



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/376

Appeal by Lagan Homes Ireland Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 31st day of May, 2019 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: An amendment to part (approximately 2.85 hectares) of a residential development permitted under Kildare County Council register reference number 10/673 (as extended under register reference number 16/6), and as amended under register reference number 17/565. The proposed amendments would result in an increase in the number of permitted residential units from 65 number units to 82 number units (an additional 17 number units) by replacing 51 number permitted units (comprising two number five-bed detached dormer bungalows (Type D); one number five-bed detached house (Type C1); 18 number three-bed semi-detached houses (Type A2); 23 number four-bed semi-detached houses (Type B1); five number four bed semi-detached corner houses (Type B2); and two number four-bed detached houses (TypeB3)), with 68 number revised dwellings consisting of: 28 number three bed semi-detached houses (Type A2); 33 number four bed semi-detached houses (Type B1); and seven

number four bed semi-detached corner houses (Type B2). The proposed development also includes modifications to the permitted site layout, including reconfiguration of the internal road and drainage layout, revised car parking provision, reorientation and consolidation of the public open space (increase of 0.11 hectare), together with a revised culvert location and design, an ESB substation and all associated site and development works at a site on the western side of Barberstown/Maynooth Road, 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 planning history associated with the subject site, to the pattern of existing and permitted development in the area, to the provisions of the Kildare County Development Plan 2017-2023, and to the layout and design as submitted in support of the first party appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential of property in the vicinity or of future occupants of the development or the visual amenities of the area, would provide an appropriate level of development for the village of Straffan, with a suitable mix of dwelling units and would be acceptable in terms of 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 to An Bord Pleanála on the 26th day of June, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted under planning register reference number 10/673, as extended under planning register reference number 16/6, and as amended by planning register reference number 17/565.

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

3. The open spaces shall be developed for, and devoted to, public use, in accordance with the details submitted to An Bord Pleanála on the 26th day of June, 2019. The public open space shall be completed and fully landscaped 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.

4. 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.

5. (a) Prior to commencement of development, the developer shall enter into water and wastewater connection agreements 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.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) 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 visual and residential amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

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. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The bond shall include provision for the protection of trees during the course of development. The security to be lodged shall be as follows -
 - (a) an approved insurance company bond in an amount to be agreed with the planning authority prior to the commencement of any development on site,

- (b) a cash sum, amount to be agreed with the planning authority prior to the commencement of any development on site, to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

11. 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.

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

Dated this day of 2019.