



An
Bord
Pleanála

Inspector's Report PL.09.248507

Development	Change of site layout and new public space, erection of 7 houses and site works.
Location	Athgarvan, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	16/1027
Applicant(s)	Thoval Properties Limited
Type of Application	Permission
Planning Authority Decision	Permission subject to conditions
Type of Appeal	Third Party Vs Grant
Appellant(s)	Mel Mimmagh
Observer(s)	Chris and Maree Holland Colm and Rachel Maguire Diana Kavanagh Van and Imelda Dunning Stephen O'Brien Bridget Parnell and Ping-Yau Lee Millford Residents Association Laura Donohoe
Date of Site Inspection	3 rd August 2017
Inspector	Susan McHugh

1.0 Site Location and Description

- 1.1. Athgarvan village is a small village located in central Kildare between c.3km south of Newbridge Town Centre and c.4km north west of Kilcullen. The town is located along the R416 Regional Road between Newbridge and Kilcullen. The subject backland site is located to the east of the crossroads in the village and is accessed via a narrow laneway from the L2032 Local Secondary Road. The local public house is located to the east of the crossroads and two local shops are located to the south.
- 1.2. To the west of the access road there is a newly refurbished house, and to the east there is a vacant plot, which is also directly to the west of the crossroads in the village and subject to a current planning application by the same applicant. There is a footpath to the north of the L2032 which rises towards the crossroads in the village. To the north of the L2032 and slightly to the west of the proposed entrance to the subject site is an established housing estate known as Milford. The appellant has an address at No. 6 Millford.
- 1.3. The site which has an area of 0.33ha is currently overgrown and includes an existing derelict building. The topography on the site slopes down predominantly from east to west. It is well screened to the north and west by existing mature planting. The site is bounded to the south by the rear garden boundary walls of a number of two storey semi-detached dwellings in the Whitethorn residential estate. To the east the site is bounded by the rear boundary walls and gardens of four single storey cottages some of which have been extended to provide two storey rear extensions. These properties are located at a slightly higher level than the appeal site and typically have a vehicular access to the side from the main road through the village, the R416.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 28/09/2016 with further plans and details submitted on 22/02/2017. The latter triggered revised public notices.

The proposal as amended comprises:

- Demolition of the existing derelict building and clearance of the site and construction of 7 no. dwellings:
- 4 no. semi-detached, 2 storey, 4 bed units on sites 4, 5, 6, and 7 (Type A).
- 3 no. detached, 2 storey, 4 bed units on sites 1, 2, and (Type B and C).

2.2. The ridge heights are 8.3metres with external finishes to be plaster with selected slates/ concrete roof tiles.

2.3. The layout is around a central open space of 290sq.m. with another smaller area of open space to the east of 121sq.m. Landscaped strips are also proposed to the front of the dwellings. Existing boundaries with the adjoining residential properties to the east, south and west are to be planted.

2.4. Access is proposed via an upgraded access drive from the L2032 to the north. A 2m footpath is proposed along the eastern side of the access drive. This also provides access to the proposed village centre in Phase 2 which is the subject of a concurrent application. It is proposed to upgrade the footpath on the southern side of the L2032 connecting the entrance to the appeal site with the crossroads in the village to the east. It is proposed to provide a new pedestrian crossing with tactile paving. 2 no. parking spaces per unit are to be provided.

2.5. Surface water disposal is by way of a combination of soakpits and new connection to the mains and it is proposed to provide a new gravity sewer which will discharge to the existing foul sewer located on the County Council Road.

2.6. The application is accompanied by:

- Engineering Drainage Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 34 no. conditions which include;

Condition No. 3, 5, & 6 – Permits 7 no. dwellings, finishes to be agreed, and attic spaces to be used for storage only.

Condition No. 4, & 7 – Landscaping scheme to be submitted and public open space to be devoted for public use only.

Condition No. 9 & 10– Details of refurbished traffic signals at the junction (between the L2023 and R416), new pedestrian crossing for the western arm of the Athgarvan Cross Roads, and details of extension of the 2-metre-wide footway along the south side of the L23032 carriageway to the Athgarvan Cross Roads to be agreed.

