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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/539**

**Appeal** by Glengolden Builders Limited care of Maguire and Associates of 6 Railway Terrace, Dublin Road, Naas, County Kildare against the decision made on the 24<sup>th</sup> day of August, 2018 by Kildare County Council to grant subject to conditions a permission to Paul McCann – Statutory Receiver of Waterside Kilcock Property Company Limited (in Receivership) care of Burke-Kennedy Doyle Architects of 7 Harcourt Terrace, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Amendments to permission planning register reference number 15/463, involving revisions to the original site boundaries permitted under planning register reference number 15/463 and comprising:

1. Revisions to the southern part of apartment Block 2 to accommodate revised boundary line. No change is proposed to the number of apartments, apartment types, bedrooms, bed spaces or car parking spaces. The revisions result in a floor area increase from 94.8 square metres to 99 square metres in apartments 02-0.01, 02-1.01 and 02-2.01.

2. Change of permitted finish on apartment blocks from reconstituted sandstone and zinc cladding with standing seams to buff coloured brick and powder-coated metal cladding with standing seams.
3. Change of permitted finish on front entrance porches to all house types from reconstituted sandstone to painted render.
4. Minor set-back to alignment of front entrance porches to Type 3 houses to provide a consistent junction with the projected facades of these houses.
5. Change of permitted finish of window/door frames throughout from Alu-Clad to uPVC, colour grey RAL 7015.
6. Minor internal changes to permitted ground floor layout of House Types 1, 2A, 3, 4 and 5 to improve the kitchen/dining areas and consequent minor changes to rear facades.
7. Corrections to anomalies in permitted documents comprising: (i) amendment of rear elevation of House Type 4 to provide two number bedroom windows, (ii) change of notation on site plan of House Number A03 from Type 4 to Type 3 to accord with the permitted elevations and (iii) corrected schedule of accommodation.
8. Minor revisions to road levels and floor levels of houses and apartments to accommodate drainage gradients.

The proposed development involves revisions to the original site boundaries permitted under planning register reference number 15/463. All on a site of 2.12 hectares at the former Zen Candy factory site, Church Street, Kilcock, 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 and zoning of the site, the provisions of the Kilcock Local Area Plan 2015-2021 and to the previously permitted development on this site granted under planning register reference number 15/463, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the character of the area and 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 30<sup>th</sup> day of July, 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 to ensure that the internal road which provides access to the on-site Electricity Supply Board substation extends to the boundary limit of the subject development site (that is, that there is no intervening strip of grass) and the area outlined in blue on Drawing Number 6193-001, submitted to the planning authority on the 9<sup>th</sup> day of May, 2018, which is within the applicant's legal interests but not within the subject development application boundary.

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

**Reason:** In the interest of clarity.

3. Apart from the revisions authorised by this permission, the development shall be carried out in accordance with the terms and conditions of the parent permission, planning register reference number 15/463.

**Reason:** In the interest of clarity.

4. 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 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.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**