



An
Bord
Pleanála

Board Order
ABP-305244-19

Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1367

Appeal by Epicridge Developments Limited care of Derek Whyte of Great Connell, Newbridge, County Kildare against the decision made on the 31st day of July, 2019 by Kildare County Council to refuse permission to the said Epicridge Developments Limited for the proposed development.

Proposed Development: (A) Demolition of existing detached single storey house. (B) Construction of a residential development consisting of 12 houses. The development consists of two number two-storey blocks of two-bedroom town houses, (Block A will have six units and Block B will have five units) and one number three-bedroom, one and a half storey detached dormer bungalow. (C) Upgrade existing entrance, landscaping, detached bin store and bicycle store, access road, connection to public watermain and foul sewer and all associated site works, all at Naas Road, Newbridge 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 existing residential/infill zoning objective for the area and the pattern of development in the area, 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 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 the further plans and particulars submitted on the 4th day of July 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 commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the details submitted to the planning authority on the 4th day of July, 2019 and the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. With the exception of the boundary with the properties on Hawthorn Close, all rear garden boundaries, including party boundaries, shall consist of blockwork walls, two metres in height, capped and plastered or dashed on both sides. The proposed timber panel fences shall not be erected. The boundary with the properties on Hawthorn Close shall be of similar construction and finish but shall be 2.35 metres in height.

Reason: In the interest of residential amenity.

5. The site shall be landscaped in accordance with a landscaping scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include:
 - (a) A plan to a scale of not less than 1:500 showing -
 - (i) the species and setting of all new planting,
 - (ii) proposals for a landscaped strip along the north-east site boundary;
 - (b) a landscape management plan; and
 - (c) a timescale for the implementation of this scheme.

Reason: In the interests of visual and residential amenity.

6. The areas shown as public open space on the lodged plans shall be reserved for such use. 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. At the time of taking in charge of the development, the open space shall be vested in the planning authority at no cost to the authority, as public open space.

Reason: In the interest of the amenities of the occupants of the proposed housing.

7. 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.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of amenity and public safety.

9. The internal road serving the proposed development, including turning bays, parking areas, footpaths kerbs and cycle parking shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the Design Manual for Urban Roads and Streets in particular corner radii.

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

10. 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, including details of design of, and signage for, the electrical charging points, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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

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

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. 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.

14. 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, and maintenance until taken in charge by the local authority, 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.

15. 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.

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

Dated this day of 2019.