each) housed in two number blocks (Blocks 1 and 2), total proposed building area 4,472 square metres, including all associated site works, roads, and services, accessed via Maryfield Court Road, off Monread Road, Naas, County Kildare, forming Phase 1 of a 2 phase development.

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 nature and extent of the development for which permission is sought, the uses and the pattern of development in the area and the planning history, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The development for which permission is sought 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 8th day of August 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. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. The units shall be exclusively used for light industrial/warehousing only and all office use within the development shall be ancillary to the main use within each unit.

Reason: In the interest of clarity and to comply with the zoning provisions of the development plan for the area.

4. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored only within the enclosed buildings.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

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:
- (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) hours of working;
 - (d) details of site security fencing and hoardings;
 - (e) details of on-site car parking facilities for site workers during the course of construction;
 - (f) 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;
 - (g) measures to obviate queuing of construction traffic on the adjoining road network;
 - (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) 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;
 - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
 - (l) 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.

8. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings 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.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. The areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed on a phased basis. The phasing details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. Bicycle parking spaces in accordance with the Kildare County Development Plan 2017-2023 standards shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13.
 - (a) The roads and traffic arrangements serving the site, including the internal one-way system shall be in accordance with the detailed requirements of the planning authority for such works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) The internal road network to serve the proposed development (including one-way system, junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of traffic and pedestrian safety.

