



An
Bord
Pleanála

Board Direction
PL09.246340

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 25th 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Having regard to the sites location within the Naas town boundary on lands zoned "C10 New Residential" in the Naas Town Development Plan 2011-2017, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Naas Town Development Plan 2011 - 2017, the Urban Design Manual A Best Practice Guide, DoEHLG, May 2009 and the Urban Design Manual for Urban Roads and Streets (DMURS), Dept. of Transport and Sport and the DoECLG, March 2013 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, and in the light of the mitigation measures set out in the applicant's Screening Report, which would constitute normal construction practice, that the construction of the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on any other European sites, in view of their conservation objectives.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars, lodged with the application on 12th March 2015 as amended by the further plans and particulars submitted on the 22nd September 2015, 29th September 2015 and 28th January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented 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. The proposed development shall be constructed in two phases as follows:

Phase 1:

- A. The construction of a maximum of 124 housing units and associated site development works and public open spaces from unit 001 to unit 124, accessed from Oak Glade close (Craddockstown road) as indicated on the overall site masterplan received as clarification on the information on the 28th January 2016
- B. Site development works only for the remainder of the overall development site

Phase 2:

No works shall commence on the construction of unit No's 125 to 285 as indicated on the overall site masterplan received as clarification of further information on the 28th January 2016 until a contract for the construction of the Link distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council or as otherwise agreed by the Plannign Authority.

Reason: To allow phased residential development having regard to the capacity constraints the existing road network in the Naas area, in the interests of the proper planning and sustainable development of the area.

3. Prior to commencement of development of houses No's 246 to 285 (identified on drawing no MP001 Rev D) received by the Planning authority on the 28th January 2016, measures to ensure the safety of occupants of the subject development from stray golf balls from the adjoining golf course shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of public health and the proper planning and development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution

- 6 Prior to the commencement of development, a revised site layout plan shall be submitted whereby the following amendment is made:

- a) Revise the rear garden subdivision for house No's 64 and 66 such that a diagonal rear garden division is proposed to ensure a more equitable private open space.

Reason: in the interests of visual and residential amenity

7 (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. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

(d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant to serve the school shall comply with the detailed standards of the planning authority for such road works.

(e) The developer shall provide a footpath and cycle path upgrade from Oak Glade Close to Oak Glade estate as detailed on DBFL drawing 143086-2009 Rev A dated 15/01/16

Reason: In the interests of traffic, cyclist and pedestrian safety.

8 Prior to the commencement of the development the developer shall submit for agreement a detailed design for the junction improvements at the Blessington Road / Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning Authority prior to the commencement of the development. All installations shall be connected to Kildare County Council traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne solely by the developer. The agree junction improvements shall be constructed and implemented prior to the occupation of housing.

Reason: In the interests of pedestrian, cyclist and traffic safety

9 Prior to the commencement of the development the developer shall submit, for the written agreement of the Planning Authority, a detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road / Blessington Road as per Dublin road Corridor Study proposals. The developer shall also submit the installation of linked MOVA at Blessington Road / Dublin Road and Blessington Road and Tipper Road junctions. The developer shall also install traffic CCTV and pole at both junctions to assist the monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning authority prior to the commencement of the development. All installations shall be connected to Kildare County Council traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne solely by the developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing

Reason: In the interests of pedestrian, cyclist and traffic safety

10 Prior to commencement of development, the developer shall submit full drawings and details for agreement with the Planning Authority for the improvement of pedestrian crossing facilities at Blessington Road / Friary Road junction in accordance with DMURS.

Reason: To improve permeability through the proposed development to existing housing, school and local amenities in the adjoining area.

11 Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

12 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 interest of visual and residential amenity.

13 Proposals for an estate/street name, 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

14 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 detailed requirements of 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 authority.

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

15 The developer shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

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

16 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

17 (a) 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 noise management measures and off-site disposal of construction/demolition waste.

(b) Construction access to the site shall be from the Blessington Road entrance only.

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

18 A construction traffic 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 public safety and residential amenity

19 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours 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 amenities of property in the vicinity.

20 A plan containing details for the management of waste, including proposals for operational stage within the development and 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 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.

21 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, sewers, watermains and public lighting 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.

Board Member _____

Date: 25.07.16

Paul Hyde