



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/1187

Appeal by Viztip Limited care of RPS Group Limited of West Pier Business Campus, Dun Laoghaire, County Dublin against the decision made on the 14th day of December, 2017 by Kildare County Council to refuse permission to Viztip Limited for development comprising infill development of two residential blocks (22 apartments in total) within the curtilage of Craddockstown Court Apartments; both new blocks (Block E and Block F) will be four storeys in height and include 11 number apartments (that is, three by one bedroom and eight by two bedroom apartments) in each block. The will bring the total number of apartments on site to 69. A basement level to Block F is proposed to provide for car parking, cycle storage and a bin store. Each apartment will have private amenity space provided by a terrace at ground floor or a balcony for apartments above ground floor level. The application proposes an additional 39 number car parking spaces bringing the total car parking provision to 112 number spaces on site. The application includes the demolition of an existing refuse store (circa 37 square metres) and construction of four new refuse stores of circa 13 square metres to cater for apartments within Blocks B-E. Refuse storage for Block F is proposed within the basement. The application proposes significant landscaping including the provision of a green walkway through the east of the site; a revised vehicular entrance and all other associated works; all at Craddockstown Court, Naas,

County Kildare in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for Block F in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for Block E based on the reasons and considerations marked (2) under

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 (1)

Having regard to the planning history, pattern of development, the scale, height and design of the proposed Apartment Block F, and the provisions of the Kildare County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of the existing apartment blocks within Craddockstown Court, would adequately protect the residential amenity of adjacent properties and of properties within the scheme. 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, and with the further plans and particulars received by An Bord Pleanála on the 19th day of January, 2018, 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 grant of permission is for Block F only. The residual site area shall remain as permitted under the original planning permission granted under planning register reference number 04/500138, except for the following modifications:-
 - (a) the existing bin store located between Block B and Block D shall be removed, and area landscaped for the use of the residents,
 - (b) four number bin stores shall be provided at the locations shown on drawing number 5074-02-104, as received by An Bord Pleanála on the 19th day of January, 2018,
 - (c) additional car parking spaces to be provided in accordance with the provisions of the Kildare County Development Plan 2017-2023 are to be located adjacent to proposed Block F to the north west.

Revised drawings showing compliance with the above 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. 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 protecting the character of the area

4. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

5. 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.

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

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

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

8. The landscaping scheme as submitted to An Bord Pleanála on the 19th day of January, 2018, shall be amended to incorporate modifications required under condition number 2 above, and revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The agreed scheme shall be carried out prior to occupation of any of the units permitted by this grant of permission.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 interests of residential and visual amenity.

9. 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 of roads, footpaths, watermains, drains, 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 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.

10. 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 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.

Reasons and Considerations (2)

Having regard to the pattern of development in the vicinity and the planning history of the site, it is considered that the proposed development (Block E), by reason of its scale, layout and overall design, would be visually incongruous and seriously injure the visual amenities of the area, and would adversely affect the setting of the two existing apartment blocks alongside Ballymore Road, and, having regard to its bulk, height and proximity to adjoining properties within Craddockstown Court, would seriously injure the residential amenities of such adjoining property by reason of being visually overbearing and would significantly reduce the overall amount of public open space available to the existing and future residents of the scheme. The resulting excessive surface car parking would detract from the quality and attractiveness of the development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.