

An
Bord
Pleanála

Board Order
ABP-311140-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/732

Appeal by Liffey Bridge Homes Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 19th day of July, 2021 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Construction of 65 number residential units comprising 52 number duplex/apartment units (nine number one bed units, 29 number two bed units and 14 number three bed units) in three number three-storey apartment/duplex blocks (Blocks A, B and C), and one number five-storey apartment block (Block D); six number three bed, two-storey, semi-detached houses (House Type M1); six number four bed, two-storey, semi-detached houses (House Types D and D1); and one number four bed, two-storey, detached house (House Type D4). Vehicular and pedestrian access, together with drainage and infrastructure, are integrated with the adjoining residential development (Westfield) permitted under Kildare County Council (KCC) planning register reference number 16/282 (An Bord Pleanála appeal reference number PL 09.247909), as amended by KCC planning register reference numbers 17/1374 and 18/662. The proposed development also

includes a pedestrian/cyclist only connection to the R449 to the west, and a pedestrian connection to Green Lane to the south; ancillary exterior bin and bike storage (71 number bicycle spaces) for the duplex/apartment blocks; public open space (total of 1,914 square metres); internal roads; car parking (85 number spaces); infrastructure; boundary treatments; and, all associated site and development works on a site measuring approximately 1.18 hectares in the townland of Collinstown, Junction of R449 and Green Lane, Leixlip, County Kildare.

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 boundary of Leixlip on a site zoned for new residential development in the Leixlip Local Area Plan, 2020 - 2023,
- the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in 2020,
- the Quality Housing for Sustainable Communities, Best Practice Guidelines, issued by the Department of Environment, Heritage and Local Government in 2007
- the Urban Development and Building Heights: Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2020,
- the Design Manual for Urban Roads and Streets 2012 (DMURS), and
- the configuration of the site and the pattern and character of the existing development in the surrounding area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form and scale of development at this location, would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties, and would be acceptable in terms of vehicular and public 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 received by An Bord Pleanála on the 16th day of August, 2021, 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. Drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.



4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings, duplex units and apartment buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, the roof colour shall be blue-black, black, dark brown or slate grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

5. Privacy Screens shall be installed to the ground floor terrace areas in Block A. Details of the screens shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

6. 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 visual amenity of the area.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four week prior to the commencement of any site operation (including hydrological and geotechnical investigations), relating to the proposed development and,
- (b) employ a suitably qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservations (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

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

10. The proposed Boundary Treatment 2 indicated on drawing number 01 received by An Bord Pleanála on the 16th day of August, 2021 shall be amended to provide concrete block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

11. The areas of open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to An Bord Pleanála on the 16th day of August, 2021. This work shall be completed before any of the dwelling units are made available for occupation. These open space areas shall be maintained as public open space by the developer until taken in charge by the local authority.

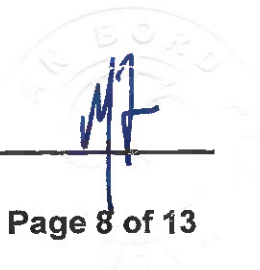
Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. Public lighting and lighting along the full extent of the proposed pedestrian/cycle links and pedestrian routes through open space 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 dwelling unit.

Reason: In the interests of amenity and public safety.

13. 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.



14. Proposals for an estate name, street names, and house/apartment 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/apartment 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 and to ensure the use of locally appropriate placenames for new residential areas.

15. (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, construction traffic arrangements (which shall take account of peak traffic flows, including those associated with local schools), construction compounds (which shall not be at the locations of proposed open space areas) and off-site disposal of construction/demolition waste.
- (b) 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

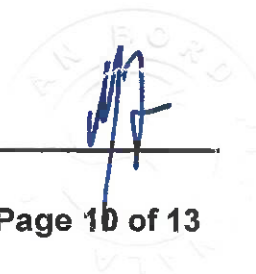
be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. 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 materials and for the ongoing operation of these facilities 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.



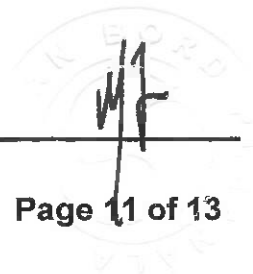
Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.


Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.



20. 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 96(4) and 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 97(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 for 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 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.



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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.

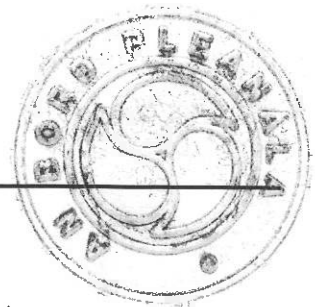
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 20th day of December 2021.