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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/1356**

**Appeal** by Springwood Limited care of Maguire and Associates of 6 Railway Terrace, Dublin Road, Naas, County Kildare against the decision made on the 10<sup>th</sup> day of August, 2020 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of: (a) a change of use of existing disused stables to residential use comprising two bedroom single storey house, one number one bedroom apartment and one number two bedroom apartment on ground floor, together with one number one bedroom apartment and one number two bedroom apartment on first floor, (b) the proposed works to the stables buildings will include the removal of existing asbestos roof, all internal and external alterations and modifications. New building works to include provision of balconies with handrails, new stairwell extension, new slate roof, new zinc clad dormer roofs, concrete barges, external brickworks, new external walls as required, external windows and doors and other associated works, (c) demolition of tool shed, (d) all associated site development work including hard landscaping surface, road, footpaths, car parking, soft landscaping spaces and connection to all services

including four sewer, water mains, surface water, ESB, associated utility services and lamp standards, (e) internal and external alterations and modifications to existing cottage together with new single storey residential extension. The site is within the curtilage and attendant grounds of Protected Structure Ref: NS 19-072 known as Oldtown House, Oldtown Demesne, while containing a Protected Structure Ref: NS 19-094 known as Earthwork Site, Oldtown Demesne, located on the Sallins Road, Naas, County Kildare. The granting of planning permission for this proposed development will involve a variation in the planning permission of Kildare County Council planning register reference number 17/807. All development to take place at The Orchard, Oldtown Demense, Sallins Road, 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, the Naas Town Development Plan 2011-2017 and the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government in March, 2018, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would appropriately re-use the heritage structures, would not detract from the setting and character of the protected structure, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety, and would constitute an appropriate form of development at this location. 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 14<sup>th</sup> day of July, 2020, and by the further plans and particulars received by An Bord Pleanála on the 7<sup>th</sup> day of September, 2020, 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. A bat survey of both buildings shall be undertaken immediately prior to commencement of development and, if bats are confirmed, a derogation licence, permitting required mitigation measures, shall be obtained from the National Parks and Wildlife Service before commencement of any works.

**Reason:** In the interest of wildlife protection.

3. All works to the existing structures shall be carried out in line with best conservation practice as set out in the 'Architectural Heritage Protection Guidelines for Planning Authorities' issued by the Department of Arts, Heritage and the Gaeltacht in October 2011.

**Reason:** In the interest of the protection of built heritage.

4. 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 prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of public health.

7.
  - (a) Site development and building works shall be carried out only between the hours of 0700 to 1800 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.
  - (b) 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 order to safeguard the amenities of property in the vicinity.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

9. Proposals for an estate/street name, dwelling unit 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 dwelling unit 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.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and signage 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.

11. 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 residential unit.

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

12. 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.

13.
  - (a) Ducting shall be provided at the existing cottage to be extended to facilitate the installation of electric vehicle charging point(s).
  - (b) A minimum of one communal car parking space shall be provided with functioning electric vehicle (EV) charging stations/points and ducting shall be provided for all remaining

car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

**Reason:** In the interest of sustainable transport.

14. (a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the location and design of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. 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.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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

**Dated this                      day of                      2021**