Condition No. 8,11-13 – Sightlines at the entrance/exit to the estate to be in accordance with DMURS, footpaths to be dished at junction for the disabled, roads footpaths and turning areas to be in accordance with DoELG guidelines.

Condition No. 14 -16, & 20-23 – Surface water drainage requirements.

Condition No. 18 & 19– Public lighting requirements.

Condition No. 24 -26 – Waste water requirements.

Conditions No. 33 & 34 – Section 48 Development Contributions and security bond.

3.2. Planning Authority Reports

3.2.1. The **1st Planner's report** dated **22/11/2016** is the basis for the Planning Authority decision. It includes;

- Design, Visual Impact and Layout– Two storey dwellings are not appropriate at this location, seek a revised scheme with regard to house design, layout and public open space.
- Piecemeal Development - More appropriate for the subject site and adjoining town centre site to be developed as one. Recommends further information detailing future intentions for the remainder of the landholding.

The **2nd Planner's Report** dated **18/04/2017** included the following;

- Adoption of the Kildare County Development Plan 2017-2023 and that the site remains zoned as 'A-Town Centre' including an extract from the Athgarvan Village Plan 2017-2023.

- Revised house design and site layout plan is acceptable.
- Provision of new pedestrian crossing on the western arm of the junction a new footpath from the site to the crossroads, and indented car parking spaces to the north and east of the adjoining town centre site is acceptable.
- PA 17/338 Invalid application for mixed use development on site to the north east by the same applicant, but accept that progress has been made to develop the site.

3.2.2. Other Technical Reports

Transportation Department – No objection subject to conditions.

Water Services – No objection subject to conditions.

Environment Section – No objection subject to requirements.

EHO - No objection subject to conditions.

CFO – No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – No Objections.

3.4. Third Party Observations

A third party submission from the appellant included many of the issues raised in the appeal.

4.0 Planning History

Appeal Site and adjoining site to the north east

PA Reg. Ref. 03/1927 Permission **granted** 19/08/2004 to BABA Exports for the demolition of existing shed and retail store and the erection of a new mixed-use development. This permission was not implemented.

Site to the West of the access road

PA Reg. Ref. 16/274 Permission **granted** 11/08/2016 for refurbishment of existing house referred to at section 1.2 above. This permission has recently been implemented.

Site to the East

PA Reg. Ref. 14/1060: ABP PL09.245165 Permission **refused** 04/11/2015 to the same applicant Thoal for demolition of existing dwelling house and construction of new single storey and storey and a half dwelling house. Reason for refusal referred to the location of the proposed development within the streetscape, the height bulk and scale and design which would be out of keeping with the existing character of the village streetscape and overbearing/overshadowing which would seriously injure the visual and residential amenities of property in the vicinity.

File attached.

Site to the North East

PA Reg. Ref. 17/429 Concurrent application on adjoining site by the same applicant Thoal. Application lodged 19/04/2017 for permission for a mixed-use development as follows: (A) Two storey mixed use building consisting of 4 no. shop units and 1 no. office unit at ground floor level and 4 no. medical office/office units at first floor level and 4 no. apartments at first floor level. (B) Courtyard area, connection to mains sewer, on street and off street car parking, landscaping, boundary walls, services and all associated site development work. Request for further information issued 13/06/2017.

Site to the North East of the Cross Roads

PA Reg. Ref. 17/393 Concurrent application for mixed use development on the other side of the cross roads. Application lodged 11/04/2017, request for further information issued 02/06/2017.

5.0 Policy Context

5.1. Development Plan

5.1.1. Kildare County Development Plan 2017-2023

Athgarvan is designated as a 'small town' the role of which 'is to develop as key local centres for services, with levels of growth to cater for local need at an appropriate scale and to support local enterprise.'

In respect of small towns Chapter 4 sets out indicative density levels in Table 4.2 for centrally located sites within Small Towns/Villages of between 30-40 units per ha.

