

An
Bord
Pleanála

Board Order
ABP-311825-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Associated Reference Number: ABP-307258-20

REQUEST received by An Bord Pleanála on the 29th day of October 2021 from Randelswood Holdings Limited care of Downey Planning of 29 Merrion Square North, Dublin under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a permitted Strategic Housing Development lands at Devoy Quarter, Naas West, Naas, County Kildare which is the subject of a permission under An Bord Pleanála Reference Number ABP-307258-20 as altered by ABP-311161-21.

WHEREAS the Board made a decision to grant permission, subject to 22 conditions, for the above-mentioned development by Order dated the 17th day of September 2020,

AND WHEREAS the Board has received a further request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alterations are described as follows:

- Proposed external and internal alterations to previously permitted single storey creche building to provide for the construction of an additional floor which will accommodate two number additional units (two number two-bedroom units).
- Proposed external and internal alterations to previously permitted Block 3, including a proposed additional floor to increase the height from three to four storeys, with alterations also proposed to the previously permitted unit mix, resulting in an overall increase of eight number units in total, from eight number one-bed, 12 number two-bed duplex and two number three-bed (22 number units) to now provide 12 number one-bed, 10 number two-bed duplex, two number three-bed, six number three-bed duplex (30 number units).
- Proposed external and internal alterations to previously permitted Block 4, including a proposed additional floor to increase the height from three to four storeys, with alterations also proposed to the previously permitted unit mix, resulting in an overall increase of four number units in total, from 10 number one-bed, nine number two-bed duplex, one number three-bed duplex (20 number units) to now provide 12 number one-bed, 11 number two-bed duplex, one number three-bed duplex (24 number units).
- Proposed external and internal alterations to previously permitted Block 7, with alterations also proposed to the previously permitted unit mix, resulting in an overall increase of one number unit in total, from eight number one-bed, one number three-bed, eight number two-bed duplex, two number three-bed duplex (19 no. units) to now provide 10 number one-bed, eight number two-bed duplex, two number three-bed duplex (20 number units).
- Proposed external and internal alterations to previously permitted Block 8, including a proposed additional floor to increase the height from three to four storeys, with alterations also proposed to the previously permitted unit mix, resulting in an overall increase of two number units in total, from six number one-bed and six number two-bed duplex (12 number units) to now provide four number one-bed, seven number two-bed duplex, three number three-bed duplex (14 number units).

- Proposed external and internal alterations to previously permitted Block 9, including a proposed additional floor to increase the height from three to four storeys, with alterations also proposed to the previously permitted unit mix, resulting in an overall increase of two number units in total, from six number one-bed and six number two-bed duplex (12 number units) to now provide four number one-bed, seven number two-bed duplex, three number three-bed duplex (14 number units).
- Minor amendments to the northern boundary of the proposed development to reflect land in ownership.
- Proposed alterations to previously permitted landscaping, including the relocation of the permitted play area and alterations to some car parking, bicycle parking, bin and bike store locations to accommodate the additional six number car parking spaces, 24 number bicycle spaces and one number bin store to service the revised mix of units, the additional 19 number units proposed and conditions of the permitted development.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board considered that the alterations of Condition Number 2 would result in a material alteration to the terms of the development the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved the Board decided to involve section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submission or observations in relation to the matter from the members if the public,



AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b)(i) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board on the 29th day of October 2021 and on the 13th Day of April 2022.

REASONS AND CONSIDERATIONS

Having regard to the following:

- (a) The policies and objectives as set out in 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 Local Area Plan 2021-2027;
- (c) The provisions of Project Ireland 2040 National Planning Framework;
- (d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (f) The provisions of 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 2019, as amended;

- (g) The provisions of 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;
- (h) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- (i) The nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-307258-20 and altered under An Bord Pleanála Reference Number ABP-311161-21;
- (j) The appropriate assessment and environmental impact assessment carried out in the course of this application;
- (k) The nature and scale of the alterations;
- (l) The absence of any significant new or additional environmental effects including those in relation to European Sites arising as a result of the proposed alterations;
- (m) The absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations;
- (n) The submissions and observations received, and
- (o) The Planning Inspector's report.

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 site, the Screening 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

The Board completed an environmental impact assessment screening 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 on an urban 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 299(C)(1)(v) 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

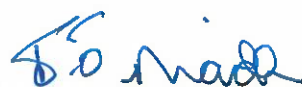
The Board considers that the proposed alterations would be material and, subject to compliance with conditions, the proposed alteration would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

Alteration of Condition Number 2 to include the following:

- e. The internal configuration of proposed Unit B4-08 is amended so that the unit shall become a one-bedroom unit. Revised configuration shall ensure the rooms can meet the minimum ADF standards from the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition).
- f. The two number bicycle stores in the central open space shall be relocated away from the central open space towards the community centre.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

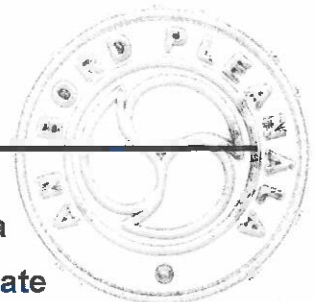
Reason: In the interest of residential amenity.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 8th day of June, 2022