



An
Bord
Pleanála

Inspector's Report

Development	284 Houses at Craddockstown, Naas, Co Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	15/176
Applicant(s)	Ballymore Development Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to 65 Conditions
Appellant(s)	John & Marie Keane Ken & Jane Murphy Trustees of Craddockstown Golf Club
Observer(s)	Kildare County Childcare Committee
Date of Site Inspection	30 th June 2016
Inspector	Mary Crowley

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site with a stated area of 10.736 ha is located on the southern edge of the suburban outskirts of Naas in the townland of Craddockstown and is approximately 1.5km from the town centre. The lands comprise two fields that is bounded by the Blessington Road to the north (R410) with a newly constructed school is located along the western boundary of the site which is accessed from the Craddockstown Road further west. Oak Glade housing development is located to the north of the site with Craddockstown Golf Course immediately to the south. The lands slope upwards from the Blessington Road towards the Craddockstown Road.
- 1.2 A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs, photomontages and CGI views available to view throughout the appeal file.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development as originally submitted to the planning authority on 12th March 2015 comprised a total of **284 houses** as follows:
- 40 no Type A1, 3 bedroom, 2 storey terraced houses
 - 128 no Type B1, 3 bedroom, 2 storey semi-detached houses with an option of 4th bedroom in developed roof space
 - 19 no B2, 3 bedroom, 2 storey semi-detached houses with an optional 4th bedroom in developed roof space
 - 19 no. B3, 3 bedroom, 2 storey semi-detached houses with an optional 4th bedroom in developed roof space
 - 48 no C1, 4 bedroom, 2 storey semi-detached houses
 - 3 no. C2, 4 bedroom, 2 storey semi-detached houses
 - 3 no. C3, 4 bedroom, 2 storey semi-detached houses
 - 12 no Type D2, 4 bedroom, 2 storey detached houses
 - 4 no. Type E, 2 bedroom, single storey semi-detached houses
 - 2 no electricity substations, associated public open space, landscaping, road, parking and infrastructure.
- 2.2 In summary summarise there are 4 no 2 bed houses proposed, 206 3 bed houses proposed and 74 no 4 bed houses proposed comprising a total of 284 residential units. The number of car parking spaces to be proposed is stated as 568 within the curtilage of the proposed houses together with 3 disabled car parking spaces.
- 2.3 According to the application form the gross floor space of the proposed residential works is 34,529 sq.m. The scheme will be served by a new connection to the public water supply and the public sewer. Surface water disposal will be by means of the public sewer / drain.

- 2.4 The application was accompanied by the following:
- Appropriate Assessment Screening Report
 - Architects Drawings
 - Engineering Services Report and Drawings
 - Landscape Architect Drawings
 - Planning Report & letters of consent from Kildare County Council
 - Public Lighting Layout
 - Tree Constraints Plan
 - Flood Risk Assessment
 - Traffic & Transport Assessment Report
- 2.5 In response to a request for **further information** issued on 6th May 2015 the applicant submitted the following response on the 22nd September 2015:
- Planning Report addressing the items raised in the further information request
 - Stage 2 Safety Audit
 - Ground Investigation Report
 - Housing quality assessment
 - Photomontages
 - Soil Infiltration Report
 - Masterplan
 - Phasing plan setting out three phases
 - Landscaping plan
 - Public lighting proposals
- 2.6 **Revised public notices** were submitted on the 29th September 2015 highlighting the amended proposal for a total of **284 houses** comprising the following:
- 32 no. Type A1, 3 bedroom, 2 storey terraced houses
 - 132 no. Type B1, 3 bedroom, 2 storey semi-detached houses with an option of 4th bedroom in developed roof space
 - 2 no. B2, 3 bedroom, 2 storey semi-detached houses with an optional 4th bedroom in developed roof space
 - 2 no. B3, 3 bedroom, 2 storey semi-detached houses with an optional 4th bedroom in developed roof space
 - 52 no. C1, 4 bedroom, 2 storey semi-detached houses
 - 1 no. C2, 4 bedroom, 2 storey semi-detached houses
 - 1 no. C3, 4 bedroom, 2 storey semi-detached houses
 - 14 no. Type D1, 4 bedroom, 2 storey detached houses
 - 12 no. Type E, 2 bedroom, single storey semi-detached houses and a
 - new house type (36 no. Type F 2 storey, 4 bedroom detached houses)
- 2.7 Together with alterations to internal layout including a reconfiguration of public open space within the scheme, increased distance between the houses and Craddockstown Golf Course and Oakfield Lodge, the elimination of the vehicular

links between Blessington Road and Craddockstown Road and between the proposed scheme and the existing Oak Glade and Oak Glade Close estates, the relocation of future services wayleaves and pedestrian/cycle links to undeveloped 'C10' lands to the south, the extension of proposed cycle tracks, footpaths and traffic calming and associated changes to infrastructure.

2.8 A request for **further clarification** by Kildare County council was issued on 23rd October 2015. Kildare County Council granted a **time extension** on 30th October 2015 to 4th February 2016.

2.9 In response to a request for **further clarification** the applicant submitted the following response on the 28th January 2016:

- Revised layout, house No 64 has been omitted (**283 houses now proposed**), masterplan, site sections, house types, street elevations, refuse storage details, housing quality assessment, photomontages and CGI views, landscape plan
- Stated that scheme incorporates safety zones in line with current international best practice that would remove any risk of golf balls crossing the boundary.
- Letter from Director of Services for Roads, Transport and Public Safety confirming that Kildare County Council has no objection to a planning application being lodged by the applicant together with letter from Niall O'Neill Solicitors confirming land ownership.
- Report from DBFL Consulting Engineers pertaining to water services and transportation
- A R410 Blessington Road Corridor Operational Review
- Stated that in the event a mutually acceptable reconfiguration of the Golf Course cannot be agreed by the developer and the golf club, the conventional approach of erecting netting along the boundary between the development and the golf course could be resorted to. Stated that both parties recognise that this would be a second best solution.

