

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 15/176**

An Bord Pleanála Reference Number: PL 09.246340

**APPEAL** by John Keane and Marie Keane of 17 Oak Glade Close, Craddockstown Road, Naas, County Kildare and by Ken and Jane Murphy care of Frank Ó Gallachóir and Associates Limited of 94 Rathdown Park, Greystones, County Wicklow against the decision made on the 25<sup>th</sup> day of February, 2016 by Kildare County Council to grant subject to conditions a permission to Ballymore Developments Limited care of Kieran Rush Consult Limited of 24 Templeville Road, Templeogue, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a total of 284 number houses (40 number Type A1, three bedroom, two-storey terraced houses, 128 number Type B1, three bedroom, two-storey semi-detached houses with an optional fourth bedroom in developed roofspace, 19 number Type B2, three bedroom, two-storey semi-detached houses with an optional fourth bedroom in developed roofspace, 19 number Type B3, three bedroom, two-storey semi-detached houses with an optional fourth bedroom in developed roofspace, 48 number Type C1, four bedroom, two-storey semi-detached houses, three number Type C2, four bedroom, two-storey semi-detached houses, three number Type C3, four bedroom, two-storey semi-detached houses, 12 number Type D1, four bedroom, two-storey detached houses, eight number Type D2, four bedroom, two-storey detached houses, four number Type E, two bedroom, single storey semi-detached houses), two number electricity substations, associated public open space, landscaping, roads, parking and infrastructure, accessed off the Blessington Road, Oak Glade and Oak Glade Close, Craddockstown, Naas, County Kildare.

The proposed development was revised by further public notices received by the planning authority on the 29<sup>th</sup> day of September, 2015 which included a change in the mix of units (32 number Type A1, three bedroom, two-storey terraced houses, 132 number Type B1, three bedroom, two-storey semi-detached houses with an optional fourth bedroom in developed roofspace, two number Type B2, three bedroom, two-storey semi-detached houses with an optional fourth bedroom in developed roofspace, two number Type B3, three bedroom, two-storey semi-detached houses with an optional fourth bedroom in developed roofspace, 52 number Type C1, four bedroom, two-storey semi-detached houses, one number Type C2, four bedroom, two-storey semi-detached houses, one number Type C3, four bedroom, two-storey semi-detached houses, 14 number Type D1, four bedroom, two-storey detached houses, 12 number Type E, two bedroom, single-storey semi-detached houses) and a new housetype (36 number Type F two-storey, four bedroom detached houses), alterations to internal layout including a reconfiguration of public open space within the scheme, increased distance between the houses and Craddockstown Golf Course and Oakfield Lodge, the elimination of vehicular links between Blessington Road and Craddockstown Road and between the proposed scheme and the existing Oak Glade and Oak Glade Close estates, the relocation of future services wayleaves and pedestrian/cycle links to undeveloped 'C10' lands to the south, the extension of proposed cycle tracks, footpaths and traffic calming and associated changes to infrastructure. The overall number of houses proposed remains 284 number.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the location of the site within the Naas town boundary on lands zoned "C10 New Residential" in the Naas Town Development Plan 2011-2017, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Naas Town Development Plan 2011-2017, the Urban Design Manual A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009 and 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 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 respect the existing character of the area 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.

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, and in the light of the mitigation measures set out in the applicant's Screening Report, which would constitute normal construction practice, that the construction of the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on any other European sites, in view of their conservation objectives.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of September, 2015 and the 28<sup>th</sup> day of January, 2016, 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be constructed in two phases as follows:

Phase 1:

- A. The construction of a maximum of 124 housing units and associated site development works and public open spaces from unit number 001 to unit number 124, accessed from Oak Glade Close (Craddockstown Road) as indicated on the overall site masterplan received as clarification of further information on the 28<sup>th</sup> day of January, 2016.
- B. Site development works only for the remainder of the overall development site.

## Phase 2:

No works shall commence on the construction of unit numbers 125 to 285 as indicated on the overall site masterplan received as clarification of further information on the 28<sup>th</sup> day of January 2016 until a contract for the construction of the Link Distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council, or as otherwise agreed by the planning authority.

**Reason:** To allow phased residential development having regard to the capacity constraints the existing road network in the Naas area and in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of development of houses numbers 246 to 285 (identified on drawing number MP001 Rev D) received by the planning authority on the 28<sup>th</sup> day of January 2016, measures to ensure the safety of occupants of the subject development from stray golf balls from the adjoining golf course shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of public health and the proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution

6. Prior to commencement of development, a revised site layout plan indicating the rear garden subdivision for houses numbers 64 and 66 such that a diagonal rear garden division is proposed to ensure a more equitable private open space shall be submitted to and agreed in writing with the planning authority.

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

7. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- (d) The materials used, including tactile paving, in any roads/footpaths provided by the developer to serve the school shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall provide a footpath and cycle path upgrade from Oak Glade Close to Oak Glade estate as detailed on DBFL drawing number 143086-2009 Rev A received by the planning authority on the 28<sup>th</sup> day of January, 2016.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.

8. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a detailed design for the junction improvements at the Blessington Road/Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the planning authority prior to commencement of development. All installations shall be connected to Kildare County Council Traffic Management Centre. The cost of the design and implementation of these works shall be borne solely by the developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing.

**Reason:** In the interests of pedestrian, cyclist and traffic safety.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road/Blessington Road as per Dublin Road Corridor Study proposals. The developer shall also submit details of the installation of linked MOVA at Blessington Road/Dublin Road and Blessington Road and Tipper Road junctions. The developer shall also install traffic CCTV and pole at both junctions to assist the monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All installations shall be connected to Kildare County Council Traffic Management Centre. The cost of the design and implementation of these works shall be borne solely by the developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing.

**Reason:** In the interest of pedestrian, cyclist and traffic safety.

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, full drawings and details for the improvement of pedestrian crossing facilities at Blessington Road/Friary Road junction in accordance with DMURS.

**Reason:** To improve permeability through the proposed development to existing housing, school and local amenities in the adjoining area.

11. 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. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interest of amenity and public safety.

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.

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

13. Proposals for an estate/street name, 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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 urban legibility.



14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. The developer shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

**Reason:** In the interest of the proper planning and sustainable development of the area.

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, and of the housing strategy in the development plan of the area.

17. (a) 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, including noise management measures and off-site disposal of construction/demolition waste.
- (b) Construction access to the site shall be from the Blessington Road entrance only.

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

18. A 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, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 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 amenities of property in the vicinity.

20. A plan containing details for the management of waste, including proposals for operational stage within the development and the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, sewers, watermains and public lighting 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.

22. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**