

An  
Bord  
Pleanála

Board Order  
ABP-314513-22

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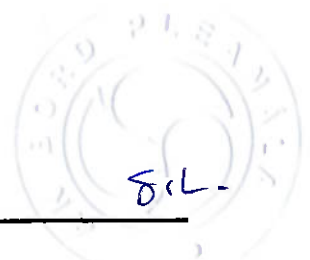
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/407**

**Appeal** by Denis Costello of Tullig, Dublin Road, Naas, County Kildare against the decision made on the 9<sup>th</sup> day of August, 2022 by Kildare County Council to grant subject to conditions a permission to Fitzpatrick's Garages Limited care of Shane Spring and Associates of 11 The Enclosure, Oldtown Demesne, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing single storey dwelling, closing off the existing recessed entrance, forming a new access from the existing Hyundai showroom forecourt, provision of carparking to the complete site for the display of cars, provision of new side boundary treatments, site lighting, and all ancillary site works, all at Dublin Road, Naas, County Kildare.

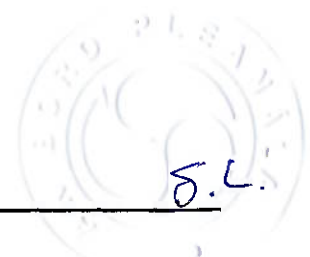


## **Decision**

**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.**

## **Reasons and Considerations**

Having regard to the provisions of the Kildare County Development Plan 2023-2029 and the Naas Local Area Plan 2021-2027, the location of the proposed development within the settlement boundary of Naas on zoned commercial/residential lands, the small scale nature of the proposed development and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the visual or residential amenities of the area or be prejudicial to public health 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 the planning authority on the 18<sup>th</sup> day of July, 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. Prior to commencement of development, the developer shall submit to the planning authority for written agreement revised drawings of the proposed acoustic noise barrier fence such that:
  - (a) it is set back a minimum of five metres from the existing stone wall at the front boundary of the site, and
  - (b) it is a maximum of 2.5 metres in height.

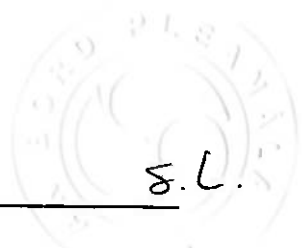
**Reason:** In the interest of the visual amenity of the area.

3. (a) The proposed floodlighting shall be cowled away from existing residences in the area.
- (b) The developer shall comply with all future site floodlighting requirements of the planning authority in relation to adjusting the lights by re-aiming, the addition of louvres and shields and/or dimming to deal with any glare issues that may arise for road users, residents and adjacent lands/properties which may only become apparent when the installation has been commissioned. The lighting scheme shall be fully implemented prior to the operation of the proposed development.
- (c) The operational hours of the floodlighting shall not extend beyond 2200 hours with automatic cut-off of floodlighting at that time.

**Reason:** In the interest of pedestrian, cyclist and vehicular safety, residential amenity and the proper planning and sustainable development of the area.

4. No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles or loudspeakers, shall be erected within the site or on adjoining lands under the control of the developer unless authorised by a further grant of planning permission.

**Reason:** To protect the visual and residential amenities of the area.



5. A landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping works shall be completed within the first planting season following commencement of development in accordance with the agreed plan. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

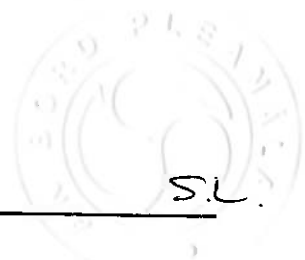
**Reason:** In the interest of biodiversity and the visual and residential amenity of the area.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.


7. Site development and building works shall be carried out between the hours of 0800 to 1800 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 agreement has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.



8. 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 Contributions 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.

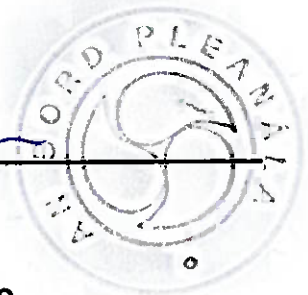


**Stewart Logan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this *24* day of *October* 2023.