2.10 The response was accompanied by the following:

- Photomontages and CGI views
- R410 Blessington Road Corridor Operational Review that set out the following phasing plan for 283 house:
 - (1) Phase 1 – 50 units with vehicle access to be provided via Blessington road Junction
 - (2) Phase 2 - 110 units with vehicle access to be provided via Blessington

road Junction

(3) Phase 3 – 123 units with vehicle access to be provided via Craddockstown Road

- Housing Quality Assessment
- Revised Surface Water and Foul Sewer Calculations
- Stage 2 Road Safety Audit

3.0 TECHNICAL REPORTS

- 3.1 The **Environmental Health Officer** has no objection to the proposed development.
- 3.2 The **Housing Section** requests that standard Part V condition be attached.
- 3.3 The **Chief Fire Officer** has no objection subject to conditions as listed in their report and relating to inter alia room vents, fire alarm system for each house, all main's to be equipped with fire hydrants, cavity fire barriers and roof light criteria / dimensions.
- 3.4 The **Environment Section** has no objection subject to conditions set out in their report and relating to foul sewage and soiled water discharge, surface water, bunding, noise and dust emissions, household waste and submission of a formal project construction and demolition waste management plan.
- 3.5 **Irish Water** in their first report recommended further information is sought. In their second report and having considered the further information stated they have no objections subject to conditions regarding public water / wastewater network connections as outlined in their report.
- 3.6 The **Naas Area Engineer** in their only report on the file recommended further information be sought requesting inter alia that the vehicular linkage between Blessington Road and Craddockstown Road be removed, compliance with DMURS and the details of all proposed trees in the development, including maximum height of trees, root containment proposals and their suitability for narrow urban verges
- 3.7 **Water Services** in their first report recommended further information be sought. The request is similar to that of Irish Water. In their second report and having considered the further information requested further clarification was sought relating to surface water drainage and details of the mitigation measure identified in the Site Specific Flood Risk Assessment which relates to overland flow routes. In their third and final report and having considered the further clarification has no stated objection to the proposed development subject to conditions relating to foul sewerage disposal, surface water discharge, compliance with the "Recommendations for Site Development Works for Housing Areas" and surface water draining.
- 3.8 The **Transportation Department** in their first report recommended that further

information be sought. In their second report and having considered the further information recommended that the development be deemed premature and that permission be refused. However following *instruction from Senior Management in Planning*, Transportation requested further clarification relating to road safety issues and clarity of land ownership. In their third and final report and having considered the further clarification remained of the view that the development was premature and should be refused for the following reason:

The proposed development and subsequent increase traffic congestion, in the absence of the Road Objective RP04 (to construct a distributor road linking the Dublin Road to the Blessington Road via the Tipper Road) will increase the existing serious traffic congestion at Blessington / Ballycane Road and Blessington Road / Dublin Road junctions in Naas. The proposed application would endanger public safety by reason of traffic hazard, lack of adequate and safe pedestrian and cycle facilities and obstruction of road users due to the movement of the extra traffic generated and would therefore not be in the interest of proper planning and sustainable development.

- 3.9 Transportation note that it is likely that there will be an overall decision by Planning to grant a first phase of a phased development and following instruction from Senior Management in Transportation recommended that several conditions as set out in their report should apply relating to compliance with DMURS, road safety, lighting, access and a Road Safety Audit Stage 2.
- 3.10 In a hand written addendum to the final report it states that the report was discussed with the Director of Transportation and that *in consideration for housing in Naas; and water services constraint dealt with through increased capacity in Osberstown; the split nature of the site which allows for phased development clustered around school / access points at Craddockstown and not directly onto Blessington Road; the need to provide appropriate infrastructure to service these and adjoining lands that permission be granted under Phase 1 for 124 units at the Craddockstown road end of the development.*
- 3.11 In an addendum to the first report from the Transportation Department the **Cycling Officer** strongly objects to the interpretation of DMURS by the Planning Authority and recommended that the Transportation Department should explicitly reject the interpretation of the Planning Authority rather than be complicit in supporting it.
- 3.12 The **Local Authority Planner** in their first report was satisfied that the scheme was acceptable in principle. However it was recommended that detailed **further information** be requested in relation to the provision of a masterplan for the overall C10 lands, removal of vehicular linkage between the Blessington Rod and Craddockstown Road, revised overall layout, cross sections, finished floor level, undergrounding of ESB utilities, 3d modelling of visual impact, redesign of open

spaces, dual aspect dwellings, revised landscaping plan, boundary treatment, schedule of dwellings, external materials and finishes, compliance with minimum private open space requirements, phasing arrangements, requirements of Irish Water, Water Services and Transportation Department; provision of footpath and cycle path link with Oak Glade Close along Blessington Road, proof of legal interest and response to third party submissions.

- 3.13 The **Local Authority Planner** in their second report and having considered the further information requested **further clarification** on 23rd October 2016 in relation to residential layout and design, landscaping and public opens space, water services and transportation. The minutes of a meeting between the applicant and Kildare County Council on 24th November 2015 to discuss the request for clarification is recorded on the file.
- 3.14 The **Local Authority Planner** in their third and final report and having considered the further clarification recommended that planning permission be granted subject to conditions. The notification of decision to **grant planning permission** issued by Kildare County Council reflects this recommendation.

4.0 OBJECTIONS / OBSERVATIONS TO THE PLANNING AUTHORITY

- 4.1 There are several objections / observations recorded on the planning file from (1) Jonathan Crowley, (2) Grace Hill & Michael Reynolds, (3) Mr & Mrs Tom Clancy, (4) Ken & Jane Murphy, (5) Trustees of Craddockstown Golf Club and (6) John & Marie Keane.
- 4.2 The issues raised are similar to those raised in the third party appeals below and relate to Endangerment of public safety by reason of additional traffic impact; access; inadequate road network; inappropriate site layout; insufficient water supply; inadequate services; mass / size of development; ground maintenance and landscaping / taking in charge by Council; ground level of development of land at the rear of existing property and associated impact from proposed development; loss of privacy; seriously injure residential amenities; materially contravene the Nass Town Development Plan; contrary to the proper planning and sustainable development of the area; land ownership / legal interest; inadequate compliance with part v obligations; EIA required; public notices do not adequately describe the proposed development; site notices are not legible from the public road; disruption to the golf course during construction; visual impact on golf course by reason of ground level and interference with amenities of the golf course.
- 4.3 Following the publication of the revised public notices in October 2015 further objections / observations were received from (1) Trustees of Craddockstown Golf Club (x2) and (2) Ken & Jane Murphy. The issues raised relate to the limited response of the applicant to take into account any of the objections put forward, the

“minimum safety envelop” required for the positioning of houses adjacent to the existing established Golf course use and that permission be refused as the development would be contrary to the proper planning and development of the area.

5.0 PLANNING AUTHORITY DECISION

5.1 The planning authority issued notification of decision to **grant** planning permission subject to 65 conditions that included the recommended conditions of the Chief Fire Officer, Transportation Department, Environment Section and Water Services.

5.2 The conditions relate in the main to compliance with plans submitted; landscaping; external materials; private open space; public open space; boundary treatment; landscaping; obscure glazing; no building overhang; no satellite dishes; signage to agreed; service cables shall be located underground; site development and building works hours of operation; no security gates or devices; part v; numbering and estate naming; foul sewage and soiled water; surface water drainage systems, connection agreement with Irish water; petrol / oil interceptors; bunding; noise and dust emissions; solid household waste disposal; construction and demolition waste management plan; gas and oil storage; fire hydrants; compliance with DMURS; construction management plan; car parking; street lighting; accessibility for maintenance of street lighting; dishing of footpaths; warning signage; speed limit signs; Road Safety Audit Stage 2; CBR testing; security bond and section 48 development contribution.

