



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/202

Appeal by Saint Mary's Park Residents' Association care of Margaret Doolan of 589 Saint Mary's Park, Leixlip, County Kildare against the decision made on the 23rd day of April, 2018 by Kildare County Council to grant subject to conditions a permission to McEleney Homes care of PCOT Architects of 106B Pembroke Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of seven number four bedroom two-storey houses in two number blocks of three and four houses and ancillary site works at a site between house numbers 339B and 599 St. Mary's Park, Leixlip,,County Kildare.

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 residential zoned lands in the Kildare County Development Plan 2017-2023, the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May, 2009, and to the design and layout of the proposed development, 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 of property in the vicinity, would not be prejudicial to public health, 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 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed in writing 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 development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue black or slate grey in colour only, and ridge tiles shall be the same colour as the roof.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, revised plans and particulars showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:
 - (a) a reconfiguration of the rear garden/private open space areas for units 6 and 7 which ensures a minimum 75 square metres private open space is provided for unit 6,

- (b) a revised dwelling design which provides for a minimum of 10 square metres storage space, and
- (c) the half-hipped roof design House Type A shall be omitted and replaced with a gable roof profile.

Reason: In the interest of residential amenity.

- 4. Prior to commencement of development, a revised site layout plan indicating a minimum 3 metres wide vehicular entrance to each dwelling shall be submitted to, and agreed in writing with, the planning authority:

Reason: In the interest of traffic safety.

- 5. Footpath reinstatement and public lighting shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of orderly development.

- 6. 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 details including the external finishes, and

- (b) a soft landscaping plan incorporating native/indigenous species.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
- (a) the existing site boundaries along the western northern and eastern boundary of the site with adjoining properties shall consist of block walls 2 metres in height, and
 - (b) rear garden boundaries to the proposed houses shall consist of block walls 1.8 metres in height, rendered on both sides and capped.

Reason: In the interest of visual and residential amenity.

8. 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, measures to ensure the safe removal, handling and disposal of asbestos and any other hazardous waste and off-site disposal of other construction/demolition waste.

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

9. Water supply and drainage arrangements, including 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.

10. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground within the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

12. 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.

13. 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(s) 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(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 and to ensure the use of locally appropriate place names for new residential areas.

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, 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.

15. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 the 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.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.