



Planning and Development Acts 2000 to 2019

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 29th day of May 2020 by Randelswood Holdings Limited care of Downey Planning, 1 Westland Square, Pearse Street, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development at lands at Devoy Quarter, Naas West, Naas, County Kildare.

The development will consist of the construction of a residential development comprising of 152 number apartments (54 number one-beds, 73 number two-beds and 25 number three-beds) within nine number blocks (ranging from three to five storeys in height); a single storey childcare facility with outdoor play areas and a single storey community use building, all of which will be provided as follows:

- Block 1 containing a total of 20 number apartments comprising of 18 number two-beds and two number three-beds, in a building ranging from four to five storeys with private balconies / terraces,
- Block 2 containing a total of 12 number apartments comprising of eight number two-beds and four number three-beds, in a building four storeys in height, and all apartments provided with private balconies / terraces,

- Block 3 containing a total of 22 number apartments comprising of eight number one-beds, 12 number two-beds and two number three-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- Block 4 containing a total of 20 number apartments comprising of 10 number one-beds and nine number two-beds and one number three-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- Block 5 containing a total of 24 number apartments comprising of 12 number one-beds and 12 number two-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- Block 6 containing a total of 11 number apartments comprising of four number one-beds, three number two-beds and four number three-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- Block 7 containing a total of 19 number apartments comprising of eight number one-beds, eight number two-beds and three number three-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- Block 8 containing a total of 12 number apartments comprising of six number one-beds and six number two-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- Block 9 containing a total of 12 number apartments comprising of six number one-beds and six number two-beds, in a building three storeys in height, and all apartments provided with private balconies / terraces,
- One number single storey childcare facility with associated open space,
- One number single storey community use building with associated services.

The development will also provide 175 number car parking spaces, six number motorcycle spaces and 190 number bicycle spaces; all associated ancillary site development infrastructure including Electricity Supply Board sub-station, external stores, bike stores, bin stores, plant rooms, public lighting and foul and surface

water drainage; internal roads, cycle paths and footpaths; all landscaping, including open space areas and play equipment, boundary treatments and associated signage; two number new vehicular access points and four number pedestrian access points onto John Devoy Road and all associated engineering and site works necessary to facilitate the 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 policies and objectives of 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 Town Development Plan 2011-2017 (as amended),
- c) the nature, scale and design of the proposed development and those issues relating to the contravention of Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 (as amended),
- d) the National Planning Framework, Project 2040 issued by the Department of Housing, Planning and Local Government in February 2018,

- e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- f) the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- g) 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, as amended,
- h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- i) 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,
- j) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- k) the nature, scale and design of the proposed development,
- l) the availability in the area of a wide range of social, community and transport infrastructure,
- m) the pattern of existing and permitted development in the area,
- n) the report of the Chief Executive of Kildare County Council,
- o) the submissions and observations received, and
- p) the report of the Inspector.

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 area, the Screening Report 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 Screening

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the developer which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended).

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, and
- (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 considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the proposal was advertised as a material contravention of Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 and was accompanied by a Material Contravention Statement. The Board did not consider that the proposed density of 72 units per hectare would materially contravene these development plans, having regard its location contiguous to the town centre of Naas; the site should be considered as an Inner Suburban site. The Board considered the “Residential Development Parameters” relating to Inner Suburban / Infill in Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 are applicable to development on the site and, therefore, the appropriate density is site specific.

In determining this classification of the site, the Board had regard to Section 5.9 and 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the information contained in Section 15.5.2 of the Kildare County Development Plan 2017-2023 which relates to the Inner Suburban sites and expansion areas, respectively.

The Board noted the submission from the Chief Executive of Kildare County Council, considering the density proposed as inappropriate having regard to the absence of any high-quality public transport to the site. The Board considered that the location of the site four kilometres from the Naas and Sallins railway station, within walking distance of a bus stop, which has a high frequency service, and the pedestrian and cycle connectivity to the town centre provided suitable access to the site by sustainable transportation. In this regard, it is considered that the proposed density of 72 units per hectare would support a compact urban form by locating higher density development adjacent to the town core of Naas and would contribute

to the consolidation of a Key Town is in accordance with the National Planning Framework, Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, 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, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018.

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 proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The external staircases for Blocks 3 to 9 shall be removed and these apartment blocks shall be redesigned to incorporate dual entrances as provided in Block 1 and 2. That is, the ground floor apartments shall be accessed via an entrance at the ground floor rear / public open space, with the entrance to the upper apartments via an internal stairwell as proposed. Revised details shall incorporate appropriate waste / recycling facilities for each of the units, with landscaping and boundary treatment.
 - (b) A site layout shall be amended to provide for the removal of the gates at the vehicular, pedestrian and cycle access both along the John Devoy Road and the future access to the north and the south of the site.
 - (c) The boundary treatment along the northern, eastern, and southern boundary shall be removed and the treatment proposed along the east of the site, facing onto the John Devoy Road shall be extended around the entire site. Pedestrian and cycle access shall be retained to the south of the site at the location indicated as "Potential Link to Adjacent Site" on Drawing Number PP255-01.

- (d) The internal road layout shall be redesigned to include the removal of the cycle lane without increasing the width of the carriageway, with the additional space required to allow access to the perpendicular parking laid out in accordance with Figure 4.82 of Design Manual for Urban Roads and Streets.

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, traffic safety and to ensure future connectivity is retained.

- 3. The landscaping and earth works scheme shown on Drawing Number PP255-01, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:
 - (a) the inclusion of soft landscaping along and between the car parking areas which adjoin the ground floor apartment units, and
 - (b) planting of trees at two metre intervals along all boundaries of the site.
 - (c) provision of a planting scheme indicating the location, type, and number of species. All planting shall be of native species and generally in keeping with the location detailed on Drawing Number PP255-01. Tree planting shall use semi-mature specimens.
 - (d) submission of the final design and use of the playground equipment as detailed on Drawing Number PP255-01.

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 or until the development is taken in charge by the local authority, whichever is the sooner, 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.

4. The proposed cycle infrastructure be designed so as to comply with all necessary standards in the National Transport Authority National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. The proposed car parking layout shall be modified so that at least six number spaces are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). 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: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 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

7. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

8. A minimum of 10% of all car parking spaces shall be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations / points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and / or future proof the development such as would facilitate the use of electric vehicles.

9. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless authorised by a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

10. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse / bin storage, community centre and 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 residential units are made available for occupation.

(c) Details of all proposed uses within the community centre shall be submitted to and agreed in writing with the planning authority prior to occupation of any uses.

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

11. (a) The development shall be carried out on a revised phased basis. The first phase shall consist of not more than 75 number units, together with their associated site development works, and shall include the crèche and associated development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with the planning authority.

(b) Work on any subsequent phases shall not commence until completion of Phase 1 or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

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

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. The developer shall enter into water and / or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

15. 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.

16. A plan containing details for the management of waste within the development, including 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.

17. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

18. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

19. Proposals for a development name, commercial/retail unit identification, and block numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

20. Prior to commencement of development, the developer 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.

21. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

