



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/1117

Appeal by Daithí Mac na Bhaire of 19 Bán na Gréine, Nás na Ríogh, Contae Chill Dara and by Cairn Homes Properties Limited care of RPS Group Limited of West Pier Business Campus, Dun Laoghaire, County Dublin against the decision made on the 13th day of July, 2017 by Kildare County Council to grant subject to conditions a permission to the said Cairn Homes Properties Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of (1) 258 number dwellings including 24 number three storey four-bed Type A/A1 houses, 78 number two storey four-bed Type B/B1/B2 houses, 128 number two storey three-bed type C/C1/C2 houses, 4 number two storey three-bed Type D houses, 4 number two storey four-bed Type E houses and 20 number own-door apartments/duplexes in two number three storey blocks comprising 4 number one-bed Type F apartments, 4 number two-bed Type F2 duplexes, 6 number two-bed Type G1 apartments and 6 number three-bed Type G2 duplexes; and associated residential car parking; (2) a circa 395 square metres two storey crèche building with an overall height of circa 7.6 metres, associated play area (circa 248 square metres) and associated crèche car parking and set down areas with vehicular access via the R411 Ballymore Eustace Road/ proposed internal road network. A second access to the crèche will be via the existing access road serving the Kings Gate apartment development and Craddockstown Court residential scheme; (3) 6 number open spaces throughout the residential scheme (circa 1,821 square metres, circa 1,080 square metres, circa 1,226 square metres,

circa 2,695 square metres, circa 5,096 square metres and circa 1,401 square metres) and a circa 2.85 hectare park located in the western portion of the subject lands including associated car parking, a circa 13 metres long feature entrance wall with an overall height of circa 3.3 metres and engraved signage, children's play area, surface water attenuation and associated landscaping; (4) upgrades to circa 386 metres of the R411 Ballymore Eustace Road to include a footpath and cycle lane and a new priority junction to provide access to the subject lands; (5) an internal road network to serve the proposed crèche and residential dwellings with revised vehicular access to the existing Naas Southern Interceptor Pumping Station and (6) all associated drainage arrangements, landscaping, boundary treatments and site development works on a site of circa 12.56 hectares at Craddockstown, Naas, County Kildare, bounded to the north by the Kings Gate apartment development and the residential schemes of Craddockstown Court and Ard na Laoi; to the northeast by the Cluain Aoibhinn and Ban na Greinne residential schemes; to the east by agricultural lands and to the south by an undeveloped site, detached dwelling and its associated out buildings, all at Craddockstown, Naas, County Kildare. The site area of the planning application includes circa 13 square metres of lands within the ownership of Bord Gais and circa 2,046 square metres of lands within the ownership of Kildare County Council comprising circa 306 metres of the R411 Ballymore Eustace Road which forms the western boundary of the application area. The existing Naas Southern Interceptor Pumping Station is located within the subject lands but does not form part of the overall application site area. (As amended by the revised public notice received by the planning authority on the 16th day of June, 2017 as follows: revisions to the proposed layout and dwelling types to comprise a total of 251 number dwellings including 24 number three storey four-bed Type A/A1 houses, 74 number two storey four-bed Type B/B1/B2 houses, 118 number two storey three-bed Type C/C1/C2 houses, 4 number two storey three-bed Type D houses; 4 number two storey four-bed Type E houses, 12 number three-bed Type H dormer bungalows, 6 number two storey three-bed Type F houses and 9 number two storey two-bed Type G houses. The proposed significant revisions include the removal of the proposed northern blocks of apartment/duplex units and replacement with three number terraces of Type F and G houses, realignment of proposed streets and associated modifications to landscaping proposals).

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 site's location within the Naas town boundary on lands zoned "C9 - New Residential" and "F – Amenity and Recreation" in the Naas Town Development Plan 2011-2017, to 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 Kildare County Development Plan 2017 – 2023, 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.

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 7th day of April, 2017 and the 12th day of June 2017, and by the further plans and particulars received by An Bord Pleanála on the 8th day of August 2017, 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 amended as follows:
 - (a) Replace house numbers 81 – 92 as follows: House numbers 81 – 88 shall be replaced with two terrace blocks of four dwellings of two storeys, and, replace House numbers 89 – 92 with dormer bungalows of Type H design.
 - (b) House numbers 1-15 shall be as detailed on MCORM drawing number PL38 received by An Bord Pleanála on the 8th day of August, 2017.
 - (c) The total number of dwellings permitted is 251 units.

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.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with the planning authority prior to commencement of any development.

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

4. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings and crèche 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. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential 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 received by the planning authority 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 and public park development. 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. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and the public park, 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) including the powerlines that currently cross the site, 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. 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.

12. (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 applicant shall comply with the detailed standards of the planning authority for such road works.

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

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable within each house plot 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.

15. 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.

16. The construction of the development shall be managed in accordance with a detailed 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 and dust management measures, site operational hours, off-site disposal of construction/demolition waste, signage, as well as specific measures to protect existing hedgerows and trees to the north of the site between the site and the Ard na Laoi residential development.

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

17. 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.

18. The developer shall provide a footpath on the open space adjacent unit number 237 in order to provide future permeability between the development and the adjacent permitted residential development up to the boundary.

Reason: In the interest of residential amenity.

19. The developer shall construct the proposed link between the development and Sli Cluain Aoibhinn in accordance with DBFL drawing number 162040-2000 Rev C submitted to the planning authority on the 12th day of June, 2017, up to the boundary with Sli Cluain Aoibhinn to provide for future permeability.

Reason: In the interests of residential amenity.

20. 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 by the local authority of roads, footpaths, watermains, drains, public 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 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 and maintenance of the development until taken in charge.

