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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1056**

**Appeal** by Louisa Valley Residents Association care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 4<sup>th</sup> day of February, 2019 by Kildare County Council to grant subject to conditions a permission to Berenice Flattery care of Eamonn Daly Architects of 18 Elmpark Avenue, Ranelagh, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Part demolition of existing bungalow; and development of two number two-storey, four bedroom, detached houses fronting onto the Grove, with partial boundary to Station Road at rear, including all services, drainage connection to existing foul drain on The Grove, boundary and landscape treatment at site at The Grove, Louisa Valley, 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 residential zoning of the site in the current development plan for the area, the pattern of development in the vicinity and the design and layout of the proposed scheme, 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, would not be prejudicial to public health, would not result in a devaluation of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of November 2018, and the 9<sup>th</sup> day of January 2019, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, no surface water from roof areas or driveways shall be discharged to the road drainage network within The Grove or within the Old Station Road cul de sac to the rear.

**Reason:** In the interest of public health.

3. The vehicular entrances from the public road, including footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works.

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

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority. Roof colour shall be slate-grey or blue/black only, including ridge tiles.

**Reason:** In the interest of orderly development and the visual amenities of the area.

5. The foul sewer connection through the public open space within The Grove shall be omitted and the connection shall take place within the public road, with reinstatement following excavation carried out at the developer's expense, in accordance with the construction standards of the planning authority.

**Reason:** In the interest of the residential amenities of the area.

6. Prior to commencement of development, proposals for a naming/numbering scheme shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

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

**Reason:** In the interests of orderly development and the visual and residential amenities of the area.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. Following demolition of part of the bungalow on this site, the remainder of the house shall be made good, and returned to residential use within one month of demolition, unless redevelopment of the adjoining site proceeds.

**Reason:** To safeguard the remaining portion of a habitable house and in the interests of residential and visual amenity.

10. 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.

11. 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.

12. 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.

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

**Dated this            day of            2019.**