



An
Bord
Pleanála

Board Direction
BD-000188-18
ABP-300606-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/04/2018.

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.

Reasons and Considerations

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

- (a) the site's location adjoining the built-up area of Leixlip on lands with a zoning objective for residential development in the Leixlip Local Area Plan 2017-2023,
- (b) the nature, scale and design of the proposed development,
- (c) the availability in the area of a wide range of social infrastructure,
- (d) the pattern of development in the area,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 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 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,
- (h) the submissions and observations received, and
- (i) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below that 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 the setting of the protected structure at the Wonderful Barn, 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.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, and the Inspector's report and 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 any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;
- (c) the submissions from the planning authority, the observers and the prescribed bodies 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, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the 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 and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- A significant positive impact with regard to population and material assets due to the increase in the housing stock that would be available in the town
- A significant positive impact on cultural heritage by improving the visual setting for the protected structure at the Wonderful Barn and providing better functional and visual links between it and the existing built up area of the town
- Noise and vibration impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures; limited hours of construction; ongoing contact

with local residents and monitoring of typical noise levels, and the exposure of occupants of the proposed development to noise from the motorway which will be mitigated by the installation of higher performance glazing on windows facing the motorway in the southern part of the development as proposed in the application

- Impacts on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Impacts on water which will be mitigated by the proposed surface water system and attenuation with respect to stormwater runoff, and by the proposed improvements to the Barnhall pumping station with respect to foul effluent

The proposed development is not likely to have significant adverse effects on human health, biodiversity, land, soil 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 and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 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. The proposed development shall be carried out in accordance with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. In particular, this plan shall stipulate that:

(a) None of the authorised dwellings may be occupied until the upgrade works to the Barnhall pumping station that are described in Appendix J of the Infrastructure Design Report and Drawing Number 162045-3018 have been completed to the satisfaction of the planning authority and have been certified as such, and at least one of the proposed pedestrian/cycle routes between the authorised development and the existing streets to the north of the site shown on the Transport Linkages Plan on drawing number 162045-9040 submitted with the application has been constructed and opened for use, and

(b) No more than 50% of the authorised units may be occupied until the crèche has been built and the other two proposed pedestrian/cycle accesses to the streets in the Rinawade estate shown on the Transportation Linkages Plan have been constructed and opened for use.

Reason: To ensure orderly development of the site and the timely provision of supporting infrastructure and proper connections between the authorised development, the existing built-up area of the town, public transport facilities and the open space around the Wonderful Barn complex.

3. The proposed roundabout at the access to the development from the Celbridge Road shall be omitted and shall be replaced with a signalised junction designed in accordance with the Design Manual for Urban Roads and Streets, that includes proper provision for pedestrians and cyclists and which shall be capable of providing access to serve development on lands on the eastern side of the Celbridge Road.

The revised design shall also address the desirability of providing bus facilities on that road. The revised design for the junction shall be agreed with the planning authority prior to the commencement of development.

Reason: To avoid prejudicing the consideration of future development on lands around the town in a sequential manner.

4. Mitigation and monitoring measures outlined in the environmental impact assessment report Volume 1 Chapter 17 “Summary of Mitigation Measures” submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. The required mitigation measures include the fitting of higher performance glazing on certain residential facades as described in the Inward Noise Impact Report submitted with the application.

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

5. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority details of the following:

(a) The layout and lighting of the three pedestrian and cycle accesses between the development and Rinawade Grove, Rise and Lawns shown on the Transportation Linkages Plan.

(b) The number of car parking spaces serving the apartments shall be reduced from 175 to 125 spaces in accordance with the provision of one space per apartment and 25 visitor spaces to be distributed evenly.

(c) Secure and sheltered bicycle parking for the apartments in accordance with the standard of one space per apartment and one visitor space per two apartments set out in section 4.17 of the Design Standards for New Apartments issued in March 2018. (Total 125 bicycle parking spaces). The parking shall be in overlooked locations convenient for each authorised apartment in areas available as a result of the reduction in car parking spaces.

(d) Internal storage areas for each apartment that meet the standards required in the appendix to the Design Standards for New Apartments, calculated without including hot presses.

Reason: To provide proper permeability between the development, the existing built up area of the town and the open space at the Wonderful Barn and to comply with the applicable standards on bicycle parking and storage for apartments.

6. 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 place names for new residential areas.

7. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. 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. In particular the developer shall take all reasonable measures to ensure that the treatment of the boundaries with adjoining residential properties does not interfere with the proper drainage of those properties.

Reason: In the interest of public health

9. 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 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; all construction traffic shall access the site from the Celbridge Road.

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(d) Measures to control nuisance to neighbouring houses during construction arising from vermin.

(e) 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.

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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 interest of amenities, public health and safety

10. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

11 Add Construction Traffic Management Plan Condition

12. 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

13. 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.

14. 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 proposed development until taken in charge

15. 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 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.

16. 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: 12/04/2018

Paul Hyde