



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/740

Appeal by Kathleen Carr of 71 Ailesbury Road, Ballsbridge, Dublin and by Rita Cosgrove of Cill Dara Travel, 6 Cutlery Road, Newbridge, County Kildare against the decision made on the 26th day of March, 2019 by Kildare County Council to grant subject to conditions a permission to O'Modhrain Hall Limited care of James Fagan and Associates of Hawkfield, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission to demolish existing derelict building/hall and for permission to replace it with new four storey building containing four shop units, two office units and six apartments, bin and bicycle spaces and all associated site works at Cutlery Road, Newbridge, County Kildare, as amended by the revised public notice received by the planning authority on the 27th day of February, 2019 as follows: the significant changes proposed consists of potential pedestrian access to Bord Na Mona site adjoining, omission of balconies and smoking areas to the northern and southern end of proposed development.

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 nature and scale of the proposed development, which involves the redevelopment of a site containing a building that is in a derelict and ruinous condition, to the location of the site, which is zoned town centre in the Newbridge Local Area Plan 2013-2019 (as extended), to the relevant provisions of the Kildare County Development Plan 2017-2023 and of the Newbridge Local Area Plan 2013-2019 (as extended), in relation to regeneration and urban development and to the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties in the vicinity by reason of design, overlooking or overshadowing, would be acceptable in terms of visual impact on Cutlery Street and the environs and in terms of impact on the architectural and cultural heritage amenities of the town, would be acceptable in terms of pedestrian and traffic safety 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 further information received by the planning authority on the 13th day of February 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. The retail units shall be restricted to shop use as set out under Article 5 of the Planning and Development Regulations, 2001, as amended. No other use is permitted without a prior grant of planning permission.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. Details of the colour and materials of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. In this respect:
 - (i) the proposed brick and rendered finishes on the exterior elevations shall be swapped to provide a brick finish at ground floor level and rendered finish at first and second floor levels,
 - (ii) all rainwater goods shall be provided within the walls of the structure and not adhered to the external elevations, and
 - (iii) the windows serving all bathrooms and en-suites and windows on the north-west façade of the proposed development, shall be fitted with obscure glass.

Reason: In the interest of visual amenity and to prevent overlooking.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

5. 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.

Reason: In the interest of public health.

6. Details of all the external shopfronts and signage shall be the subject of a separate planning application to the planning authority.

Reason: In the interest of the visual amenities of the area.

7. Details of the quantity and location of swift bricks within the overall proposed development, together with details of the swift calling system, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 and 1300 hours on Saturdays and not at all on Sundays and public holidays. Any 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. 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.

10. 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 and off-site disposal of construction/demolition waste.

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

11. 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 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.

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 (and including a contribution towards the cost of the shortfall in the provision of car parking facilities) 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.

Chris McGarry

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

Dated this day of 2019.