Chapter 16 sets out Urban Design Guidelines

Chapter 17 sets out Development Management Standards

5.1.2. Athgarvan Small Town Plan

The site is within an area zoned 'A – Town Centre', the objective for which is '*to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use*'. While the purpose of this zoning is to protect and enhance the special character of the town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town, it will be an objective of the Council to encourage the use of buildings and backlands. The size and scale of all new developments shall not be out of character with the already established town centre area. Dwellings are 'permitted in principle' within this zoning objective.

The following objectives are relevant;

AT1 – 'Seek the development of lands for residential development during the lifetime of this Plan largely within the town centre zone, areas designated as existing residential / infill and on lands zoned for residential, in accordance with the principles of proper planning and sustainable development.'

AT12 – 'Prepare a traffic management study for the town'.

AT14 – 'Designate shared parking for local land uses where appropriate in the town'.

AT 6 – ‘Promote the identified town centre development site for appropriate town centre uses. (see Section 1.2.7.11)’

Section 1.2.7.11 - Design Objectives which relate to the Adjoining Town Centre Development Site identified in Figure 1.2.1. as A*.

AT42 – ‘Actively seek the redevelopment of the identified town centre development site, for town centre use including a community/civic focus.’

AT45 – ‘Provide an attractive streetscape along the R416 Regional Road and the Local Secondary Road L2032’.

5.2. Natural Heritage Designations

There are four European sites designated under the Habitats Directive located within 15km of the proposed development. These are as follows:

- Pollardstown Fen SAC Site Code (000396) located approx. 4km to the north west.
- Mouds Bog SAC Site Code (002331) located approx. 6km to the north.
- Poulaphouca Reservoir SPA Site Code (004063) located approx. 14.39km to the east.
- River Barrow and River Nore SAC Site Code (002162) located approx. 11.34km to the south west.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal against the decision to grant permission by the planning authority has been lodged by Mel Mimmagh with an address at no. 6 Millford. In summary, it states:

- Object to the piecemeal development of a strategic town centre site and that this development would compromise the development of the remainder of the site.

- Access to the site and future development is too close to a busy cross roads and traffic lights with a steep downhill gradient from the lights to the access road.
- Residents in the village were not aware of the application as the site notice was located 12m up from a discussed laneway. As such the development has not met the site notice location requirements.
- Since lodging the current application the developer has made another application to develop the remainder of the site. Kildare County Council should not have granted planning permission for this development given the strategic importance of the town centre to the future development of Athgarvan.
- Kildare County Council should have requested a plan for the entire site and request that the decision of Kildare County Council to grant planning permission be overturned.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

The planning authority had no further comments.

6.4. Observations

6.4.1. Eight further observations were submitted from the following parties;

1. Chris and Maree Holland, Eyrefield Crescent, Athgarvan
2. Bridget Parnell and Ping - Yau Lee, 4 Athgarvan Heights
3. Laura Donohoe, Linden House, Athgarvan Cross
4. Millford Residents Association
5. Stephen and Fiona O'Brien, St. Brides, Athgarvan
6. Val and Imelda Dunning, 2 Millford, Athgarvan

7. Diana Kavanagh, 32 Milford, Athgarvan
8. Colm and Rachel Maguire, 24a Millford, Athgarvan.

6.4.2. The issues raised are summarised as follows;

- Planning Notice – Not aware that a planning application had been lodged as the site notice was located on a gate to a disused lane 12m from the public road.
- Access to the site – Sightlines taking account of the town centre development have not been demonstrated. Access to the development is too close to a busy cross roads and traffic lights (c. 50 metres) with a steep downhill gradient from the lights to the access lane.
- Town Centre development is compromised – The appeal site is included in the area zoned ‘town centre’. This is a key development in Athgarvan and is specifically referred to in the County Development Plan 2017-2023. The proposed development will compromise the development of the strategic town centre, as the practical effect of granting this permission as the new town centre application only provides for eight on street parking spaces for nine shops and offices. The only off street parking is for four apartments. Kildare County Council were aware of the concurrent application and should have requested the applicant to submit a plan for the entire site.
- Traffic and Parking – The proposed development will exacerbate existing traffic and parking problem in the village. Kildare County Council has not yet completed a traffic management plan for Athgarvan as stated in the County Development Plan (Ref AT12). Traffic in the village needs to be studied as Athgarvan is regularly used as a bypass to Naas and Dublin. There are no turning points in the village forcing drivers to do u-turns in the street or at the entrances to local housing estates. Kildare County Council has not designated any off-street or shared parking in the town as referred to in the plan AT14. This development and the adjoining town centre development do not provide for any off-street parking for commercial and retail units. Parking in the village is already insufficient for current needs let alone the future developments.

