



An  
Bord  
Pleanála

**Board Direction**  
**BD-001144-18**  
**ABP-301818-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/09/2018.

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 on lands with a zoning objective for residential development and the policy and objective provisions in the Newbridge Local Area Plan 2013-2019 in respect of residential development,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Kildare County Development Plan 2017-2023 and appendices contained therein,
- (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,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development 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 Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018,
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received, and
- (j) the report of the Inspector.

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 represent an appropriate mix of development types and sizes and would be acceptable in terms of pedestrian and traffic 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 noted the Statement of Screening for Appropriate Assessment submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's analysis, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the proposed development, that it would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any European sites, in view of the conservation objectives of the sites.

### **Environmental Impact Assessment Screening**

The Board was satisfied that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

### **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 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. The proposed development shall be modified as follows:
  - (a) Omission of units 1 and 2 Morristown Court and provision of public open space at this location.
  - (b) The studies in Housing Unit type J1 shall not be used as bedrooms without a prior grant of permission.
  - (c) Provision of privacy screens at either end of all balconies.
  - (d) Provision of 1.8-metre high block walls, capped and rendered on both sides to the rear gardens of the housing units.
  - (e) A phasing plan to include the provision of the crèche within Phase 1.
  - (f) Provision of sustainable drainage system measures including green roofs to the apartment blocks.
  - (g) Details to ensure surface parking are constructed so as to accommodate future electric charging points for electrically operated vehicles.

Revised drawings and documentation shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area, and to ensure durable boundary treatment to rear gardens.

3.
  - (a) The developer shall erect a 2.4-metre-high, suitable designed solid block/brick boundary wall along the southern boundary of the site, details of which shall be submitted to and agreed in writing with the planning authority following consultation with Irish Rail.
  - (b) Provision shall be made to maintain the security of the railway boundary during the course of the works, and the boundary treatment should be completed before the construction of any residential units authorised by this permission unless agreed in writing with the planning authority.
  - (c) Any proposed services that are required to cross along, over or under the railway property must be the subject of a wayleave agreement with Irish Rail.
  - (d) Lights from the proposed development, either during construction phase or when the development is completed, should not cause glare or in any way impair the safe operation of the railway line.
  - (e) No trees are to be planted directly along the railway boundary.

**Reason:** In the interests of public safety and to maintain the safe operation of the railway line.

4. The provision of public open space, including the playground and landscaping to such areas, shall be completed by the developer prior to the making available by the developer for occupation of any dwelling permitted within this proposed residential development:

**Reason:** To provide adequate residential amenity for existing and future residents. adequate residential amenity for existing and future residents.

5. 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 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.

**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.

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, specific details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The name and contact details shall be submitted to the planning authority prior to commencement of development. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter. The planting of evergreen trees shall not be permitted.

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

7. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each

side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

8. The materials, colours and finishes of the authorised buildings, and the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential privacy.

9. Proposals for a naming convention for the proposed development, which may include street names, a residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 clarity.

10. 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 and to ensure a proper standard of development.

11. The internal road network serving the proposed development, including public footpaths and car parking provision, shall comply with the requirements of the planning authority for such works. The developer shall submit, and agree in writing with the planning authority, revised longitudinal section drawings of the link streets to comply with the Newbridge Local Area Plan roads objective SRO 8 c)(i) from its intersection with the R-416 to the Morristownbiller Road

**Reason:** To ensure a satisfactory standard of development.

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. 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.

13. 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. Public lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of residential amenity and nature conservation.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** In the interest of the amenities of the occupants of the proposed housing.

15. (a) the roads and footpaths and all open spaces including the open space to the south of the site between the apartments and the railway line shall be maintained by the developer until taken in charge by the planning authority.
- (b) The communal open spaces, including hard and soft landscaping, internal road serving the apartments, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted owners' management company.
- (c) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

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 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).



17. Site development and building works shall be carried out only between 0800 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.

18. 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, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** To protect residential amenity, public safety and natural heritage.

19. 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.

20. A detailed 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 and parking for construction workers during the construction phase, and arrangements for delivery of abnormal loads to the site.

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

21. 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.

22. 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.

**Board Member**

**Date:** 20/09/2018

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Paul Hyde