5.3 Conditions of note and relevant to this appeal are summarised as follows:

Condition No 2 - Development shall be constructed in two phases with Phase 1 comprising 124 units from unit 001 to unit 124, with access from Oak Glade Close (Craddockstown road) and Phase 2 not commencing until a contract for the construction of the Link distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council.

Condition No 4 - A revised site layout plan shall be submitted whereby the rear garden subdivision for house No's 64 and 66 is more equitable.

Condition No 19 - Measures to ensure the safety of occupants of the subject development from stray golf balls from the adjoining golf course shall be submitted for the written agreement of the Planning Authority.

Condition No 41 - Construction access to the site shall be from the Craddockstown road and Oak Glade Close entrance only

Condition No 42 - Footpath and cycle path upgrade from Oak Glade Close to Oak Glade estate shall be provided.

Condition No 43 – Construction Management Plan

Condition No 45 - All HGV and large vehicle construction traffic access to and egress from the site shall be restricted to after school opening hours of 9.30am

Condition No 46 - Detailed design for the junction improvements at the Blessington Road / Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows to be submitted and agreed.

Condition No 47 - Detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road / Blessington Road as per Dublin Road Corridor Study proposals.

Condition No 48 - Improvement of pedestrian crossing facilities at Blessington Road / Friary Road junction in accordance with DMURS.

6.0 PLANNING HISTORY

6.1 The Local Authority Planners in their first report also provides a detailed planning history for the site that can be summarised as follows:

6.2 **On site - Reg Ref 01/500084** - Permission sought for 195 residential units comprising 99 3 bed terraced houses in 2 types, 32 3 bed semi-detached houses, 64 2 bed apartments in 8 2 storey blocks; crèche (105 sq.m) modifications to site layout and associated site works with access from Blessington Road only. Application withdrawn.

6.3 **Adjoining site to the south west - PL73.241863 (Reg Ref 12/500054)** - A decision by Naas Town Council to grant permission for a new 2 storey permanent school building including 14 no. general classrooms, linked to a temporary structure which includes 4 no. specialist classrooms, car parking spaces and all associated site works at Craddockstown Demesne/Naas East, Naas, Co. Kildare was appealed by the two third parties one of which was the Minister for Education and Skills. The Planning Inspector recommended that permission be refused. The Board granted permission subject to 19 conditions. As noted on day of site inspection construction of the school is now complete.

6.4 **Adjoining Site at Oak Glade - Reg Ref 00/500033** - Permission granted for the construction of 56 no. 2 bedroom apartments in 7 no. two storey blocks and associated site works on site

6.5 **Adjoining Site at Oak Glade - Reg Ref 00/500119** – permission granted for 20 3 bed semi-detached houses & single storey crèche facility (120 sq.m.) all with access

from Craddockstown Road; 10 4 bed semi-detached houses & 20 3 bed semi-detached houses and associate site works with access from Blessington Road.

7.0 POLICY CONTEXT

- 7.1 The operative plan for the area is the **Naas Town Development Plan 2011 – 2017**. The subject site is zoned **C10 New Residential** where the objective is *to provide for new residential development*. A small strip of land within the red line boundary and adjoining the Blessington Road is zoned **F Open Space & Amenity** where the objective is *to protect and provide for open space, amenity facilities and recreational uses*. Development Plan Policies that are relevant to the appeal are set out as follows:
- 7.2 The DoEHLG Guidelines on ‘*Sustainable Residential Development in Urban Areas*’ (2009) outline sustainable approaches to the development of urban areas. These set out national policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations.

8.0 GROUNDS OF APPEAL

- 8.1 There are two **third party** appeals on file from (1) John & Marie Keane, 17 Oak Glade Close, Craddockstown Road and (2) Frank O’Gallachoir & Associates Ltd on behalf of Ken & Jane Murphy, 13 Oak Glade, Nass. A third appeal from Maguire & Associates on behalf of Trustees of Craddockstown Golf Club who also sought an Oral Hearing has been withdrawn.
- 8.2 The main issues raised in the appeals relate to traffic impact, legal interest, inappropriate layout and design, visual impact, inadequate services, material contravention of development plan, invalid planning application and that an EIS is required. The two appeals may be summarised under the following general headings:
- 8.2 **Traffic Impact & Inadequate Road Network** – Condition No 2, 41, 43, 45, 46, 47, 48 and 63 are noted as they appear to recognise the inadequacies of the surrounding road network. The scheme is considered premature pending road improvements. Safety concerns are raised for local residents (particularly children) and children attending the new primary school located on the Craddockstown Road. Particular reference is made to the following two conditions as follows:
- **Condition No 2 (Phasing)** – The surrounding network is not suitable for the additional traffic proposed in either Phase 1 or 2. No dwellings should be permitted on these lands until the Link Distributor Road is completed. Should permission be granted and in advance of this Link Distributor Road being

completed it is submitted that such dwelling should be accessed not from the Craddockstown Road / Oakglade Close route but rather directly onto Blessington Road route.

- **Condition No 41 (Construction Traffic)** – Queried why all construction traffic is conditioned to travel over roads on an access route (Craddockstown Road / Oakglade Close) that is simply not suitable for same. No construction traffic should access the site via the Craddockstown Road / Oakglade Close route due to proximity of this route to the local school / residential area and safety concerns over the safe passage of children attending such school or playing in the locality. Submitted that the Blessington Road is a more suitable route as there are no such concerns.

8.3 The proposed use of the “sub-standard” Craddockstown Road and “substandard” Ballycane / Craddockstown Road junction to facilitate the road / cycle and pedestrian access to this housing scheme could not be considered good planning. Particular attention is drawn to the Roads Department report who acknowledge the fact that the Craddockstown Road is substandard as well as the Ballycane / Craddockstown Road Junction and the Boards Inspector in 241863 where he states that the proposed development of the school would be premature due to the substandard roads network in the area. The Board in this decision confirmed the fact that the Craddockstown road is substandard and the Ballycane / Craddockstown Road junction is substandard.

8.4 It is evident from the two Transportation Reports on file that this “housing Scheme” should be refused as it is deemed premature due to inadequate road infrastructure. Reference is made to Map 7.1 Road Hierarchy and Indicative Improvements of the Naas Town Development Plan 2011 – 2017 and Road Objective RP04 which refers to the Blessington Road to Tipper Road to Dublin Road improvement scheme. Stated that the lands required for the RP04 objective is not in the ownership of the application and that the lands required for the improvements to the Craddockstown Road are not in the ownership of the application or Kildare County Council. The timeframe for the conclusion of the CPO process could take up to ten years as witnessed in the ongoing case of the Naas Town shopping Centre. The proposed development is therefore considered premature.

