

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kildare County

Planning Register Reference Number: 15/1060

An Bord Pleanála Reference Number: PL 09.247411

APPEAL by Jimmy and June Kelly care of T. J. O'Connor and Associates Limited of Corrig House, Corrig Road, Sandyford, Dublin and by others against the decision made on the 22nd day of September, 2016 by Kildare County Council to grant subject to conditions a permission to PTG Partnership care of RPS Group of West Pier Business Campus, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of (1) 147 number Type A1 four-bed three-storey houses, 42 number Type A2 three-bed two-storey houses, 25 number Type A3 three-bed two storey houses, 21 number Type B1 four-bed three-storey houses, 25 number Type B2 three-bed two-storey houses (including alternative option side elevation), 10 number Type B3 four-bed two-storey houses, three number Type D five-bed three-storey houses, 20 number Type E1 five-bed three-storey houses (including alternative option side elevation), 22 number Type E2 four-bed three storey houses, three number Type F2 two-bed one-storey houses, six number Type G three-bed two-storey houses, 18 number Type H three-bed two-storey houses (including alternative option side elevation), 17 number Type J three-bed two-storey houses (including alternative option side elevation), 34 number Type K two-bed two-storey houses, two number Type K2 two-bed two-storey houses. All houses are provided with two number car parking spaces within the site curtilage and solar panels to the front and rear. 50 number visitor car parking spaces are provided; (2) neighbourhood centre of approximately 1,978 square metres gross floor area comprising a single-storey crèche (990 square metres) with eight number set down car spaces and crèche play area,

a two-storey element comprising a retail unit, including a café (circa 362 square metres) at ground floor level (retail space to be flexible/sub-dividable), a gymnasium at first floor level (circa 432 square metres), 41 number car parking spaces and 20 number cyclist spaces and a playground; (3) vehicular, pedestrian and cyclist access to the proposed development is via a new signal controlled crossroads junction on Blessington Road to tie in with existing Oakglade entrance/footpaths, a second vehicular pedestrian and cyclist access via a new three-way junction onto Tipper Road, a temporary construction access from Blessington Road, two number pedestrian accesses at the south west of the site, alterations to Blessington Road to include pedestrian footpaths to tie in with existing footpaths at Oakglade and a new footpath on the northern side of Blessington Road, works to the Ballycane Road junction and all associated access works on the public road network; (4) internal road network including one number vehicular bridge/pedestrian bridge, one number pedestrian bridge and four number culverts (with pedestrian/vehicular access above) across existing streams, all ancillary site development works, connection to existing public water supply and drainage services; (5) approximately 4.3 hectares of open space (including playground areas), including all ancillary landscape works with public lighting, planting and boundary treatments including regrading/re-profiling of site and stream/ditch banks, alterations to existing stream to include relocation and partial culverting of stream, feature entrance walls, and landscaping detail on Blessington Road and Tipper Road; (6) surface water attenuation measures including two number pond areas, baffle, swales and ditches, five number underground stormcell attenuation systems, underground foul water pumping station (with kiosk/vent) and associated storage in the south western portion of site adjacent to Blessington Road; and (7) three number ESB substations and all associated site development works, all on a site of 21.85 hectares at Tipper West, Naas, County Kildare. The site is bounded by Tipper Road to the north, Blessington Road (R410) to the south, agricultural lands to the east and 'The Paddocks' and 'Mountain View' residential estates to the west, as amended by the revised public notice received by the planning authority on the 16th day of May, 2016 as follows: revisions to layout, open space provision, drainage/attenuation to include; reduction in number of dwellings from 395 number dwellings to 389 number dwellings, revised phasing arrangement for entire development; alterations to architectural treatment of single-storey House Type F2; reconfiguration/reorientation of dwellings located adjacent to Neighbourhood Centre to include revised open space; relocation of open space adjacent to Paddocks to a more central location within development (and consequent inclusion of four number dwellings in its place); increase in open space area in eastern portion of development; reinforced landscaping/boundary treatment between subject site and Mountain View; revised configuration of Neighbourhood Centre to accommodate a 'dual use' community room at first floor level with own door

access, provision of refuse rooms at ground floor; identification of signage zones in Neighbourhood Centre; inclusion of additional pedestrian crossing on Blessington Road; amended building line and additional planting to selected areas; provision of additional chicanes and raised tables; revised internal pedestrian route location; alterations/increase to western open space and western central open space (by omission of 12 number visitor car parking spaces); revised internal attenuation measures to include modular attenuation and removal of swales and revised hydrant locations.

