

An
Bord
Pleanála

Board Order
ABP-312238-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/491

Appeal by Michael Malone on behalf of Walsh management of W9A Ladytown Business Park, Newhall, Naas, County Kildare against the decision made on the 19th day of November, 2021 by Kildare County Council to grant subject to conditions a permission to Alan Bannon care of W3A Ladytown Business Park, Newhall, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Six number mezzanine level windows in front and rear elevation of existing industrial unit at Unit W3A, Ladytown Business Park, Naas, County Kildare. The proposed development was revised by further public notices received by the planning authority on the 26th day of October, 2021 and retention is now sought for first floor mezzanine level of 146 square metres comprising workshop and storage space.

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 zoning of the site as set out in the Kildare County Development Plan 2017-2023, the location of the site within Ladytown Business Park, the planning history pertaining to Unit W3A, the nature and scale of development proposed and the quantum of parking available within the business park to serve the 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, 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 11th day of October 2021, 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 industrial unit shall be occupied as a single industrial unit and shall not be sub-divided and sold or let as a separate unit without a prior grant of permission

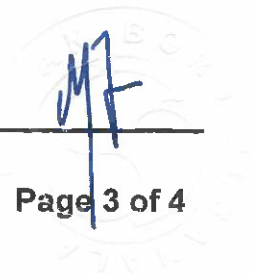
Reason: In the interest of clarity and to regulate the use of the unit in the interest of proper planning and sustainable development

3. External finishes shall be the same as those of the existing Industrial Unit in respect of colour and texture. Details of the colour and material of the new windows shall be submitted to and agreed in writing with the planning authority.

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

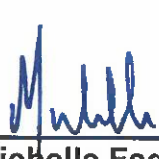
4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

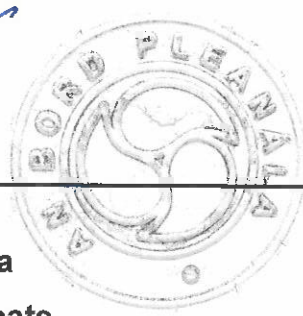
Reason: In the interest of public health and to ensure a proper standard of development.



5. 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


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



Dated this 8th day of April 2022.