8.5 **Legal interest** – There is an issue of uncertainty as to land ownership and the implications of such as it applies to the formulation of a “red” and “blue” line for a planning application. It is not clear how much of the “application lands” are actually in the ownership of each entity. The application form states that the lands are in part ownership of Ballymore Developments Limited, part ownership of Ballymore Contracting Limited and part ownership of Kildare County Council. It is requested that a “blue line” describing Ballymore Contracting Limited’s other lands and a plan delineating the ownerships should be provided in order to establish whether the

proposal is sustainable or represents project splitting. It is premature to grant consent for this application given that one of the main access points to the site is under question as to its availability for use by Kildare County Council and is creating a ransom strip.

- 8.6 **Zoning** - Portion of land under the ownership of Kildare County Council is zoned “F – Open space & Amenity” under the Nass Town Development Plan 2011 – 2017 and this zoning specifically does not permit car parks, dwellings units or residents.
- 8.7 **Taking in Charge** – Ballymore have not contributed to the maintenance of the estate which they now claim ownership of. Submitted that the Council should consider the estate as being de-facto in charge at this stage and so not in the ownership of Ballymore Developments Limited.
- 8.8 **Site Layout** – The number of units allowed to access / egress the development lands via the Craddockstown Road / Oakdale Close route should be minimised with ideally one of these units being permitted to use this road until all the necessary upgrade works are fully completed and even then the number of units permitted to use this road should be limited to a maximum of thirty units.
- 8.9 **Construction Traffic** - No construction traffic of any kind should be allowed access the development lands via the Craddockstown Road / Oakdale Close route when the alternative Blessington Road route is available and is a safer.
- 8.10 **Infill Development & Design** – Oak Glade was developed in the last 15 years as a cul de sac development. Revision to the site layout will result in an existing field boundary to Oak Glade being replaced by a row of twelve two-storey houses, comprising of two detached houses at either end, three groups of semi-detached houses and a terrace of four houses. The Residential Density Guidelines and the Sustainable Residential Development in Urban Area Guidelines require infill developments to be appropriate to this location and that the design approach is to be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities i.e. views, architectural quality, civic design etc. This development has a variety of house types and housing forms (and especially the terrace houses) which are not in keeping with the existing character of the area or its residential amenities. It introduces materially different designs, plot sizes and external finishes. Given that this is an infill site, the houses in this row should have specifically designed to fit in with existing house types forms and external finishes in Oak glade.
- 8.11 **Visual Impact** – The proposed houses on plot number 45 – 56 are not in keeping with existing development in the area. The proposed houses are incongruous and out of character with the existing houses in the area particularly as existing houses are all detached houses on plot sizes 2 – 3 times larger than the proposed houses.

- 8.12 **External Finishes** – No consideration has been given to visually harmonising with the existing development and no attempt has been made to modify the external finishes and designs to fit in with existing houses in Oak Glade in terms of roof finish, external finishes and provision of off street car parking instead of front gardens.
- 8.13 **Inadequate Services** – The development is premature without the full upgrade works to the Osberstown Sewerage Treatment Plant being completed. The town sewerage treatment system does not have the capacity for this number of new homes.
- 8.14 **Material Contravention of Development Plan** – The proposed housing scheme is to be accessed from the Blessington Road through land zoned “F” Open space and Amenity. Table 14.5 Land Use Zoning Matrix of the Nass Town Development Plan 2011 – 2017 indicates that “housing” and “car park” are not allowed within this land zoning. The provision of a road, footpath and cycleway to service a major housing development is effectively a material contravention of this land use zoning.
- 8.15 **Invalid planning application** – The address on the public notices is “Craddockstown” yet the main part of the site is located in Craddockstown North while there is a smaller portion located in Tipper East. There are various areas of “Craddockstown” that would lead to confusion, hence the need for the correct townland names. The planning application should be declared in valid.
- 8.16 **Part V** – The applicant has not done enough to satisfy their obligation under Part V. Mere engagement with the housing section is no longer sufficient to satisfy obligations. Detailed proposals are required at the planning stage.
- 8.17 **EIA Required** – An EIA is required as the scheme is within a built up area and any revision to the area to dismiss same would simply be application splitting. Schedule 5 Part 2 Section 10(a) and (b)(i)&(iv) *Infrastructure Projects* of the Planning and Development Regulations (as amended) refers. Further, cumulatively, the proposal is an extension to the existing estate and is greater than 50% of the appropriate threshold in site area and unit numbers. Schedule 5 Part 2 Section 13(a) *Changes, extensions, development and testing* of the Planning and Development Regulations (as amended) refers.
- 8.18 **Conclusion** - There are several deficiencies in the application submission and it should be refused permission in its current form as it is not in accordance with the proposed planning and sustainable development of the area.

9.0 RESPONSE OF THE PLANNING AUTHORITY

- 9.1 The response from Kildare County Council may be summarised as follows:

- 9.2 **Requirement for EIS** – The proposed development was assessed having regard to the requirements for EIS legislation. It was deemed that the proposed development of 285 houses was subthreshold and did not require an EIS
- 9.3 **Transportation Issues** – Kildare County Council Roads, Transportation and Public Safety Department are currently completing the final stage of the proposed improvement works at the Craddockstown Road / Ballycane junction. These works should progress following consultation with Local Councillors.
- 9.4 **Material Contravention** – It is not deemed that the proposed access road through the lands along Blessington Road which are zoned as open space and amenity would constitute a Material Contravention of the Nass Town Development Plan 2011 – 2017
- 9.5 **Golf Cub Concerns** – Craddockstown Golf Course was taken into consideration in the assessment of the application. Condition No 19 refers.
- 9.6 **Condition No 41** – The Kildare County Council Transportation and Public Safety Department would have no objection to a haul route off the Blessington Road.
- 9.7 **Condition No 63** - Kildare County Council Roads, Transportation and Public Safety Department agrees that a permanent wheel wash facility would normally be installed at the access / egress points of the site to prevent debris on the public roads
- 9.10 **Land Ownership Issues** – It is considered that the applicant has demonstrated sufficient legal interest in the site
- 9.11 **Osberstown WTP Capacity** – The Council considers that there is sufficient capacity to cater for the proposed development
- 9.12 **Part V** – Part V requirements have been dealt with by condition No 17
- 9.13 **Layout & Design** - In response to a request for further information an amended layout was proposed providing for a detached house adjacent to an existing dwelling at Oakglade. The proposed layout house types and finishes are considered to be in accordance with Sustainable Residential Development Guidelines and in keeping with the proper planning and sustainable development of the area.
- 9.14 **Conclusion** – The planning authority supports the principle of the development of the site for residential development. In the event that permission is granted the Planning Authority recommended the inclusion of Condition No 2 that relates to the phasing of the development.

