



An  
Bord  
Pleanála

**Board Direction**  
**BD-005059-20**  
**ABP-305410-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/01/2020.

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

### **Reasons and Considerations**

1. The site of the proposed development is located on residentially zoned (Objective C2) and serviced lands within the boundary of Newbridge Town and in close proximity to a range of established community facilities and services and in a location (Larger Town – Outer Suburban) where paragraph 5.11 of the *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)* states that the greatest efficiency in land usage will be achieved by providing net residential densities in the general range of 35-50 units per hectare and where development at net densities less than 30 units per hectare should generally be discouraged in the interests of land efficiency. Compliance with the density provisions of these guidelines is supported by Section 4.5 of the *Kildare County Development Plan, 2017-2023* and Policies LD01 and LD03 of the same plan which states that it is policy to ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands and that it is policy to require higher residential densities at appropriate locations as set out in the Sustainable Residential Development guidelines. Notwithstanding the specific density provisions of the *Newbridge Local Area Plan, 2013-2019* which indicates a maximum density of 15

units per hectare on lands zoned Objective C2, it is considered that the proposed development of 22.6 units per hectare and the impact of the proposed amendment on the density of the overall residential development of the appeal site and adjoining lands to the north which would increase to approximately 24.3 units per hectare, would therefore result in a form of development which would result in an inefficient use of scarce zoned and serviced lands and which would be contrary to the provisions of the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* and the *Kildare County Development Plan, 2017-2023* and such that it would be contrary to the proper planning and sustainable development of the area.

**Note 1:**

The Board considered that, having regard to the design and layout of the proposed development, in particular the linear nature of the proposed road layout, the presentation of the development to the R445 (Ballymany Road) including the use of parallel local access roads to the R445 and open space fronting the development and to the layout of public open space areas which are surrounded by roads and poorly supervised, that the proposed development would result in a form of development that would not integrate well with its surroundings including its presentation to the Ballymany Road and which would result in an overall poor level of residential amenity for future occupants of the development and which would have a negative impact on the visual and residential amenities of the surrounding area. The Board therefore considered that proposed development would therefore be inconsistent with a number of the design principles set out in the Urban Design Manual which accompanies the Sustainable Residential Development Guidelines for Planning Authorities, in particular under the headings of Distinctiveness and Layout and Public Realm, would seriously injure the visual and residential amenities and depreciate the value of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area. However given that this matter constituted a new issue and having regard to the substantive reason for refusal as set out above the Board decided not to pursue the matter further.

**Note 2.**

The Board noted that it is an objective of the *Kildare County Development Plan, 2017-2023* to ensure the provision of childcare facilities in accordance with the *Childcare Facilities Guidelines for Planning Authorities, 2001*, which requires inter alia a crèche to be provided in developments of 75 residential units and above, (Objective CPFO1) and to facilitate and encourage the provision of childcare facilities at appropriate locations throughout the county (Objective CPFO2). The Board noted that the extent of the site for which permission is sought in this application is significantly smaller than that indicated as Phase 1 of the overall development granted under Ref. PL09.249038 (see Drawings 3 and 4 received by the Board on 11<sup>th</sup> January, 2018) and such that the revised crèche location is not included within the red line boundary of the current application and such that, if permitted, the proposed development would facilitate the development of the overall site with no provision for a crèche on site. In the absence of any details regarding existing crèche provision and projected demand for crèche places in the vicinity of the site the Board therefore considered that the proposed development would be contrary to Objectives CPF01 and CPF02 of the *Kildare County Development Plan*, to the provisions of the *Childcare Facilities Guidelines for Planning Authorities, 2001* and would therefore be contrary to the proper planning and sustainable development of the area. However given that this matter constituted a new issue and having regard to the substantive reason for refusal as set out above the Board decided not to pursue the matter further.

### **Note 3**

The Board had regard to the proximity of the proposed development to the site boundary at the south east corner of the site, to the variation in ground levels at this location and the extent of earth works proposed and to the proximity of such earth works to the boundary with third party residential properties and boundary planting, and considered that the proposed development would likely result in a negative impact on existing mature boundary planting in this location which has the effect of screening these adjoining houses from the site and therefore have an overall negative impact on the privacy and residential amenity of these properties. In the absence of revised proposals for this area, or a methodology as to how the proposed groundworks are to be undertaken without impacting on these boundaries, the Board therefore considered that the proposed development would seriously injure the amenities and depreciate the value of these adjoining properties and be contrary to the proper planning and sustainable development of the area. However, given that this matter constituted a new issue and having regard to the substantive reason for refusal as set out above the Board decided not to pursue the matter further.

**Board Member**

**Date:** 31/01/2020

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Paul Hyde