- Previous planning history – Permission refused in relation to sightlines.
- Community needs - Does not meet the needs of the community, no provision for education, leisure or cultural facilities.
- Impact on residential amenity of St. Brides, a single storey house with access from the main street and located to the east of the appeal site, in relation to overshadowing.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Piecemeal Development
- Access, Traffic and Parking
- Residential Amenity
- Appropriate Assessment

7.2. **Piecemeal Development**

7.2.1. As per the current small town plan for Athgarvan the site is within an area zoned A, the objective of which is 'to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use'. In principle the proposal would accord with the said zoning objective.

7.2.2. It is submitted by the appellant that the proposed development will compromise the development of the strategic town centre, and that the planning authority should have requested a plan for the entire site from the applicant. I note the planning authority did request the applicant to detail future intentions for the site, and in their response indicate a future access to the proposed village centre in Phase 2. I consider that the site layout plan submitted, which indicates a future access to the site, as sufficient.

- 7.2.3. I would note that the appeal site is a backland site and is part of a larger landholding in the ownership of the applicant. This includes an adjoining corner site to the east which is located to the west of the crossroads in the village. It is identified on the planning drawings as Phase 2. I would also note that there is another corner site to the east of the crossroads which comprises the public house Athgarvan Inn. Both these sites are the subject of concurrent planning applications for mixed use developments. In my opinion these are more suitable locations for mixed use developments than the appeal site.
- 7.2.4. I would also note that the appeal site has a very narrow road frontage and is bounded on three sides by existing residential development. In my opinion a residential use on this backland site is a more appropriate form of development.
- 7.2.5. I am satisfied that the future development of the town centre site which is identified as a 'key town centre development site' in the Athgarvan town plan will not be compromised by the development of the appeal site. The associated urban design masterplan in Figure 1.2.1 is robust and sets the urban design principles for the future development of the adjoining site.
- 7.2.6. I do not consider the development of the appeal site in the absence of a masterplan for the overall lands within the applicants' ownership as piecemeal and I see no obstacle, on this basis, to granting permission.

7.3. Access, Traffic and Parking

- 7.3.1. The scheme as originally proposed entailed an upgraded access onto the L2032 Local Secondary Road to the north of the site, located approx. 60m west of the Athgarvan Inn junction on the Curragh to Naas Road. Concern was raised in a submission in relation to the safety of the access to the site.
- 7.3.2. Notwithstanding the report of the Transportation Department of the planning authority which recommended no objection subject to conditions, details regarding the proposed design for the refurbishment of the existing traffic signals to include a new pedestrian crossing for the western arm of the Athgarvan Cross Roads, in addition to proposals to extend the footway along the south side of the L2032 carriageway to the cross roads, were requested. The applicant was also invited to comment on the contents of the submission.