10.0 FIRST PARTY RESPONSE TO THE APPEAL

- 10.1 **Road Network** – The planning application was accompanied by a detailed Traffic Impact Analysis which demonstrated that there is ample capacity within the road network to cater for the proposed development subject to minor upgrades of some nearby junctions specified in conditions No 46, 47 and 48. The completion of the “link distributor Road” will have no material bearing on traffic on the Craddockstown Road.
- 10.2 **Construction Traffic** – The application has no objection to the modification of Condition No 41 to specify that all construction traffic should access the site from the Blessington Road and that no construction traffic should access from Craddockstown Road or Oakglade Close. Requested that condition No 41 and 45 are omitted and Condition No 43 and 44 are relied upon for the management of traffic, health and safety issues external to the site.
- 10.3 **Ownership** – The applicant is Ballymore Developments Ltd. Some of the lands are in the ownership of a sister company Ballymore Contracting Ltd. Both companies are part of the Ballymore Group.
- 10.4 **Traffic Safety** – Submitted that the best way to address traffic safety is by way of a Stage 2 and Stage 3 Road Safety Audits as required under Condition No 61.
- 10.5 **Osberstown WWTP** – This was recently upgraded and has more than enough capacity to serve the development. This was accepted by both Kildare County Council and Irish water.
- 10.6 **Part V** – The application was made in March 2015, prior to the Urban Regeneration and housing Act 2015 coming into effect in September 2015. The more detailed agreement with the Housing Authority required under this Act was therefore not required at the time of application.
- 10.7 **EIS** – The application is below the threshold above which an EIS is mandatory.
- 10.8 **Design** – This is not an “infill development. The current scheme is designed in accordance with DMURS and to significantly high densities and a range of house types and in accordance with the more stringent building regulations current in 2016. While the applicant does not object to Condition No 5(a) (blue black slate) the Board may wish to allow for profiles concrete tiles for houses No’s 45 to 56 to better blend in with the existing Oak Glade house as suggested by the appellant.
- 10.9 **Housing Agency Lands** – The applicant consulted with the Housing Agency during the course of preparing the subject development proposal and was assured that the Agency had no immediate plans to develop its land. However at the request of the

Council the applicant has designed the foul surface water sewerage network in the subject scheme to cater for the additional flows likely to be generated from future development of the Agency lands.

10.10 **Material Contravention** – A grass margin was left between the subject lands and the existing alignment of the Blessington Road following the realignment of that road sometime in the 1980's. The proposed development has incorporated this space left over after planning in order to ensure this strip of land is properly landscaped after completion of the development. The proposed development does not propose any development of these lands. This approach does not materially contravene the development plan.

10.11 **Site Notices** – The Planning authority accepted the notices.

10.12 **Golf Club** – The applicant also provided a detailed response to the concerns raised by Craddockstown Golf Club in the appeal. However this appeal has now been withdrawn.

11.0 OBSERVATIONS / SECTION 131 RESPONSES

11.1 **Kildare County Childcare Committee** made a submission to the Board on 2nd June 2016 outlining concern re capacity of the current child care services provision to meet demands of additional housing proposed.

13.0 ASSESSMENT

13.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Vehicular Access & Traffic Impact
- Other Issues
 - (a) Appropriate Assessment Screening
 - (b) EIS Required
 - (c) Legal Interest
 - (d) Services
 - (e) Part V
 - (f) Flood Risk Assessment
 - (g) Child Care Services
 - (h) Rear Garden to Houses No 64 & 66
 - (i) Validity of Public Notices

- (j) Development Contribution
- (k) Craddockstown Golf Club

14.0 PRINCIPLE / POLICY CONSIDERATIONS

- 14.1 For the purposes of clarity it should be noted that the decision to grant permission issued by Kildare County Council is for a total of 283 houses. This assessment is based on the plans and particulars, lodged with the application on 12th March 2015 as amended by the further plans and particulars submitted on the 22nd September 2015, 29th September 2015 and 28th January 2016.
- 14.2 The operative plan for the area is the Naas Town Development Plan 2011 – 2017. The subject site is zoned C10 New Residential where the objective is *to provide for new residential development* and where residential development is acceptable in principle. A small strip of land adjoining the Blessington Road within the red line boundary and in the ownership of Kildare County council is zoned F Open Space & Amenity where the objective is *to protect and provide for open space, amenity facilities and recreational uses*. The proposed housing scheme is to be accessed from the Blessington Road through these lands. Neither housing or car parking are permitted in this area and the appellants are of the view that the provision of a road, footpath and cycleway to service a major housing development is effectively a material contravention of this land use zoning.
- 14.3 The applicant points out that this strip of land has been left between the appeal lands and the existing Blessington Road following the realignment of this road sometime in the 1980's. The proposed development has incorporated this area in order to ensure this strip of land is properly landscaped after completion of the development. The proposed development does not propose any development of these lands and it is stated that it has not included in the calculations of public open space in the development.
- 14.4 Overall I agree with the Local Authority Planner that while there is no specific roads objective through this zoned "Open Space & Amenity" lands, the proposed development would not represent a material contravention of the zoning as the remainder of the site is suitably zoned for residential development and is acceptable in principle in the zoning matrix. It is also considered good planning practice that the proposed scheme would incorporate this strip of lands into its overall scheme and that access would be provided though same rather than providing a single access from the Craddockstown Road for a large number of housing though an existing, established residential estate proximate to a school. I am satisfied that this approach does not materially contravene the development plan.
- 14.5 The proposed development is a scheme of 283 no houses (as amended) on lands zoned for residential development in the town of Naas. Naas is designated as a

Large Growth Town 1 in the Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022. In accordance with these Guidelines, the Naas Town Development Plan 2011 – 2017 establishes a population target of 27,933 persons in the town by 2017. In order to achieve this target the Plan sets a target of 3,610 new dwellings in the town between 2011 and 2017. The proposed development, on zoned and serviced lands, immediately adjacent to a new school and within convenient walking distance of a neighbourhood centre on the Ballycane Road is entirely consistent with the policies and objectives of the Naas Town Development Plan 2011 – 2017, with regional and national planning policy and the proper planning and sustainable development of the area.

