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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 17/1299**

**Appeal** by David and Carol McCartan of Lodge Park, Straffan, County Kildare against the decision made on the 15<sup>th</sup> day of November, 2018 by Kildare County Council to grant subject to conditions a permission to Gerard Gannon Properties care of Deaton Lysaght Architects of 44 South Richmond Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The removal of existing derelict structures, construction of two-storey mixed use block with three number retail units on the ground floor and bin store and five number apartments on first floor, all with terraces facing east. The overall development will consist of one number four-bedroom two-storey detached house, 10 number two-storey three-bedroom semi-detached houses, four number two-bedroom two-storey terraced houses and four number one-bedroom apartments and one number two- bedroom apartment, provision of 16 car parking spaces and bin store, new vehicular/pedestrian entrances from Station Road and all associated site works on land adjacent to Mace Service Station, as amended by the revised public notice received by the planning authority on the 4th day of September, 2018 providing for significant further information consisting of amendment of

site layout, access road, open space, and boundary treatment; elimination of proposed retail and apartment block; residential development revised to comprise the removal of existing derelict structures and construction of 22 housing units. The overall development will consist of two number four-bedroom two-storey terraced houses, 18 number three-bedroom two-storey terraced houses and two number two-bedroom two-storey terraced houses, all with rear gardens; the development also comprises provision of 44 car parking spaces, bin store, bicycle parking/storage; all at Lodge Park, Straffan, 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 zoning provisions of the Kildare County Development Plan, 2017-2023, the site location within the settlement boundary of Straffan village and the pattern of existing development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of servicing, traffic safety, design and layout and would not seriously injure the visual and residential amenities of properties in the vicinity of the site. The proposed development would, therefore, be acceptable in terms of 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 further plans and particulars submitted to the planning authority on the 23<sup>rd</sup> day of August, 2018, the 4<sup>th</sup> day of September, 2018 and clarification of further information submitted to the planning authority on the 19<sup>th</sup> day of October, 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) Units Numbers 5 and 6 may contain a home office, in accordance with further information received on the 19<sup>th</sup> day of October 2018, to constitute live/work units. Unit B1 shall be occupied as a doctor/dental surgery at ground floor level, with an apartment overhead,
- (b) proposed 'Wall Type C' along the western boundary shall be replaced with a two metre high capped block wall. All other site boundaries shall be as detailed in the documentation submitted with the planning application, as amended by the further plans and particulars and clarification of further information submitted to the planning authority, and
- (c) all rear garden side boundaries, except those along site boundaries, shall be bounded by block walls, capped, and rendered, on both sides, or by concrete post and concrete panel fences, which shall be a minimum of 1.8 metres high, to the written satisfaction of the planning authority.

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 visual and residential amenity.

3. The existing roadside boundary limestone wall and associated low level planter shall be retained and the applicant shall ensure its protection during construction works.

**Reason:** In the interest of visual amenity.

4. No development shall commence on the site until such time as the following have been agreed and complied with:-
- (a) requirements of Kildare County Council in relation to the roads and footpath, public lighting, open spaces and water services to be taken in charge,
  - (b) the drainage system, including the attenuation tanks in the open space, shall be designed and constructed in full accordance with the requirements of the Greater Dublin Strategic Drainage Study, Greater Dublin Region Code of Practice for Drainage Works and CIRIA SuDS design manual.

Full details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and all works shall be completed by the applicant, to the satisfaction of the planning authority prior to the occupation of any house within the proposed development.

**Reason:** In the interests of roads and traffic safety, the protection of the natural environment, public health and the proper planning and sustainable development of the area.

5. The landscaping scheme as submitted to the planning authority on the 23<sup>rd</sup> day of August, 2018 shall be carried out within the first planting season following substantial completion of external construction works. 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 interest of residential and visual amenity.

6. The open spaces shall be developed for, and devoted to, public use, in accordance with the details submitted to the planning authority on the 23<sup>rd</sup> day of August, 2018. Full details of the proposed playground and play equipment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any work on site. 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.

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

7. 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:
  - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,

- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

**Reason:** In the interest of visual amenity.

9. 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 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. 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.



11. 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.

12. 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.

13. 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 include a sum to be paid in lieu of open space provision towards the cost of amenity works in the area based on a shortfall in the proposed development. 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.

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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**