



An
Bord
Pleanála

Board Order
ABP-302399-18

Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/663

Appeal by Killross Properties Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 27th day of July, 2018 by Kildare County Council to refuse permission to the said Killross Properties Limited for the proposed development.

Proposed Development: Construction of an additional floor to an approved three-storey apartment block- Block B, previously granted planning permission under register reference 16/282, comprising of an additional five number two bed apartments along with amendments to the site layout to provide for the required additional car parking spaces along with all other ancillary site development works at The Mews, Westfield, Green Lane, 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 within the boundary of the Leixlip Local Area Plan 2010, and on a site zoned for new residential development in the draft Leixlip Local Area Plan, 2017- 2023, to the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to 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 not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not be prejudicial to public health, and would be acceptable in terms of pedestrian and traffic safety. 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 received by An Bord Pleanála on the 23rd day of August, 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 proposed development shall be amended as follows: -
 - (a) Screening to be incorporated to east face of north facing balcony to apartment number 17.
 - (b) Windows to the en-suite and bathroom on east facing elevation of apartment number 17 shall be obscure glazing only.
 - (c) Window to bedroom 1 on east facing elevation of apartment number 17 shall be omitted.
 - (d) Screening to be incorporated to southern face of east facing balcony of apartment number 19 and to southern face of west facing balcony of apartment number 20.
 - (e) The windows to bedroom 1 and bedroom 2 in southern elevation of apartment number 19 shall be redesigned as projecting angled windows with no direct overlooking of adjoining residential properties to the south.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the residential amenities of neighbouring properties.

3. Details of the materials, colours and textures of all external finishes, including samples, 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. Noise mitigation measures, including glazing specifications and ventilation systems, to mitigate against noise arising from the adjoining R449 road, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such measures shall ensure that the standards set out in BS8233:2014 are adhered to in relation to such residential units. The agreed measures shall be implemented prior to the making available for occupation of all such residential units.

Reason: In the interest of the residential amenities of the future occupants of the subject development.

5. The proposed development shall be amended as follows: -
 - (a) Bicycle parking shall be provided.
 - (b) The bin storage area shall be relocated to an area closer to the apartment block.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential amenities of the future occupants of the subject development.

6. A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority and shall be carried out within the first planting season following substantial completion of external construction works, or, in the event of phasing of the development, before substantial completion of external works within the relevant phase.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) Measures to ensure the retention of the existing hedgerow where appropriate and additional screen planting to the entire eastern boundary of the site to adequately screen the proposed development from the existing dwellings to the east,
- (b) Screen planting along the public open space to the south of apartment Block B, and
- (c) Modifications and additional planting to take account of the modifications to the development set out in condition number 5 of this order.

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 or until the development is taken in charge by the local authority, whichever is the sooner, 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.

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

Reason: In the interest of public health.

8. Provision shall be made for a pedestrian and cycle link from the development to the adjoining housing estate road/footpath in Glen Easton Woods, which shall be so designed as not to permit vehicular access through the link. Prior to commencement of development, details of this pedestrian and cycle link, including footpath and cycle path design, kerbing, tactile paving, landscaping, lighting and entrance wall and railing details, shall be submitted to, and agreed in writing with, the planning authority. Gates shall not be provided at this location. The link shall be carried out and completed, and made available for use, prior to the making available for occupation of any of the units in apartment Block B.

Reason: In the interests of sustainable transportation, pedestrian permeability and residential amenity.

9. 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. All existing over ground cables bounding or crossing the site, including powerlines up to and including 38kV, shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interests of visual and residential amenity.

10. 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.

11. (a) 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, construction traffic arrangements (which shall take account of peak traffic flows, including those associated with local schools), construction compounds (which shall not be at the locations of proposed open space areas) and off-site disposal of construction/demolition waste.

- (b) Site development and building works shall be carried out only between the hours of 0800 1900 from Mondays to Fridays inclusive, between 0900 and 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 the interests of public safety and residential amenity.

12. 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.

13. 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 and for the ongoing operation of these facilities and within each apartment 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.

14. 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 development plan of the area.

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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.