- 14.6 Overall I am satisfied that the proposed development (as amended) provides a suitable mix of housing, separation distance and car parking together with the quantitative requirements for private and public open space. I am satisfied that the overall building form and layout responds to its site and context and will not detract from the visual amenities of the area. Further the density proposed is appropriate for this greenfield site having regard to the pattern of both the proposed and adjoining development and the topography of the site. Accordingly there is no objection to the density, layout and design of the development proposed (as amended) at this location and that the proposed development would not seriously injure the residential amenity of the area of property in the vicinity

15.0 VEHICULAR ACCESS & TRAFFIC IMPACT

- 15.1 As stated previously the proposed development is circa 10.5ha and comprises 283 housing units (as amended). A single road access to the site is provided from Blessington Road (eastern section) with a further access to be provided to the western section from Oak Glade Close residential development. A number of houses (45 – 56) will also be accessed directly from the Oak Glade Estate. An internal estate road links the eastern and western sections of the site.
- 15.2 The appellants considered the scheme to be premature pending road improvements with safety concerns raised for local residents (particularly children) and children attending the new primary school located on the Craddockstown Road. Particular reference was made to Condition No 2 (phasing) and 41(construction access). The appellants states that the surrounding network is not suitable for the additional traffic proposed in either Phase 1 or 2 and that no dwellings should be permitted on these lands until the Link Distributor Road is completed. Should permission be granted and in advance of this Link Distributor Road being completed it is requested that dwellings should not be accessed from the Craddockstown Road / Oakglade Close route but rather directly onto Blessington Road particularly as the permitted school at Craddockstown Road (PL73.241836 refers) has a huge significance for this present application in terms of further additional traffic.

- 15.4 The appellants also query why all construction traffic is conditioned to travel over roads on an access route (Craddockstown Road / Oakglade Close) that is simply not suitable for same. It is requested that no construction traffic should access the site via the Craddockstown Road / Oakglade Close route due to proximity of this route to the local school / residential area and that the Blessington Road is a more suitable route as there are no such concerns.
- 15.5 Attention is also drawn to the two Transportation Reports on file recommending that this “housing scheme” be refused as it is premature due to inadequate road infrastructure. Reference is made to Map 7.1 Road Hierarchy and Indicative Improvements of the Naas Town Development Plan 2011 – 2017 and Road Objective RP04 which refers to the Blessington Road to Tipper Road to Dublin Road improvement scheme. It is stated that the lands required for the RP04 Objective is not in the ownership of the applicant and that the lands required for the improvements to the Craddockstown Road are not in the ownership of the applicant or Kildare County Council. It is considered that the timeframe for the conclusion of the CPO process could take up to ten years. The proposed development is considered premature.
- 15.6 The planning application was accompanied by a detailed Traffic impact Analysis prepared by DBFL Consulting Engineers which stated that there is ample capacity within the road network to cater for the proposed development subject to minor upgrades of some nearby junctions specified in Conditions No 46, 47 and 48 of the notification of decision to grant permission. It is stated that the completion of the “Link Distributor Road” will have no material bearing on traffic on the Craddockstown Road as the proposed development comprises the sustainable use of zoned residential lands that is relatively close to the town centre and within range of community, educational and commercial services including employment opportunities.
- 15.7 It is noted that Condition No 2 of the notification of decision to grant permission issued by Kildare County Council required that the development be constructed in two phases with houses from 001 to 124 constructed in phase one and the remainder to be constructed when a contract for the construction of the Link distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council or as otherwise agreed by the Planning Authority. It is noted from the appeal file that Kildare County Council Roads, Transportation and Public Safety Department stated that they are currently completing the final design of the proposed improvement works at the Craddockstown Road / Ballycane Junction and that the works should progress following consultation with the Local Councillors. I agree with the approach taken by Planning Authority in this instance and recommend that should the Board be minded to grant permission that a similar condition be attached in order to allow phased residential development having regard to the capacity constraints of the existing road network in the Naas area.

- 15.8 Given the location of the appeal site, the layout of the proposed scheme and the established residential uses at this location together with the information available on the appeal site I am satisfied that the vehicular movements generated by the proposed scheme, subject to conditions outlined, would not have a significant material impact on the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area subject to the condition(s) recommended by Kildare County Council Transportation Department.
- 15.9 With regard to construction impact it is not unusual for a large dwelling site particularly in a suburban setting to be accessed from a residential road, and with a robust Construction Management Plan this can be achieved with minimal inconvenience to existing residents. Nevertheless the applicant has no objection to the modification of Condition No 41 (construction traffic) to specify that all construction traffic should access the site from the Blessington Road and that no construction traffic should access from Craddockstown Road or Oakglade Close. As noted above it is recommended that the scheme is constructed in two phases as per Condition No 2 of the notification of decision to grant permission with houses from 001 to 124 constructed in phase one. While these houses will be accessed from Craddockstown Road when completed I share the appellants concerns with regard to the construction impact phase of this scheme. Overall I agree with the applicant's proposal to restrict construction traffic to the Blessington Road and recommend that an appropriately worded condition be attached to any grant of permission. I also agree that Condition No 45 (HGV / large vehicle delivery time restrictions) is extremely onerous and will compromise the efficient running of the site and slow the construction process. It is recommended that this condition is omitted. Further Condition No 43 and 44 are sufficient to address possible traffic congestion and safety issues from the construction traffic, and give the planning authority greater flexibility to adapt access arrangements as the site developer and traffic patterns change.
- 15.10 It is inevitable that during the construction phase potential temporary nuisance to the local population during project works may occur particularly in terms of noise and traffic. However I am satisfied that the negative impact on traffic and amenity as a result of the construction phase this scheme would be temporary in nature and matters of particular concerns can be dealt with by condition.

16.0 OTHER ISSUES

- 16.1 **Appropriate Assessment Screening** – The application was accompanied by a screening statement for Appropriate Assessment and is available to view on the appeal file. The site consists of two fields lying between the Oak Glade development on the Blessington Road and the Craddockstown Golf Course. There are four Natura 2000 sites within 15 km of the site as follows:
- Poulaphuca Reservoir SPA Site Code 4063

- Red Bog cSAC Site Code 0397
- Mouds Bog cSAC Site Code 2331
- Pollardstown Fen cSAC Site Code 0396

- 16.2 Three are peatlands with their own water supply, rainwater in the case of Mouds Bog and the Red Bog and groundwater for Pollardstown Fen. Poulaphuca Reservoir is a lake on the Liffey system but it is above the Craddockstown site. There are four downstream sites in Dublin Bay; North Dublin Bay (0206) and /South Dublin Bay (0210) are cSAC's while North Bull Island (4006) and South Dublin Bay (4024) and SPA's.
- 16.3 The report states that there are no potential impacts on any of the Natura 2000 sites as the development area does not have an ecological connection with them and that it has no direct watercourse but drainage water flows into Dublin Bay, after much dilution. On the basis of the findings of the screening, it is concluded that the proposed development will not have a significant effect on the Natura 2000 network or the conservation objectives of any of the sites and that there can be no cumulative effects. Therefore a Stage 2 Appropriate Assessment was not considered a requirement.
- 16.4 The Planner in their report notes the findings of the AA Screening report and accepts the conclusions.
- 16.5 On the basis of the information available on the file, which I consider adequate in order to issue a screening determination, I consider that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites; Poulaphuca Reservoir SPA Site Code 4063; Red Bog cSAC Site Code 0397; Mouds Bog cSAC Site Code 2331 and Pollardstown Fen cSAC Site Code 0396 or any other European site, in view of the conservation objectives of these sites and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.'
- 16.6 **EIS Required** – The appellant is of the view that an EIA is required on the basis that this is project splitting and also a sub-threshold development with a cumulative impact in terms of traffic generation and overall number houses in the area. The board will be aware that an Environmental Impact Statement (EIS) is required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2011 which exceeds a limit, quantity or threshold set for that class of development. An EIS will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (Article 103).

