



An  
Bord  
Pleanála

## Board Order ABP-319519-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 23/785**

**Appeal** by Katy Murphy care of Kiaran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 20<sup>th</sup> day of March, 2024 by Kildare County Council to grant subject to conditions a permission to Cora Dunne care of McKenna and Associates of High Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Alterations, demolitions and additions to the existing building and outbuilding to create four residential units, changes to the site layout, new bicycle and bin stores, connection to all public services and all associated site works, all at Stapleton, New Lane, Kilcock, County Kildare. Stapleton is a protected structure located within an Architectural Conservation Area.

### 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 of the site and planning policy, as provided for in the Kildare County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable use for the existing building, the proposed design and form would not detract from the existing Protected Structure or Architectural Conservation Area setting of the site, and would not adversely impact on the amenity of neighbouring properties. Furthermore, the proposed development would be in accordance with Objectives AH039 and AH041 of the Kildare County Development Plan 2023-2029 which promote the maintenance and appropriate re-use of buildings and the retention of original or early building fabric in Architectural Conservation Areas. The proposed development 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 23<sup>rd</sup> day of February, 2024, 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. Site development and building works shall be carried out only between the hours of 0700 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.

3. The developer shall fully comply with the recommendations of the Preliminary Roost Assessment report received by the planning authority on the 23<sup>rd</sup> day of February, 2024. Documents/surveys demonstrating compliance, as prepared by a suitably qualified ecologist, shall be submitted for the written approval of the planning authority prior to commencement of development. Should the presence of bats be established on the site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings 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 interest of visual amenity.

5. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

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. Prior to commencement of development, the developer, or any agent acting on its behalf, 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 the 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 proper planning and sustainable development.

8. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the development.

10. Prior to commencement of development on the protected structure, the developer shall submit to the planning authority for written agreement a detailed method statement covering all works proposed to be carried out, including:
- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
  - (b) the methodology for the recording and/or retention of concealed features or fabric exposed during the works,
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,

- (d) details of any features to be protected during the construction works,
- (e) materials/features of architectural interest to be salvaged, and
- (f) details of materials and features to be retained.

Details in this regard shall be accompanied by drawings of an appropriate scale of not less than [1:50].

**Reason:** In the interest of the protection of architectural heritage.

11. No structures/elements shall be placed to the front of the property. All windows and glazing shall be maintained at all times and shall be kept free of stickers and posters.

**Reason:** In the interest of visual amenity and the protection of the architectural character of the area.

12. The proposed access and parking arrangements, including the provision of electric vehicles charging points/sockets units and the proposed bicycle parking, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details in this regard for the written agreement of the planning authority.

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

13. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures, off-site disposal of construction/demolition waste, and measures to prevent the spillage of debris, slates, bricks and cement into the adjoining property.

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

14. 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.

*Mary Gurrie*

**Mary Gurrie**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this 10 day of October 2024.**