

An
Bord
Pleanála

Board Direction
BD-010807-22
ABP-311825-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/05/2022.

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.

1.0 Reasons and Considerations

Having regard to the following:

- a) the policies and objectives set out in 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 Local Area Plan 2021-2027,
- c) the National Planning Framework, Project 2040,
- d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016 and Housing for All-a New Housing Plan for Ireland, 2021,
- e) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018
- f) the Design Manual for Urban Roads and Streets (DMURS),
- g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual

Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009

- h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020,
- i) the nature and scale of the Strategic Housing Development permitted under ABP-307258-20 & modified under Ref ABP 311161-21,
- j) the appropriate assessment and environmental impact assessment carried out in the course of this application
- k) the nature and scale of the alterations,
- l) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations,
- m) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and
- n) submissions received and
- o) the Inspectors report,

it is considered that the proposed alterations would be material, subject to the alteration of Condition No 2, and the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

Condition No 2:

The proposed development shall be amended as follows:

- e. The internal configuration of proposed unit B4-08 is amended so that the unit shall become a one-bedroom unit. The revised configuration shall ensure the rooms can meet the minimum ADF standards from the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition).

f. The two-no. bike stores in the central open space shall be relocated away from the central open space towards the community centre.

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.

2.0 Recommended Draft Order

REQUEST received by An Bord Pleanála on the 21st of November 2022 from Downey Planning on behalf of Randelswood Holdings Ltd under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development on lands at Devoy Quarter, Naas West, Naas, Co. Kildare, which is the subject of a permission under An Bord Pleanála reference number ABP-307258-20 & modified under Ref ABP 311161-21. WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 09th of September 2020, AND WHEREAS the Board has received a request to alter the terms of the development, which is the subject of the permission,

AND WHEREAS the proposed alterations are described as follows:

- The number of units has increased by 19 units, from a permitted 152 units to 171 units.
- Internal and external modifications to permitted blocks 3, 4, 7, 8 and 9 to accommodate the change of unit mix within these blocks, to allow for the increase in units numbers.
- The proposed modification application will provide an additional 19 no. apartments. This will result in a unit mix of 58 no. 1 bed units (34%), 28 no. 2 bed units (16%), 59 no. 2 bed duplex units (35%) and 3 no. 3 bed (2%) and 23 no. 3 bed units (13%)

- Car parking spaces have increased by 10 no. spaces and bicycle spaces increased by 21 no. spaces around the site to accommodate changes.
- Inclusion of a new bin store and a new ESB substation.
- Increase in the height of all Blocks (3, 4, 8 & 9) to accommodate an additional floor for 19 no. units.
- Increase in the height of the crèche to accommodate an additional floor for 2 no. units.
- Minor amendments to the northern boundary to reflect land in ownership.
- Residential amenity and landscaped area amended to accommodate the additional car parking spaces, bin storage and ESB substation.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal and additional drawings to be submitted,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b)(ii)(ii) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board.

Condition No 2:

The proposed development shall be amended as follows:

- e. The internal configuration of proposed unit B4-08 is amended so that the unit shall become a one-bedroom unit. Revised configuration shall ensure the rooms can meet the minimum ADF standards from the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition).
- f. The two-no. bike stores in the central open space shall be relocated away from the central open space towards the community centre.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters included in any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the following:

- p) the policies and objectives set out in the Kildare County Development Plan 2017- 2023, as varied,
- q) the location of the site on lands with a zoning objective for residential development in the Naas Local Area Plan 2021-2027,
- r) the National Planning Framework, Project 2040,
- s) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- t) Urban Development and Building Heights, Guidelines for Planning Authorities,
- u) prepared by the Department of Housing, Planning and Local Government in December 2018
- v) the Design Manual for Urban Roads and Streets (DMURS),

- w) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009
- x) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020,
- y) the nature and scale of the Strategic Housing Development permitted under ABP-307258-20 & modified under Ref ABP 311161-21,
- z) the appropriate assessment and environmental impact assessment carried out in the course of this application
- aa) the nature and scale of the alterations,
- bb) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations,
- cc) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and
- dd) submissions received,
- ee) the Inspectors report

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 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

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

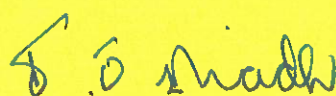
- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and 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 considers that the proposed alterations would be material and, subject to compliance with conditions, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

Board Member



Terry Ó Niadh

Date: 31/05/2022

