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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22221052**

**Appeal** by Rodger Quinn of 3 The Drive, Hazelhatch Park, Celbridge, County Kildare and others and by Grayaron Homes Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 20<sup>th</sup> day of October 2022 by Kildare County Council to grant subject to conditions a permission to Grayaron Homes Limited for the proposed development in accordance with the plans and particulars lodged with the said Council:

**Proposed Development:**

- (a) The demolition (total area approximately 800 square metres) of the existing buildings, including a habitable dwelling, on site, and the existing front boundary treatment; and
- (b) the construction of a new residential and creche scheme of 137 number units in a mixture of houses and apartment units ranging from two to five storeys in height as follows:
  - Block A (three to five storey apartment block) comprising 39 number apartments (19 number one-bed and 20 number two-bed units),

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- Block B (four to five storey apartment block) comprising 51 number apartments (24 number one-bed and 27 number two-bed units),
- Block C (three to four storey apartment block) comprising 25 number apartments (11 number one-bed and 14 number two-bed units),
- Houses (two to three storeys) comprising 22 number house units (five number four-bed semi-detached, four number three-bed semi-detached, four number three-bed terraced and nine number three-bed end of terrace)

A separate building will accommodate a childcare facility and creche of approximately 248 square metres with outdoor play area of 460 square metres. Bike store building (86 square metres) and plant room and Electricity Supply Board substation building (66.9 square metres).

Each residential unit will be afforded with private open space in the form of a balcony or terrace in the case of the apartment units and a rear garden in the case of the housing units. Public open space is proposed in the form of play areas, outdoor seating and planting and pedestrian and cyclist links (approximately 4,380 square metres).

A total of 129 number car parking spaces are provided at surface level, including seven number accessible spaces; 80 number bicycle spaces (for visitors and residents, in bicycle stands) together with 124 number secure bicycle spaces within five number bicycle stores.

The development shall be served via a new vehicular access point from the L5062 Road. Upgrade works are proposed to the vehicular access point from the R405 Road onto the L5062 Road to facilitate the proposed development and to provide for improved access and egress for the overall development. New pedestrian and cyclist access points will be provided on to the R405 Road from the site.

The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; waste storage areas and electrical services and all associated site development works all located at Glencarrig House, Simmonstown, Celbridge, County Kildare.

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## 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

In coming to its decision, the Board had regard to the following:

- (i) The provisions and policies as set out in the Kildare County Development Plan 2023-2029;
- (ii) the provisions of the Celbridge Local Area Plan 2023-2029 including the zoning Objective B – ‘Existing Residential/Infill’, which aims to ‘protect and enhance the amenity of established residential communities and provide sustainable intensification’;
- (iii) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021,
- (iv) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (v) the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (vi) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022;
- (vii) the availability in the area of a wide range of social and transport infrastructure;
- (viii) the pattern of existing and permitted development in the area;
- (ix) the submissions and observations received, and
- (x) the report of the Planning Inspector.

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## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises of an edge of town site, the distances to the nearest European Sites, and the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Screening for Environmental Impact Assessment Report submitted by the applicant, which contains the information set out in Schedule 7A of the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

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- the location of the site on lands governed by zoning Objective B, 'protect and enhance the amenity of established residential communities and provide sustainable intensification' in the Celbridge Local Area Plan 2017-2023, and the results of the strategic environmental assessment of the Kildare County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the existing use on the site and pattern of development in the surrounding area,
- the planning history relating to the site,
- the availability of mains water and wastewater services to serve the proposed development,
- the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

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### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the current Kildare County Development Plan 2023-2029, and the Celbridge Local Area Plan 2017-2023, and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Meath County Council on the 26<sup>th</sup> day of August 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 development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The floor plans of apartment B.50 to be revised so as to clearly indicate the provision of a minimum storage area of three square metres within the unit.
  - (b) Suitable louvres or similar screening shall be provided to the front of the windows on the northern elevation of apartment Block A. These shall ensure that outward views are restricted but ensure that adequate daylight is received by these units.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The number of residential units permitted by this grant of permission is 137 number units in the form of 22 number houses, and 115 number apartment units.

**Reason:** In the interest of clarity.

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4. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. The proposed external treatment shall ensure a clearly defined distinction between character areas.

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

5. Each apartment and house shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** In the interests of proper planning and sustainable development.

6. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development or installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

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

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8. 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.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination, in particular:
- (a) The roads and traffic arrangements serving the site including signage shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense,
  - (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, in particular carriageway widths and corner radii,
  - (c) Pedestrian crossing facilities shall be provided in suitable locations to be agreed with the planning authority,
  - (d) The materials used in any roads and footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works,

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- (e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of traffic, cyclist, and pedestrian safety and to protect residential amenity.

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

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11. A minimum of 10% of all car parking spaces serving the apartments and duplex units should be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and or future proof the development such as would facilitate the use of electric vehicles.

12. 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 interests of public health and surface water management.

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

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

14. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

15. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the 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.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.



17. 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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
  - (k) off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil;

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- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and 0700 to 1400 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.

19. All of the permitted house or duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect. Such an agreement must specify the number and location of each house or duplex unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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20. 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.

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

22. 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.

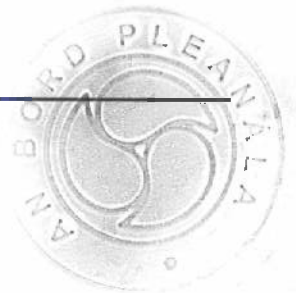
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



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**Peter Mullan**

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



Dated this *13<sup>th</sup>* day of *March*, 2023