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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1382**

**Appeal** by TMT Digital Limited (trading as Digital Office Centres Limited) care of O'Shaughnessy and Associates of 49 Upper Mount Street, Dublin against the decision made on the 15<sup>th</sup> day of May, 2019 by Kildare County Council to grant subject to conditions a permission to Jomaijo Trading Limited care of DDA Architects and Planning Consultants of 62 Brighton Square, Rathgar, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of one number three and four-storey office building consisting of two number blocks with a central glazed atrium area and a screened plant area, solar panels and equipment at roof level, providing a total gross floor area of 12,641 square metres. The proposed road infrastructure, and site services as per the previously approved planning register reference number 99/2073. Minor amendments to planning register reference number 99/2073 to include rearrangement of previously approved parking, the addition of 12 number total car parking spaces, 200 number cycles parking spaces, landscaping consisting of new tree planting, and grass planting, public lighting, and footpaths, Electricity Supply Board substation and switch room, and all associated site and infrastructural works. Further public

notices were received by the planning authority on the 18<sup>th</sup> day of April, 2019 which included the following: The provision of a basement level car park (131 number spaces), access ramp and consequent revisions to the ground floor layout, site layout plans and minor amendments to the rear elevation. All on a site of circa 0.730 hectares zoned for office/light industry and warehousing within the existing Maynooth Business Campus development (previously approved under planning register reference number 99/2073), bounded by the M4 motorway to the north, Ballygoran Road to the south, existing Blocks A, B, C and F Maynooth Business Campus to the west and east, existing access off the R406 Straffan 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 the provisions of the Kildare County Development Plan 2017-2023 and the zoning afforded to the site in the Maynooth Local Area Plan 2013-2019, to provide for new and existing light industrial, office park and warehouse development within the Maynooth Business Campus, and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development 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 27<sup>th</sup> day of February, 2019 and on the 12<sup>th</sup> day of April, 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 development shall include the basement car park as detailed in the plans and particulars submitted to the planning authority on the 12<sup>th</sup> day of April, 2019. This car park shall be fully operational prior to the occupation of the office building.

**Reason:** In the interests of clarity and traffic safety.

3. Prior to commencement of development, the permitted vehicular access to the Business Campus from the L5054 Ballygoran Road shall be fully operational.

**Reason:** In the interest of traffic safety.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

5. (a) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.
- (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (c) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the proposed green roof and arrangements for its maintenance.

**Reason:** In the interest of public health and to ensure adequate surface water management in the development.

6. Access and parking, for both cars and bicycles, and traffic management arrangements shall comply with the detailed standards for Planning Authorities for such works and services. The Mobility Management Plan shall be implemented, and arrangements for review of this Plan on a bi-annual basis shall be agreed in writing with the planning authority before development commences.

**Reason:** In the interests of amenity and traffic safety, and to encourage sustainable transportation.

7. Construction and demolition waste shall be managed in accordance with the Construction Stage Waste Management Plan submitted with the planning application. The Plan shall be agreed in writing with the planning authority prior to commencement of development. The plan shall be 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.

8. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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. The construction of the development shall be managed in accordance with the Construction Management Plan submitted with the planning application, which shall be 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.

10. No additional development, other than that shown on drawings submitted with the application, 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 visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

11. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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. 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.



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 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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**Paul Hyde**

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

**Dated this            day of            2019.**