



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/751

Appeal by Paddy Raggett Homes Limited care of Maguire and Associates of 6 Railway Terrace, Dublin Road, Naas, County Kildare against the decision made on the 19th day of February, 2018 by Kildare County Council to grant subject to conditions a permission to MHL Site Developments Limited care of MCD Civil Engineering Consultants Limited of Stanhope Street, Athy, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of 25 number three-storey houses to consist of (A) three number four-bedroomed detached houses, (one number type B measuring 146 square metres and two number type F measuring 146 square metres). (B) 12 number four-bedroomed semi-detached (eight number type A measuring 157 square metres, three number type C measuring 146 square metres and one number type E measuring 146 square metres). (C) 10 number four-bedroomed terraced houses (nine number type D measuring 152 square metres and one number type G measuring 152 square metres). (D) Two number single-storey refuse and bicycle storage buildings. (E) Surface water drainage and foul sewerage networks, foul pumping station and associated rising main, petrol oil interceptor and associated soakaway, roads and footpaths and all ancillary site development works; all at Geraldine Road,

Athy, County Kildare. as amended by the revised public notice received by the planning authority on the 30th day of November, 2017 containing significant changes consisting of the revision of the site layout and proposed junction with Geraldine Road, revisions to site services, revisions of house types, internal layouts and house orientations.

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 residential zoning of the site under the Athy Town Plan 2012 – 2018, the development standards as set out in the Kildare County Development Plan 2017 – 2023 and the planning history of the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of traffic and pedestrian 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 on the 20th day of November, 2017, the 30th day of November, 2017, and the 24th 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. Access Roadway 1.0 indicated on original scheme drawing number (P17/032) 02/01 submitted to the planning authority on the 28th day of June, 2017 shall continue to the north-west boundary of the development.

Reason: To facilitate future connectivity to any adjoining development if required.

3. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (1) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) 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.
- (3) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- (4) The materials used, including tactile paving in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.
- (5) Access to the development from Geraldine Road shall be carried out on a phased basis in accordance with drawings numbers (P17/037) 10/001 (Phase 1) and (P17/037) 10/011 (Phase 2) submitted to the planning authority on the 24th day of January, 2018. Access onto Geraldine Road as indicated on drawing number (P17/037) 10/001 shall only be closed to vehicular traffic following the satisfactory completion of the alternative access through adjoining lands as submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic, cyclist and pedestrian safety.

5. Prior to commencement of development, a revised landscaping scheme shall be submitted to, and agreed in writing with, the planning authority outlining changes to the as-permitted site layout from that outlined in the original scheme drawing number 17/AG/GR/001 submitted to the planning authority on the 28th day of June, 2017. All planting/landscaping required to comply with the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

6. The areas of open space shown on the revised plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

7. 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 housing numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

8. 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.

9. Public 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. Such lighting shall be provided prior to the occupation of the development.

Reason: In the interests of amenity and public safety.

10. 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 noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

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

11. 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.

12. 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 order to safeguard the residential amenities of property in the vicinity.

13. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the current Development Plan for the area.

14. 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, 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 and maintenance of the development until taken in charge.

15. 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.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.