- 7.3.3. In response to the further information request the proposal was amended providing a new pedestrian crossing and footpath with indented parking indicated to the south of the L2032 along the northern section of the adjoining site.
- 7.3.4. The planning authority attached specific conditions no. 8 and 11 in relation to sightlines. Specifically, the applicant is required to submit a revised site layout plan which indicates the relocation of the footpath and the indented parking along the L2303 so that the sightline at the entrance to the new estate is not obscured.
- 7.3.5. The appellant contends, as have a number of observers, that sightlines taking account of the town centre development have not been demonstrated, and that access to the development is too close to a busy cross roads and traffic lights with a steep downhill gradient from the lights to the access road.
- 7.3.6. I can confirm from my site inspection that there is a steep gradient on this section of the L2032. I would also note that while some of these proposed works are outside the appeal site the proposed footpath extension is located on land within the applicant's ownership.
- 7.3.7. I also consider that given the location of the adjoining town centre site, at the junction between the L2032 and the R416, a vehicular entrance to the site closer to the junction may not be desirable from a traffic safety viewpoint.
- 7.3.8. I am satisfied that subject to agreement with the planning authority in relation to the relocation of the footpath and the indented parking along the L2303 the necessary sightlines can be achieved, and can be dealt with by way of condition. I recommend that a condition be attached accordingly.
- 7.3.9. Concern has been raised by observers that the proposed development will exacerbate existing traffic and parking problems in the village. They note that Kildare County Council has not yet completed a traffic management plan for Athgarvan as stated in the County Development Plan (Ref AT12). They contend that traffic in the village needs to be studied as Athgarvan is regularly used as a bypass to Naas and Dublin. They also note that there are no turning points in the village forcing drivers to do u-turns in the street or at the entrances to local housing estates.
- 7.3.10. I would note, however, that there is an existing vehicular access to the site and that in my opinion the additional vehicular movements associated with the 7 no. dwellings would not be material relative to that generated within the adjoining residential

estates in Milford (c. 36 dwellings) to the north, or Eyrefield Lawns (c. 9 dwellings) to the west. I would also contend that the residential nature of the development would generate less traffic than a mixed use commercial development. I note objective AT12 'to prepare a traffic management study for the town' but I do not consider that the current proposal is premature pending its approval.

- 7.3.11. I also note that in response to the further information request a revised site layout plan was submitted which includes proposals to carry out works to the existing traffic signals. Condition no. 9, in relation to the proposed refurbishment of the existing traffic signals at the junction between the L2023 and R416 the cost of which is to be borne solely by the applicant and implemented prior to the occupation of the development, was attached by the planning authority.
- 7.3.12. I consider that the improvement works to the junction will assist in managing traffic in the area.
- 7.3.13. Concern has also been raised by observers that Kildare County Council has not designated any off-street or shared parking in the town as referred to in the plan AT14. This development and the adjoining town centre development do not provide for any off-street parking for commercial and retail units. Parking it is claimed in the village is already insufficient for current needs let alone the future developments.
- 7.3.14. I am satisfied that the proposed residential development which provides 2 no. parking spaces per dwelling is in accordance with the Kildare County Development Plan standards and is acceptable. I also note that in response to the further information parking bays are provided along the L2023 and R416. The issue of parking in the concurrent applications on the adjoining sites is a separate matter for the planning authority. I can confirm from my site visit that cars were parked in front of the two retail shops on the eastern side of the village and also noted from site inspection and observers that there is an issue with cars parking outside existing residential properties opposite. However, I do not accept that the current proposal in itself will exacerbate parking issues in the village, and consider that this is a larger issue which is more appropriately addressed through a village parking plan.
- 7.3.15. In conclusion, I am satisfied that the proposed development is acceptable, adequate sightlines can be achieved, and that it will not give rise to excessive traffic or on street parking in the village.

7.4. Residential Amenity

- 7.4.1. Having regard to the Guidelines for Sustainable Residential Development and the provisions of the current development plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide for additional residential development at this location. I propose to address such matters in the following sections.
- 7.4.2. The proposal as amended, namely 7 dwellings, equates to a density of 21 units per hectare. Whilst it is noted by the planning authority that 'the density is slightly below the recommended range of 30-40, it is considered to be appropriate for the subject site'. I would note that although the density is relatively low, it is higher than the densities prevailing on adjoining lands, notably to the east along the main street, and is comparable with the residential estate to the south known as Whitethorn.
- 7.4.3. The surrounding area is characterised by a mixed pattern of development comprising largely two-storey, semi-detached dwellings to the south, and single storey houses with two storey extensions to the east. The scheme, as amended, provides for a mix of detached and semi-detached dwelling units which is considered acceptable on this town centre site.
- 7.4.4. The proposed layout entails dwellings around a central open space area with six dwellings backing onto the shared boundary with approx. nine semi-detached houses in Whitethorn estate, which is a relatively newly constructed estate of 2 storey semi-detached dwellings. A single detached house no. 1 is located adjacent to the southern boundary of the house to the north west.
- 7.4.5. The position of the six dwellings also represents the lowest point on the site with finished ground levels of between 98.3OD for house no. 2 rising to 99.2OD for houses 6 and 7. The existing houses to the east located on the main street are located at a higher level of approx. 101OD as indicated in Drawing Site Section through the main street. It is proposed to plant the existing boundary to Whitethorn estate and also the boundaries of the two closest dwellings to the east and along the boundary with the detached property to the north west.

