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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Kildare County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 24<sup>th</sup> day of April 2020 by Crodaun Development Company Limited care of Mulcahy Planning Consultants Limited, 67 The Old Mill Race, Athgarvan, County Kildare.

### **Proposed Development**

A planning permission for a strategic housing development on lands west of the Maynooth Rd (R405) and north of the Kilwoghan Stream, Crodaun, Celbridge, County Kildare (circa 12.93 hectares).

The development will consist of a residential development consisting of 467 number dwelling units (216 apartments, 199 houses and 52 duplexes) along with ancillary childcare facility (776 square metres), gym (320 square metres), café (123 square metres) and retail unit (119 square metres).

The residential units consist of the following:

- 216 number apartments:
  - 184 number two-beds,
  - 32 number three-beds

contained in four number blocks to the east side of the site, (Blocks A, B, C and D), ranging from five to six storeys high (the top floor of each apartment block contains a setback). Blocks A, B and C have basement car parking.

- 251 number houses and duplexes as follows:
  - 20 number five-bed semi-detached three-storey houses,
  - 69 number four-bed semi-detached 2.5-storey houses,
  - 23 number four-bed terraced three-storey houses,
  - 38 number three-bed semi-detached two-storey houses,
  - 49 number three-bed terraced two-storey houses,
  - 18 number one-bed apartment units within 2.5-storey duplex blocks,
  - 26 number two-bed apartment units within 2.5-storey duplex blocks,
  - 8 number three-bed apartment units within 2.5-storey duplex blocks.

The proposed ancillary childcare facility, gym, café and retail unit will all be located on the ground floor of apartment block D.

The proposed development includes the provision of a landscaped 2.068 hectares public park to the north.

All associated site and infrastructural works, including open space, landscaping, boundary treatment, roads, paths, cycle paths, car and cycle parking (including basement parking under the apartment blocks), foul and surface water drainage, two number substations, two number sub units and two number vehicular entrance/egress points off the Maynooth Road.

The application also involves works on lands in the ownership of Kildare County Council in order to facilitate access to the proposed development off the R405 Maynooth Road.

## **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.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

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

- (a) the policies and objectives in the Kildare County Development Plan 2017-2023;
- (b) the provisions of the Celbridge Local Area Plan 2017-2023 including the zoning of the site for residential development;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) 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 2013 (and Interim Advice note Covid 19 May 2020).
- (e) 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;
- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) the Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- (h) the Planning System and Flood Risk Management (including associated Technical Appendices);
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of social, community and transport infrastructure;

- (k) the pattern of existing and permitted development in the area, and the situation of the site adjoining the built-up area of Celbridge and within the footprint of the town;
- (l) the planning history of the site (including extant permission) and within the area;
- (m) the report of the Chief Executive of Kildare County Council;
- (n) the submissions and observations received, and
- (o) the report and recommendation of the Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Rye Water Valley/Carton Special Area of Conservation (site code 001398) taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report and Environmental Impact Assessment Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the above European site or on any other European site in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not required.

### **Environmental Impact Assessment**

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and

(d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The Board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- (i) Significant positive effects with regard to population and material assets due to the increase in housing that it would provide in the town.
- (ii) A potential negative effect on water due to the generation of foul effluent which would be mitigated by the submitted proposals to upgrade the wastewater network in the town.
- (iii) Potential effects on air during construction due to the emissions of dust and noise which would be mitigated by appropriate specified measures for management of construction.

The proposed development would not be likely to have significant adverse effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 14 of the environmental impact assessment report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would provide housing of an appropriate form and density at a suitable location, would achieve an acceptable standard of urban design and make a positive contribution to the character of the area and the town, would provide a proper standard of residential amenity for its occupants, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would have the benefit of adequate water supply and drainage, would not give rise to an undue risk of flooding, and would be acceptable in terms of safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission that materially contravened the provisions at section 12.2.4 of the Local Area Plan for Celbridge 2017-2023 restricting the density of residential development in the Crodaun Key Development Area would be justified in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to the advice contained at section 5.11 of the guidelines issued by the Minister in 2009 on Sustainable Residential Development in Urban Areas that residential development on outer suburban greenfield sites should be at densities between 35 and 50 dwellings per hectare, with which the proposed development would comply.

## 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, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 14 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health

3. Prior to the commencement of development, the developer shall submit the following details for the written agreement of the planning authority
  - (a) Details of the proposed vehicular accesses from the Maynooth Road shown in conjunction with the access to the permitted housing development on the eastern side of the road. The submitted details shall demonstrate how safe and convenient facilities for pedestrians and cyclists shall be maintained along the Maynooth Road. In particular, priority shall be maintained for the cycle tracks along the Maynooth Road across the entrances to the proposed development in accordance with section 4.9.2 of the National Cycle Manual.

- (b) Details of the pedestrian and cycle route from the Maynooth Road at the south eastern corner of the site through the authorised housing and park to the Maynooth Road at the northern boundary of the site, including details of the width, surface treatment and lighting of the route and of any gates, bollards or other restrictions on access and how they would be managed. The submitted details shall demonstrate that the route through the permitted development would provide a safe and convenient route for pedestrians and cyclists from the schools to the north of the site to other parts of the town to the south which would be available at all times of the day when it would be needed.
- (c) Details of the streets within the development that demonstrate compliance with the specifications of DMURS in relation to the width of carriageways and footpaths and the corner radii at junctions. A single route from the proposed northern junction on the Maynooth Road to the location of the potential road link to the land to the west of the site may have a carriageway six metres wide. Other all streets within the development shall conform to the standards for local streets in the Design Manual for Urban Roads and Streets and the carriageway shall not exceed 5.5 metres in width. Where additional space is required to facilitate access to perpendicular parking spaces it shall be provided in the manner set out in figure 4.82 of the Design Manual for Urban Roads and Streets without widening the carriageway.

**Reason:** To ensure that the streets in the authorised development facilitate safe movement by sustainable transport modes in accordance with the applicable standards set out in Design Manual for Urban Roads and Streets and the National Cycle Manual.

4. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless the prior written agreement of the planning authority is obtained to minor departures from those details.

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



5. The site shall be landscaped 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

6. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

7. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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. 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. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted. 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 interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. The management and maintenance of the proposed apartment buildings and their associated land, as set out on the 'Taking-in -Charge' plan submitted with the application, shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

11. 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 interests of public health

12. The development shall be carried out on a phased basis, in accordance with a phasing scheme that shall be agreed in writing with the planning authority prior to commencement of any development. The scheme shall provide that none of the authorised dwellings shall be occupied until the proposed works to remove storm water from the sewers at St. Patricks Park has been completed to a satisfactory standard and have been certified as such by the planning authority and Irish Water, and that the occupation of any subsequent dwellings may not occur until Irish Water has certified that the foul sewerage system downstream of the site has been upgraded to cater for the effluent from those dwellings.

**Reason:** To ensure the timely provision of services in the interests of public health for the benefit of the occupants of the proposed dwellings

13. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

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

14. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicles charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicles charging points/stations at a later date. Proposals to achieve this 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.

15. 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 compounds including areas identified for the storage of construction refuse, areas for construction site offices and staff facilities, site security fencing and hoardings, and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
  - (b) 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, measures to obviate queuing of construction traffic on the adjoining road network, and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (d) 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;

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. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

16. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Saturdays inclusive, 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.

17. 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.

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

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to

secure the preservation and protection of any remains that may exist within the site.

19. 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

20. Prior to commencement of development, the developer 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

