



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th day of December 2018 by O'Flynn Construction Company Unlimited Company care of McCutcheon Halley Chartered Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development:

A permission for a strategic housing development at Shackleton Road and Oldtown Road, Oldtown, Celbridge, Co. Kildare.

The proposed development will consist of:

- (a) The construction of 251 number residential units to include
 - 167 number dwelling houses (comprising a mix of two, three, and four-bed detached, semi-detached and end, and mid-terraced houses); and
 - 84 number apartments (comprising a mix of one, two, and three-bed apartments/duplexes) which range in height from two to three storeys;
- (b) One number crèche;
- (c) The erection of two new Electricity Supply Board pylons to intercept existing overhead wires and the diversion and undergrounding of two existing 38-kilovolt overhead cables;

- (d) The upgrading of existing junction at the corner of Shackleton Road and Oldtown Road to accommodate a new filter lane and crossing point; and provision of new vehicular entrance onto Shackleton Road and two new vehicular entrances onto Oldtown Road.
- (e) All associated ancillary site development works including drainage, footpaths, cycle lanes and pedestrian access, landscaping and amenity areas, bicycle and car parking, public lighting and all other ancillary development.

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 following:

- (a) the site's location in Celbridge on lands with a zoning objective for residential development in the Celbridge Local Area Plan 2017-2023;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018;
- (e) 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;
- (f) the Planning System and Flood Risk Management Guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009
- (g) the nature, scale and design of the proposed development;
- (h) the availability in the area of a wide range of social, community and transport infrastructure;
- (i) the pattern of existing and permitted development in the area;
- (j) the submissions and observations received, and
- (k) the report of the Inspector.

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, would not be at undue risk of flooding and would not exacerbate the risk of flooding on other land, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 area adjacent to residential development, the Appropriate Assessment Screening Report 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 determination 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, adjacent to a suburban area on a greenfield 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.

Conditions

1. The proposed 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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The permitted streets and the works to existing roads shall comply with the applicable standards set out in the Design Manual for Urban Roads and Streets (DMURS) and the National Cycle Manual. To this end the submitted proposals shall be amended as follows:
 - (a) The proposed left hand turning pocket from Shackleton Road onto Oldtown Road shall be omitted and the area thus released incorporated into the adjoining open space. Otherwise the permitted works to that junction shall conform to the detailed specifications of the planning authority.
 - (b) The cycle tracks/lanes along the Shackleton and Oldtown Roads shall be between the carriageway and the footpath and shall have suitable priority across the junctions with streets within the proposed development in accordance with section 4.9.2 of the National Cycle Manual. The bus stop on the Shackleton Road shall be designed as an island bus stop in accordance with section 5.1.5.2 of that manual.

Revised plans showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The permitted works to the Shackleton and Oldtown Roads shall be completed prior to the making available for occupation by the

developer of any of the permitted housing unless otherwise agreed in writing with the planning authority.

Reason: To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual.

3. All rear gardens of houses shall be bounded with brick or concrete block walls which shall be a minimum of 1.8 metres high, except where bounding public open spaces or roads when the walls shall be two metres in height, or by concrete post and concrete panel fences 1.8 metres high. The proposed boundary treatment, using concrete post and timber panel fences, or any other form of timber fencing, shall not be used for any rear garden boundaries.

Reason: To ensure the provision of durable boundary treatment in the interest of the residential amenity of future occupiers of the development.

4. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, subject to the following amendments:
 - (a) The surface of the street in front of houses numbered 1 to 10 shown on the site layout plan on drawing no. 992PL.005 shall have distinctive paving or colouring to denote its status as a shared surface.
 - (b) The surface of the street between houses numbered 52 and 53 shall continue up to the boundary of the site with no ransom strip remaining.
 - (c) The proposed walls and hedges between the trees along the Shackleton Road opposite houses numbered 121 and 133 to 138, and along the Oldtown Road in front of houses numbered 1 to 10 shall be omitted in order to provide pedestrian access and visibility between the existing public roads and the parallel streets in the permitted development

Details showing the required amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

5. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses where the rear garden length of such houses, as measured from the rear building line of the houses to the rear boundary line of the plots, is less than 11 metres, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.

7. The urban block consisting of units 205-240 shall be redesigned so that rear garden depths are increased providing improved rear garden areas. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority revised plans and particulars in this regard.

Reason: To ensure a satisfactory standard of development.

8.
 - (a) The development, including all roads, footpaths, cycle paths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority.
 - (b) The areas of open space shown on submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled seeded and landscaped in accordance with the detailed requirements of the planning authority. The open space areas shall be laid out and landscaped prior to the making available by the developer for occupation of any of the houses in the relevant phase of the development.
 - (c) All of the areas of public open space, as shown on the submitted drawings, shall be maintained by the developer until such time as the development is taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In the interest of proper development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing:

- (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
 - (iv) Details of roadside/street planting which shall not include prunus species
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

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, 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 interests of residential and visual amenity.

10. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority details of refuse storage and bicycle parking for the permitted apartments and terraced houses, which shall be generally in accordance with section 4.9 and 4.17 of the Guidelines on Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in 2018.

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

11. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces, serving both individual houses and apartments, shall be provided with electrical connections to allow for the provision of future charging points, and in the case of 10% of each of these spaces shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian, cyclist and traffic safety, to protect residential amenity and in the interest of sustainable transportation.

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 interests of visual and residential amenity.

13. 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.

14. 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, noise management measures and off-site disposal of construction/demolition waste.

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

- 15 Site development and building works shall be carried out only between 0800 to 1900 hours 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.

- 16 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

- 17 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.

- 18 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 referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

- 19 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.

