

An
Bord
Pleanála

Board Order
ABP-315776-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/110

Appeal by Springwood Limited care of Farry Town Planning Limited of Suite 180 South Frederick Street, Dublin in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of conditions numbers 31 and 44 of its decision made on the 27th day of January, 2023.

Proposed Development: (a) Demolition of the following non-significant structures:

- Building number one – single storey office type building;
- Building number two – single storey office type building;
- Building number three – single storey storage and workshop type building;
- Building numbers four and five – single storey transformer buildings;
- Building number six – single storey shed type building;
- Building number seven – single storey shed type building;
- Building number eight – two-storey warehouse type building;
- Building number nine – single storey warehouse type building;
- Building number 10 – three-storey warehouse type building;

- Building number 11 – two-storey warehouse type building; and
- 10 number galvanised grain silo structures.

(b) Construction of 61 number shared access apartment units in three individual blocks – two to five-storey mixed-use Block Type 'A' will contain 22 units (along with proposed community/amenity/retail uses); three-quarter-storey Block Type 'B' will contain 14 units; and three-quarter-storey Block Type 'C' will contain 25 units – in a mix of one, two and three bedroom types (10 x three bedrooms, 44 x two bedrooms and seven by one bedroom); (c) Construction of 16 number own door apartment units in two individual blocks – three-storey Block Type '1' will contain eight units (four number two bedroom ground floor apartments and four number three bedroom duplex apartments); and two-storey Block Type '2' will contain eight units (four number two bedroom ground floor apartments and four number two bedroom first floor apartments); (d) Construction of 15 number one and two-storey terraced houses in four individual blocks – two-storey Block Type '1' will contain three number three bedroom houses; two-storey Block Type '2' will contain six number three bedroom houses; two-storey Block Type '3' will contain three number three bedroom houses; and one storey Block Type '4' will contain one number three bedroom house and two number two bedroom houses – in a mix of two and three bedroom types (13 x three bedrooms and two x two bedrooms); (e) Construction of a new two-storey crèche building; (f) Construction of a new two-storey commercial/retail building (Block Type 'D'); (g) Provision of two vehicular access points to serve the site - one will consist of upgrading the existing access from main street and one will be a new access from the adjacent Osberstown Court housing development - with associated roadways, footpaths and car parking servicing the development; (h) Provision of a new shared pedestrian/cycle path fronting the Grand Canal with associated stepped connection point and public urban space at the eastern end of the site linking to main street; (i) A foul holding tank and pumping station to service the development; and (j) All associated site development works to include bin stores, bicycle stores, boundary treatments, landscaping, public spaces, connections to existing foul, surface water and

water main networks, and all services as revised by the significant further information received by the planning authority on the 4th day of January 2023 which consists of:

- the number of residential units proposed has been reduced from 92 to 86.
- The total proposed commercial space has been increased from 835 square metres to 1,003 square metres. This proposed increase has resulted from minor amendments to the commercial areas in Blocks 'A' and 'D' (a reduction of five square metres in Block 'A' and an increase of two square metres in Block 'D' and for the addition of some ground floor commercial space to the eastern ends of apartment Block 'B' and apartment Block 'C' (98 square metres and 77 square metres respectively).
- Three-storey duplex apartment block type one has been modified to include for two number additional two bedroom units and two number additional three bedroom units (four number additional units in total).
- Two-storey duplex apartment block type two has been removed.
- Two to five-storey mixed-use block 'A'; has been redesigned and repositioned further westward by circa one metre to facilitate the provision of a five metre high quality pedestrian and cycle route along the western side of main street (R407). Block 'A' has also been reduced in scale at the junction with main street and a mid-block pedestrian/cyclist linkage point has been incorporated into the building. The number of units in the block has been reduced from 22 to 18.
- Four and five-storey apartment block 'B' has been redesigned and repositioned further south from the Grand Canal by circa 14 metres to facilitate more useable public open space adjacent to the Grand Canal incorporating stepped seating areas (new open space '3'). The number of units in the block has been increased from 14 to 17. As noted, commercial space has also been added to the ground floor.

- Three to four-storey apartment block 'C' has been redesigned and the number of units in the block has been reduced from 25 to 24. As noted, commercial space has also been added to the ground floor.
- Along with the addition of open space '3', open spaces '1' and '2' have been redesigned to have greater useability and improved passive supervision.
- Proposed public space adjacent to the existing bridge has been redesigned to facilitate a future five metre wide footbridge over the Grand Canal that can accommodate both pedestrian and cyclists and that can connect to the five metre high quality pedestrian and cycle route along the western side of the main street. Engineering design options for this future footbridge have been explored with documentation relating to these design options submitted as part of the further information response. The provision of this new footbridge does not form part of this application.
- Further detail has been provided for the buildings' proposed external finishes and for the finishes for the public realm.
- Engineering design for the full, surface water and water infrastructure has been updated with relevant documentation submitted as part of the further information response.
- Amendments to the site layout have also resulted in updated car and bicycle parking provision – 122 number car spaces and 304 number bicycle spaces in total are now proposed at the Old Odlum's Mill Site, Main Street, Sallins, County Kildare.

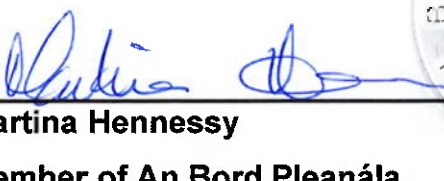
Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of conditions numbers 31 and 44 and directs the said Council to ATTACH conditions numbers 31 and 44 and the reasons therefor.

Reasons and Considerations

1. It is considered that the special contribution condition, Condition Number 31, would come within the scope of Section 48(2)(c) of the Planning and Development Act 2000, as amended, as the development referenced in the condition is exceptional or specific to the proposed development. The Board accepted the case made by the planning authority that the installation of a new footbridge is a key piece of infrastructure to ensure proper and safe facilities are provided for vulnerable road users arising from this development. The Board was satisfied that the basis for the calculation put forward by the planning authority is reasonable and proportionate.
2. It is considered that the payment of a development contribution in accordance with Condition 44 would accord with the requirements of the adopted Kildare Development Contribution Scheme 2023-2029, which came into effect on the 1st day of January 2023.

In not agreeing with the Inspector to omit condition number 31, the Board concurred with the planning authority that the development of a pedestrian/cycle footbridge to facilitate vulnerable road users arising from the development is necessary, given that existing facilities do not comply with current standards. The Board noted the Sallins Local Area Plan, as referenced by the Inspector, has expired and also noted that the proposed footbridge has been the subject of extensive discussion with the applicant, with proposals sought as part of further information by the planning authority, in response to which the applicant provided documents/drawings to demonstrate how it could be incorporated within the scheme design. The Board was, therefore, satisfied that delivery of this piece of infrastructure has clearly been identified as essential for the development of this site and the attachment of a condition under Section 48 (2) (c) is appropriate.


Martina Hennessy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 15th day of May 2024