



An
Bord
Pleanála

Board Direction
BD-006429-20
ABP-307258-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/09/2020.

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

Having regard to the following:

- a) the policies and objectives of the Kildare County Development Plan 2017-2023, as varied,
- b) the location of the site on lands with a zoning objective for residential development in the Naas Town Development Plan 2011-2017 (as amended),
- c) the nature, scale and design of the proposed development and those issues relating to the contravention of Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 (as amended),
- d) the National Planning Framework, Project 2040,
- e) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- f) the Eastern & Midland Regional Assembly RSES 2019-2031;
- g) the Design Manual for Urban Roads and Streets (DMURS), 2019

- h) Urban Development and Building Heights – Guidelines for Planning Authorities;
- i) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- j) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- k) the nature, scale and design of the proposed development,
- l) the availability in the area of a wide range of social, community and transport infrastructure,
- m) the pattern of existing and permitted development in the area,
- n) the report of the Chief Executive of Kildare County Council;
- o) the submissions and observations received, and
- p) the report 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 designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment

Screening Report submitted by the applicant which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended).

Having regard to:

- a) the nature and scale of the proposed development on a site served by public infrastructure,
 - b) the absence of any significant environmental sensitivities in the area,
 - c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded 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.

Conclusions on Proper Planning and Sustainable Development

The Board 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, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the proposal was advertised as a material contravention of Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 and was accompanied by a Material Contravention Statement. The Board did not consider that the proposed density of 72 units per ha would materially contravene these development plans, having regard its location contiguous to the town centre of Naas, the site should be considered as an Inner Suburban site. The Board considered the “Residential Development Parameters” relating to Inner Suburban/ Infill in Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 are applicable to development on the site and therefore the appropriate density is site specific. In determining this classification of the site, the Board had regard to Section 5.9 and 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and the information

contained in Section 15.5.2 of the Kildare County Development Plan 2017-2023 which relates to the Inner Suburban sites and expansion areas, respectively.

The Board noted the submission from the Chief Executive of Kildare County Council, considering the density proposed as inappropriate having regard to the absence of any high quality public transport to the site. The Board considered that the location of the site 4km from the Naas & Sallins railway station, within walking distance of a bus stop which has a high frequency service, and the pedestrian and cycle connectivity to the town centre provided suitable access to the site by sustainable transportation. In this regard, it is considered that the proposed density of 72 units per hectare would support a compact urban form by locating higher density development adjacent to the town core of Naas and would contribute to the consolidation of a Key Town in accordance with the NPF, EMRA RSES and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and Sustainable Urban Housing: Design Standards for New Apartments Guidelines.

Conditions

1. The 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 amended as follows:
 - a. The external staircases for Blocks 3-9 shall be removed and these apartment blocks shall be redesigned to incorporate dual entrances as provided in Block 1 & 2. That is, the ground floor apartments shall be accessed via an entrance at the ground floor rear/ public open space,

with the entrance to the upper apartments via an internal stairwell as proposed. Revised details shall incorporate appropriate waste/ recycling facilities for each of the units, with landscaping and boundary treatment.

- b. A site layout shall be amended to provide for the removal of the gates at the vehicular, pedestrian and cycle access both along the John Devoy Road and the future access to the north and the south of the site.
- c. The boundary treatment along the northern, eastern and southern boundary shall be removed and the treatment proposed along the east of the site, facing onto the John Devoy Road shall be extended around the entire site. Pedestrian and cycle access shall be retained to the south of the site at the location indicated as "Potential Link to Adjacent Site" on Drwg no PP255-01.
- d. The internal road layout shall be redesigned to include the removal of the cycle lane without increasing the width of the carriageway, with the additional space required to allow access to the perpendicular parking laid out in accordance with Figure 4.82 of DMURS.

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

Reason: In the interests of residential amenity, traffic safety and to ensure future connectivity is retained.

3. The landscaping and earth works scheme shown on drg no PP255-01, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:
 - (a) the inclusion of soft landscaping along and between the car parking areas which adjoin the ground floor apartment units, and
 - (b) planting of trees at 2 metre intervals along all boundaries of the site.

(c) provision of a planting scheme indicating the location, type and number of species. All planting shall be of native species and generally in keeping with the location detailed on Drwg PP255-01. Tree planting shall use semi-mature specimens.

(d) submission of the final design and use of the playground equipment as detailed on Drwg PP255-01.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. The proposed cycle infrastructure be designed so as to comply with all necessary standards in the NTA National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. The proposed car parking layout shall be modified so that at least 6 no. spaces are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). Revised drawings showing

compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 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

7. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and

charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals 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

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, community centre and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

(c) Details of all proposed uses within the community centre shall be submitted to and agreed in writing with the planning authority prior to occupation of any uses.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10.(a) The development shall be carried out on a revised phased basis. The first phase shall consist of not more than 75 units, together with their associated site development works, and shall include the crèche and associated development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, An Bord Pleanála.

(b) Work on any subsequent phases shall not commence until completion of Phase 1 or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

14. 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.

15. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

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: 09/09/2020

Michelle Fagan