- 16.7 I have considered the proposed development and the matters raised by the appellants and I agree with both the Planning Authority and the applicant that the proposed development does not come within the scope of the classes of development requiring the submission of an EIS as set out in Schedule 5 of the Planning and Development Regulations 2001-2011. Therefore I consider that the preparation of an EIS is not warranted in this instance.
- 16.8 **Legal Interest** – Concern is raised that there is an issue uncertainty as to land ownership and that it is not clear how much of the “application lands” are actually in the ownership of each entity. It is considered premature to grant consent for this application given that one of the main access points to the site is under question as to its availability for use by Kildare County Council and is creating a ransom strip. According to the planning application form Ballymore Developments Ltd owns part of the site. The rest of the site is owned by Ballymount Contracting Ltd, a Ballymore Group company. It is further stated that Kildare County Council owns a slip of land along the Blessington Road that will be traversed by the access road. The applicant in their response to the appeal states that the applicant is Ballymore Developments Ltd, that some of the lands are in the ownership of a sister company Ballymore Contracting Ltd but that both companies are part of the Ballymore Group
- 16.9 In the applicants response to Clarification in January 2016 it is stated in a letter from Director of Services for Roads, Transport and Public Safety that Kildare County Council has no objection to a planning application being lodged by the applicant on the site. Further stated that there is no agreement in place between Kildare County Council and the applicant whereby the plot of land owned by Kildare County Council and hatched in blue on the attached map can be traversed or used by the applicant to gain access to their site or to facilitate development on their site.
- 16.10 Having considered the information available on file I am not satisfied that the objector in this case has demonstrated that the applicant does not have sufficient interest to carry out the works pertaining to proposed development. Further the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.
- 16.11 **Services** – The appellants raise concern that the development is premature without the full upgrade works to the Osberstown Sewerage Treatment Plant being completed as the town sewerage treatment system does not have capacity. The Planning Authority in their response to the appeal states clearly that *there is*

sufficient capacity to cater for the proposed development. It is also noted from the hand written addendum to the final report of Kildare County Council Transportation Department that any water services constraint has been addressed in the increased capacity in the Osberstown WWTP. I am therefore satisfied that the recently upgraded Osberstown WWTP has sufficient capacity to serve the development.

16.12 **Part V** - The appellant raises concern that the applicant has not done enough to satisfy their obligation under Part V and that mere engagement with the housing section is no longer sufficient to satisfy obligations. As pointed out by the applicant the application was made in March 2015, prior to the Urban Regeneration and Housing Act 2015 coming into effect in September 2015 and therefore the more detailed agreement with the Housing Authority required under this Act was therefore not required at the time of application. I am satisfied in this instance that the approach of the planning authority in attaching a suitably worded condition seeking agreement prior to the development is acceptable and recommended that a similar approach be taken should the Board be minded to grant permission.

16.13 **Flood Risk Assessment** – As set out in the Nass Town Development Plan 2011 – 2017 development proposals for the appeal site shall be the subject of site specific Flood Risk Assessment appropriate to the type and scale of the proposed development (Map 8.1 Strategic Flood Risk Assessment of the Nass Town Development Plan 2011 – 2017 refers).

16.14 The application was accompanied by a Site Specific Flood Risk Assessment (March 2015). Stated that the nearest watercourses are the Castlesize Stream located 150m to the east, the Morell River approximately 850m further to the east of the site and the Mill Stream 725m to the west. The coast is over 35 km to the east and Blessington Lake is 8.6km to the south-east. It is stated that there has been one local event recorded within 2.5km of the site since 1905 and that there is no record of flooding within the subject site.

16.15 The applicants consultants met with Kildare County Council to view the draft CFRAM maps relevant to the area of the site. The report states that Kildare County Council confirmed that the site lies within Flood Zone C. Proposed mitigation measures to address residual flood risks are set out in the report and summarised as follows:

- (1) Proposed finished floor levels and external site levels should be constructed as designed (minimum 500mm freeboard above flood level)
- (2) Drainage system to be maintained on a regular basis
- (3) In the event of storms exceeding 100 year design capacity flood routing for overland flows towards open space should not be blocked

- 16.16 The report concluded that the proposed development is appropriate for the sites flood zone category; the sequential approach is met and the “avoid” principle achieved and that the proposed development has adequate level of flood protection up to the 100 year return event. It is further stated that for pluvial flood exceeding the 100 year capacity of the development drainage system then the proposed flood mitigation measures are recommended.
- 16.17 The Planning Authority in their request for further clarification in October 2015 asked the applicant to develop a drawing detailing the mitigation measures identified in the site specific flood risk assessment which relates to overland flow. The applicant in their response proposed to up-size a section of the existing surface water sewer along the frontage of Oak Glynn. Overland flow paths have also been added to revised drawings. Drawings 143086-2000 Rev D and 143086-2001 Rev d refer.
- 16.18 Having regard to the information available on file I am satisfied that the potential impacts of the proposed development in terms of flooding have been established in the application and that the type of development proposed is appropriate for this flood Zone C. I do not consider that the proposed development would exacerbate the risk of flooding in the area and that the measures proposed to appropriately deal with surface water and the potential flooding of this site have been demonstrated. Should the Board be minded to grant permission it is recommended a condition be attached requiring that adequate storm / surface water infrastructure is provided on site to ensure that the proposed scheme does not contribute or exacerbate the any existing deficiencies in relation to storm / surface water infrastructure in the area.
- 16.19 **Rear Garden to Houses No 64 & 66** – Condition No 4 of the notification of decision issued by Kildare County Council highlights the large private opens pace afforded to Dwelling No 64 compared with adjoining properties as a result of Dwelling No 65 being omitted. I agree with the approach taken by the planning authority and recommended that should the Board be minded to grant permission that a similar condition be attached seeking a revised layout demonstrating a more equitable private space between house No 64 and the adjoining property at No 65.
- 16.20 **Validity of Public Notices** - The third party appeal submits that the proposed development should be regarded as invalid as the address on the public notices is “Craddockstown” yet the main part of the site is located in Craddockstown North while there is a smaller portion located in Tipper East. It is not for An Bord Pleanála in this instance to determine whether the application was in breach of the Planning and Development Regulations.
- 16.21 **Childcare Services** - Kildare County Childcare Committee in their submission to the Board raise concern re capacity of the current child care services provision to meet demands of additional housing proposed. The National Childcare Facilities Guidelines (June 2001) require that one childcare facility be provided for every 75

