



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1481

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 14th day of October, 2019 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: The application to the planning authority was described as permission for the construction of 58 number residential dwellings comprised four number four bedroom detached houses (Type A and A1), 14 number three bedroom semi-detached houses (Type B), 10 number three bedroom terraced houses (Type C and C1), four number two bedroom terraced houses (Type D), two number one bedroom bungalow type houses (Type E), along with 12 number three bedroom duplex townhouses with 12 number two bedroom apartments contained in two number duplex/apartment blocks (Type F and F1), together with the creation of a vehicular access and pedestrian entrance off the L106 (Newtown/Ardclough Road); all infrastructure, landscaping, boundary treatments and all associated site and development works. The proposed development also includes the provision of a pedestrian footpath along the L106 (Newtown/Ardclough Road) for the full frontage of the proposed development, at a site of approximately 1.7 hectares at Newtown Townland, Celbridge, County Kildare. Further information was

submitted to An Bord Pleanála with the appeal documentation on the 11th day of November, 2019 and contained revised proposals which comprise the following:

The provision of a one metre wide grass verge and three metres wide concrete footpath along the western boundary of the residential development at its interface with the L106 (Newtown/Ardclough Road).

The provision of traffic/speed calming measures and signage along the L106 in the vicinity of the entrance to the proposed residential development.

The construction of a continuous footpath (minimum width of 1.8 metres) along the eastern side of the L106 between the subject site and the existing Chelmsford Estate, together with a continuous road carriageway width of 5.5 metres up the Pausdeen Bridge, requiring minor road realignment works on the western side of L106.

Reduction of the road carriageway at the Pausdeen Bridge to a single carriageway of four metres to accommodate the continuous footpath (minimum width of 1.8 metres) to the existing Chelmsford Estate, together with an alternating-traffic system governed by yield road markings and signage at either end of the Pausdeen Bridge and a yellow box marking at the Chelmsford Estate access.

An increase in the site area by circa 0.41 hectare (increase from approximately 1.74 hectare to 2.15 hectare) to facilitate the proposed works detailed above.

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 residential 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 not be prejudicial to public health 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 on the 30th day of May, 2019 and the 3rd day of September, 2019 and by the further plans and particulars received by An Bord Pleanála on the 11th day of November, 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 site shall be connected to the existing public footpath network to the north of Pausdeen Bridge by a footpath in accordance with the details submitted to An Bord Pleanála on the 11th day of November, 2019. Details of these works and works to the road carriageway, which shall be undertaken at the expense of the developer, shall be agreed in writing with the planning authority prior to commencement of development and the works shall be completed prior to the occupation of any of the dwellings permitted.

Reason: In the interests of traffic and pedestrian safety and to ensure a footpath connection between the site and the existing footpath network.

3. 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.

Reason: In the interest of visual amenity.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. 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 interests of amenity and of traffic and pedestrian safety.

7. 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 commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. All rear gardens shall be bounded by timber panel fences, 1.8 metres in height, constructed with concrete uprights.

Reason: In the interests of residential and visual amenity.

10. Site boundaries shall be as indicated on drawing number 18-15-CFI-(S)-0001 and details received by the planning authority on the 3rd day of September, 2019 with the exception of the northern boundary where the proposed concrete post and timber panel fence shall be replaced with a fence comprising concrete posts fitted with either concrete or metal panels, details of which shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and the protection of the existing boundary planting which it is proposed to retain.

11. 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. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

12. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 10th day of December, 2018. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

15. 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.

16. 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.

Paul Hyde

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

Dated this day of 2020.