

An
Bord
Pleanála

Board Order
ABP-315265-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1173

Appeal by James and Kathleen Ryan of Dunamase, Loughlinstown Road, Celbridge, County Kildare against the decision made on the 10th day of November, 2022 by Kildare County Council to grant subject to conditions a permission to Claire and Liam McDonnell care of Paul C. Mealy Architects Limited of 11 The Courtyard, Friar's Hill, Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached single storey dwelling in the rear garden including alterations to existing off-road access providing separate access drive to new dwelling and the demolition and removal of the existing creche, all at 394 Ballyoulster Park, Celbridge, 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 zoning objective of the area, as set out in the Celbridge Local Area Plan 2017-2023, the design, layout and scale of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the established character or appearance of the area 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, 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. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

3. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays, inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

4. Water supply and 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 interest of public health and surface water management.

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

Reason: in the interest of public health.

6. The developer shall be required to carry out a site survey and/or investigation works in order to clarify the exact location, layout and cover/invert levels etc. of the existing wastewater connection/drain/sewer. The developer shall not be permitted to construct the dwelling over an existing wastewater/drain/sewer connection. The developer shall engage with a suitably qualified engineer in order to survey, design and supervise and clarify the works required to divert/pump and protect the existing wastewater connection from the adjoining property. No works shall commence until written agreement is in place regarding this issue with the Water Services Department of the planning authority.

Reason: In the interest of public health and to avoid pollution and to ensure proper servicing of the development.

7. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. The developer shall provide electrical vehicle charge points at the driveway of the new dwelling, to be compatible with the Sustainable Energy Authority of Irelands Triple E Register.


Reason: In order to promote the use of night-time renewable energy.

9. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

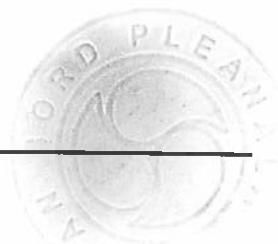
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Stephen Brophy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 13th day of July 2023.