dwellings, Section 13.4 Childcare Facilities of the Naas Town Development Plan 2011 – 2017 states that this standard may be carried depending on local circumstances. The Plan further states that the Council will consult with the Kildare County Childcare Committee in this regard. A childcare / crèche / playschool does not form part of this application. Prior to making a decision on this scheme the Board may wish to seek further information regarding compliance with the National Childcare Facilities Guidelines (June 2001) require that one childcare facility be provided for every 75 dwellings, Section 13.4 Childcare Facilities of the Naas Town Development Plan 2011 – 2017.

16.22 Development Contributions – Kildare County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). Having regard to the Scheme it is noted that the proposed development does not fall under the exemptions listed in the scheme. Therefore it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

16.23 Craddockstown Golf Club – While proximity to the adjoining Golf course is a consideration it remains that the lands to which the appeal relates are lands zoned for residential development. Should the Board be minded to grant permission it is recommended that a condition similar to Condition No 19 of the notification be attached requesting that measures to ensure the safety of occupants of the subject development from stray golf balls from the adjoining golf course shall be submitted for the written agreement of the Planning Authority prior to commencement of work on site.

17.0 RECOMMENDATION

17.1 Having considered the contents of the application, the provision of the Naas Town Development Plan 2011 - 2017, the provisions of government guidance, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

18.0 REASONS AND CONSIDERATIONS

18.1 Having regard to the sites location within the Naas town boundary on lands zoned “C10 New Residential” in the Naas Town Development Plan 2011-2017, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Naas Town Development Plan 2011 - 2017, the Urban Design Manual A Best Practice Guide, DoEHLG, May 2009 and the Urban Design Manual for Urban Roads and Streets (DMURS), Dept. of Transport and Sport and the DoECLG, March 2013 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 and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

20.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars, lodged with the application on 12th March 2015 as amended by the further plans and particulars submitted on the 22nd September 2015, 29th September 2015 and 28th January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented 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 constructed in two phases as follows:

Phase 1:

- A. The construction of a maximum of 123 housing units and associated site development works and public open spaces from unit 001 to unit 124, accessed from Oak Glade close (Craddockstown road) as indicated on the overall site masterplan received as clarification on the information on the 28th January 2016
- B. Site development works only for the remainder of the overall development site

Phase 2:

No works shall commence on the construction of unit No's 125 to 285 as indicated on the overall site masterplan received as clarification of further information on the 28th January 2016 until a contract for the construction of the Link distributor Road from the Blessington Road to the Dublin Road has been signed by Kildare County Council or as otherwise agreed by the Plannign Authority.

Reason: To allow phased residential development having regard to the capacity constraints the existing road network in the Naas area, in the interests of the proper planning and sustainable development of the area.

3. Prior to commencement of development of houses No's 246 to 285 (identified on drawing no MP001 Rev D) received by the Planning authority on the 28th January 2016, measures to ensure the safety of occupants of the subject development from stray golf balls from the adjoining golf course shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of public health and the proper planning and development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 3 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution

- 4 Prior to the commencement of development, a revised site layout plan shall be submitted whereby the following amendment is made:
 - a) Revise the rear garden subdivision for house No's 64 and 66 such that a diagonal rear garden division is proposed to ensure a more equitable private open space.

Reason: in the interests of visual and residential amenity

5. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to

be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

(d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant to serve the school shall comply with the detailed standards of the planning authority for such road works.

(e) The developer shall provide a footpath and cycle path upgrade from Oak Glade Close to Oak Glade estate as detailed on DBFL drawing 143086-2009 Rev A dated 15/01/16

Reason: In the interests of traffic, cyclist and pedestrian safety.

6. Prior to the commencement of the development the developer shall submit for agreement a detailed design for the junction improvements at the Blessington Road / Ballycane Road including extending left turning lane and installing traffic CCTV camera and pole at junction to assist monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning Authority prior to the commencement of the development. All installations shall be connected to Kildare County Council traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne solely by the developer. The agree junction improvements shall be constructed and implemented prior to the occupation of housing.

Reason: In the interests of pedestrian, cyclist and traffic safety

7. Prior to the commencement of the development the developer shall submit, for the written agreement of the Planning Authority, a detailed upgrade and junction improvement design for the existing traffic signals at the intersection of the Dublin Road / Blessington Road as per Dublin road Corridor Study proposals. The developer shall also submit the installation of linked MOVA at Blessington Road / Dublin Road and Blessington Road and Tipper Road junctions. The developer shall also install traffic CCTV and pole at both junctions to assist the monitoring of traffic flows. Details of the design, implementation, costing and phasing of these works shall be agreed in writing with the Planning authority proper to the commencement of the development. All installations shall be connected to Kildare County Council traffic Management Centre located in the Council headquarters in Aras Chill Dara, Naas. The cost of the design and implementation of these works shall be borne solely by the developer. The agree

junction improvements shall be constructed and implemented prior to the occupation of housing

Reason: In the interests of pedestrian, cyclist and traffic safety

8. Prior to commencement of development, the developer shall submit full drawings and details for agreement with the Planning Authority for the improvement of pedestrian crossing facilities at Blessington Road / Friary Road junction in accordance with DMURS.

Reason: To improve permeability through the proposed development to existing housing, school and local amenities in the adjoining area.

9. Public lighting 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 house.

Reason: In the interest of amenity and public safety.

10. 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 interest of visual and residential amenity.

11. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. 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.

12. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and 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.

13. The developer shall retain the services of a suitably qualified Landscape Architect (or qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

Reason: In the interest of the proper planning and sustainable development of the area.

14. 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 social and affordable housing in accordance with the requirements of section 96 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 the Board 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.

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 and off-site disposal of construction/demolition waste.

(b) Construction access to the site shall be from the Craddockstown road and Oak Glade Close entrance only.

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

16. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic,

parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 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 amenities of property in the vicinity.

18. A plan containing details for the management of waste, including proposals for operational stage within the development and 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.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, sewers, watermains and public lighting 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.

20. 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.

Mary Crowley
Senior Planning Inspector
13th July 2016