



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1321

Appeal by Robert White and Others of 17 Limetree Hall, Dublin Road, Maynooth, County Kildare and by Limetree Hall Residents Association of 9 Limetree Hall, Dublin Road, Maynooth, County Kildare against the decision made on the 20th day of February, 2019 by Kildare County Council to grant subject to conditions a permission to Orivo Properties Limited care of P.D. Lane Associates of 1 Church Road, Greystones, County Wicklow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Modifications to already approved residential development (granted under planning register reference number 09/246, as extended under planning register reference number 14/1002) comprising of an additional storey (penthouse level) on approved apartment block currently under construction (now known as Apartment Block 129 to 147 inclusive), consisting of four number additional apartments (two number two bedroom and two number one bedroom apartments), and ancillary works including 6 no. additional surfaced car parking spaces, all at Carton Grove, Dublin Road, Maynooth, 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:

- (a) the residential zoning objective for the subject site in the current Maynooth Local Area Plan,
- (b) the objectives of 'Project Ireland 2040 National Planning Framework' issued by the Government in February, 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (c) the Guidelines for Planning Authorities on 'Urban Development and Building Heights' issued by the Department of Housing, Planning and Local Government in December, 2018, which outlines the need to provide more compact forms of urban development,
- (d) the Guidelines for Planning Authorities on 'Sustainable Urban Housing: Design Standards for New Apartments' issued by the Department of Housing, Planning and Local Government in March, 2018, which

outlines the need for apartment type developments in particular to meet growing demand,

- (e) the Guidelines for Planning Authorities on 'Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)' issued by the Department of the Environment, Heritage and Local Government in May, 2009, which promotes higher residential densities on residential zoned land in suitable locations, and
- (f) the pattern of existing and permitted development in the area and wider area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of height, density and scale in this location, would not seriously injure the residential amenities of neighbouring property, would be acceptable in terms of pedestrian and 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the additional information submitted on the 28th 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. Prior to occupation of the proposed development, the missing section of hedgerow along the northern site boundary adjacent to the building shall be reinstated by the developer to the satisfaction of the planning authority.

Reason: To protect visual amenity and in the interest of clarity.

3. Water supply and drainage arrangements, including the 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.

4. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. 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.

7. 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 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

9. 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.

10. 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.