

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/1758

Appeal by KOCF Limited care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 11th day of February, 2022 by Kildare County Council to refuse permission.

Proposed Development: Construction of a two-storey 91 number bed nursing home with an overall area of 4,572 square metres. The Nursing Home includes all associated uses comprising en-suite bedrooms, reception and day rooms, quiet rooms, dining rooms, family room, lounge rooms, kitchen, treatment rooms and salon, family room, reflection room, administration and office rooms, storage rooms, laundry room, staff facilities, plant rooms, service rooms, accessible WCs and circulation areas. The works will include all associated landscaping and site works and 30 number vehicular parking spaces and 12 number cycle parking spaces will be provided. The nursing home will be accessed via a new vehicular and pedestrian link formed via the adjacent Darley Residential development (currently under construction, planning register reference number 17/1299). Service vehicles will access the development via the existing service road to the west of the development, which will feature minor modifications to include

a new footpath and streetlighting, all at Barberstown Road, Straffan, County Kildare.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, for a nursing home within the village of Straffan, and on a site which is zoned objective 'E – Community & Education', it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Kildare County Development Plan 2023-2029, would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by An Bord Pleanála on the 9th day of March, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

3. The developer shall engage with Uisce Éireann (formerly Irish Water) prior to commencement of development and shall comply with its requirements with regard to the proposed development.

Reason: In order to ensure a proper standard of development.

4. The access arrangements and 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 and shall be agreed in writing with the planning authority prior to commencement of development.

Furthermore, the developer shall submit to, and agree in writing with, the planning authority detailed design proposals for the continuation of the footpath along the front roadside boundary of the site at the southern (service road) entrance and along the service road within the site.

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

5. All planting/landscaping required to comply with the specifications of the landscaping scheme submitted to the planning authority on the 15th day of December, 2021 shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

6. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 locations and designs of which shall be included in the details to be submitted to the planning authority.

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

7. 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 or public holidays. Deviation from these times shall 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.

8. Prior to commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction, including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the proposed development.

Reason: In the interest of residential amenities, public health and safety.

9. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material. Cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

10. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

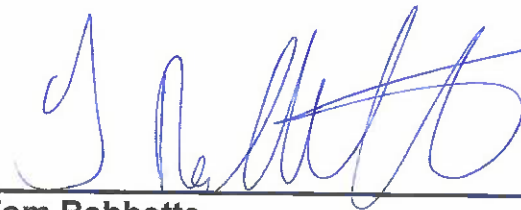
Reason: In the interest of visual amenity.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 amenity and public safety.

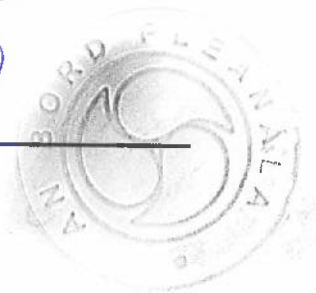
12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Tom Rabbette

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



Dated this 29th day of Mar 2023.