- 7.4.6. I also note that the rear gardens serving each house are 13m in length while house no. 1 has a rear garden length of 11m. I note that a separation distance of 14.675m is provided from the gable of house no. 7 to the single storey rear extension of St. Brides. While a separation distance of 12.774m is provided to the rear boundary with a single storey red brick cottage known as Rose Cottage. Both of which are located at a higher level to the appeal site.
- 7.4.7. The owners of St. Brides have raised concern in their observation in relation to the impact of house no. 7 on the rear of their property in relation to overshadowing. I note that the proposed house No. 7 is located to the west of St. Brides and although located 2.2m at its closest point to their rear boundary, it extends only 3.4m along the overall length of their rear boundary wall which is approx. 15m in length. I consider given the western orientation of the rear garden, difference in site levels and separation of house no. 7 to St. Brides that any overshadowing impact will not be significant.
- 7.4.8. The open space provision comprises of a central area with a stated area of 290sqm, with another pocket area of 121sq.m to the gable of house no. 7. This accounts for approx. 12.4% of the site which is in excess of the 10% requirement of the County Development Plan.
- 7.4.9. I am satisfied that the proposed scheme which is relatively modest in scale, utilises this overgrown and vacant site in an appropriate form. I am also satisfied that the proposed house design, layout and height and site levels have taken due cognisance of adjoining development and would not seriously injure the residential amenities of adjoining residential properties.

7.5. **Appropriate Assessment**

- 7.6. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site on town centre zoned lands in the Athgarvan Town Plan and to the development standards in the Kildare County Development Plan 2017-2023, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The 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 submitted the 22nd March 2017 and revised public notices received 22nd March 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed 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. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The developer shall comply with the requirements of the planning authority with respect to off-site parking, site entrance details, signage, naming of development and road markings which shall be ascertained and agreed in

writing with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

4. Prior to commencement of development, a revised site layout plan with details of the following shall be submitted to, and agreed in writing with the planning authority:

- (a) Relocate the footway and the indented parking along the L2032, so that the sightline at the entrance to the new estate is not obscured by vehicles parked in the bays.

- (b) On the R416 the new indented parking area shall be moved, so that is a minimum of 15 metres from the approach to the new signal heads.

Reason: In the interest of traffic and pedestrian safety.

5. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with the planning authority:

- (a) A detailed design for the proposed refurbishment of the existing traffic signals (at the junction between the L2023 and R416), the design shall include a new pedestrian crossing for the Western Arm of the Athgarvan cross roads.

- (b) Details of the design, implementation, costing and phasing of these works. All installations shall be connected to Kildare County Council's Traffic Management Centre. The cost of the design and implementation of these works shall be at the applicants' expense.

- (c) The agreed new area of footway, junction and signal refurbishment shall be constructed and implemented prior to the occupation of the development.

Reason: In the interest of pedestrian and vehicular safety.

6. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with the planning authority:

- (a) Details for an extension of the footway along the south side of the L2032 carriageway to the Athgarvan cross roads. A minimum 2

metres wide footpath shall be provided from the development to the junction with the R416 Road and shall be constructed and implemented prior to the occupation of the development.

Reason: In the interest of pedestrian safety.

7. 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 house of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with the planning authority:
 - (i) A hard landscaping plan with delineation and specification of site boundary along the access from the public road, other site boundary details including the entrance finishes.
 - (ii) A soft landscaping plan incorporating native/indigenous species.

Reason: In the interest of visual amenity.

9. Water supply and drainage arrangements, including the 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.

10. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting 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 the 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 developers 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.

Susan McHugh
Planning Inspectorate

21st August 2017