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

In coming to its decision, the Board had regard to the sites' location within the Naas town boundary on lands zoned "C11 – New Residential" and "N – Neighbourhood Centre" in the Naas Town Development Plan 2011-2017, the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, 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.

Environmental Impact Statement

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development.

The Board completed an environmental impact assessment, and assessed the likely significant effects of the proposed development, and concluded that the mitigation measures proposed and residual effects were acceptable. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects on the environment of the proposed development would be acceptable.

Appropriate Assessment Stage 1

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 proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites in view of the sites' conservation objectives.

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.

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 29th day of April, 2016, the 16th day of May, 2016 and the 29th day of July, 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 mitigation measures and commitments identified in the Environmental Impact Statement, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The proposed development shall be amended as follows:
 - (a) omit house numbers 124, 125, 143 and 144 and extend the area of open space to incorporate these sites to create a larger public open space in this area, and
 - (b) revise the numbering of houses on the Site Layout Plan to total at 385 number houses.

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 visual and residential amenity.

4. The development shall be carried out in a phased manner, in accordance with details submitted on the Construction Phasing plan drawing number 0561 Rev. B, received by the planning authority on the 29th day of April, 2016 and in accordance with the terms of this permission. No works shall commence on the construction of Phase 2 to 5 as indicated on the Construction Phasing drawing, until a contract for the construction of the Link Distributor Road from Blessington Road to Dublin Road has been signed by the planning authority or as otherwise agreed with the planning authority.

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

5. Details of the materials, colours and textures of all the external finishes and boundary treatments 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.

6. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the Landscaping proposals (Mitchell and Associates) received by the planning authority on the 29th day of April, 2016 and the 29th day of July, 2016, and 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.

7. 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.

8. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of a public lighting scheme, which shall be designed in consultation with the Project Ecologist and in accordance with the recommendations and mitigation measures contained in the Environmental Impact Statement.

Reason: In the interest of amenity and public safety.

9. 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.

10. Water supply and drainage arrangements, including the attenuation and 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.

11. Prior to commencement of development, the stormwater discharge pipe from the Paddocks estate shall be investigated and its location clearly established with appropriate enabling works to incorporate it into the proposed works, if deemed necessary, in agreement with the requirements of the planning authority.

Reason: In the interest of public health.

12. 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. 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 urban legibility.

13. (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 shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall provide footpaths, toucan crossings and cycle paths and gateway signs as detailed on drawing numbers BT-0100-01 to BT-0100-05 received by the planning authority on the 29th day of July, 2016 and as agreed final detailed design with the planning authority.

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

14. Prior to the commencement of the development, the developer shall submit for the written agreement of 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 submitted to, and agreed in writing with, the planning authority prior to the commencement of the development. All installations shall be connected to the planning authority's Traffic Management Centre. The cost of the design and implementation of these works shall be borne by the developer. The agreed junction improvements shall be constructed and implemented prior to the occupation of housing in Phase 1.

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

15. Prior to the commencement of the development, the developer shall submit, for the written agreement of 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, for the written agreement of the planning authority, the installation of linked MOVA (Microprocessor Optimised Vehicle Actuation) at both Blessington Road/ Dublin Road and Blessington Road/Tipper Road junctions. The developer shall 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 the commencement of the development. All installations shall be connected to the planning authority's Traffic Management Centre. The cost of the design and implementation of these works shall be borne by the developer. The junction layout and signal provision shall be constructed and implemented prior to occupation of housing in Phase 1.

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

16. Prior to commencement of development, the developer shall submit full drawings and details, for the written agreement with the planning authority, for the improvement of pedestrian crossing facilities at Blessington Road/Friary Road junction in accordance with the Design Manuel for Urban Roads and Streets. The cost of the design and implementation of these works shall be borne by the developer. The revised junction layout shall be constructed and implemented prior to the occupation of housing in Phase 1.

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

17. Prior to the commencement of the development, the developer shall submit, for the written agreement of the planning authority, a detailed upgrade and junction improvement design for the new signalised junction at the development entrance, R410 Blessington Road and Oakglade estate. The developer shall include for MOVA (Micropresser Optimised Vehicle Actuation) in the design of the junction and install traffic CCTV cameras and poles at junction 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 the commencement of the development. All installations shall be connected to planning authority's Traffic Management Centre. The cost of the design and implementation of these works shall be borne by the developer. The agreed junction improvements shall be constructed and implemented prior to occupation of housing in Phase 1.

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

18. 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.

19. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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, 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.

21. (a) 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 dwellings are made available for occupation.

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

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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

23. 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 the 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 including an allowance for the ceding of land for the cycle lane on Blessington Road 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.

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

Dated this day of 2017.