



An
Bord
Pleanála

Inspector's Report PL09.246859

Development	New entrance roadway and all ancillary works to access land zoned residential at Bluebell, Naas, Co Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	15/848.
Applicant	Liam Queally.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Appellants	<ol style="list-style-type: none">1. Paul Moran.2. Orla Coleman & Leo Clancy
Observer	None
Date of Site Inspection	13 th September 2016.
Inspector	Bríd Maxwell.

1.0 Site Location and Description

- 1.1 The appeal site has a stated area of .608 hectares and is located within the southern outskirts of Naas Town, Co Kildare. The Kilcullen Road fronting the site has been recently upgraded and widened with provision for new cycle and pedestrian paths and signalised pedestrian crossing as part of the Kilcullen Road improvement works. The appeal site comprises agricultural land currently under grass. Overhead power lines traverse the site. Broadfield View a mature housing development of single storey dwellings adjoins to the north of the site. Lands to the west and south are in agricultural use. To the east of the site on the opposite side of the Kilcullen Road is the Kilashee View and Piper's Hill housing developments. A short distance to the south is the Piper's Hill College educational campus comprising primary and secondary schools.
- 1.2 Photographs and annotated maps of the appeal site and vicinity are appended to this report.

2.0 Proposed Development

- 2.1. The application seeks permission for a new entrance, roadway and all ancillary works to access land zoned residential. The proposed roadway is to run parallel to the rear of the existing dwellings within the Broadfield View Housing Development.
- 2.2. In response to the Council's request for additional information the justification for the proposed road in advance of housing development was outlined indicating an intention for works to coincide with the laying of an underground high voltage line by the ESB.

3.0 Planning Authority Decision

3.1. Decision

By order dated 8/6/2016 Kildare County Council decided to grant permission subject to 16 conditions including:

Condition 2. Lines of sight at entrance to be strictly in accordance with DMURS.

Condition 3. Traffic calming measures to be agreed.

Condition 5, 6, 7 & 8 Street lighting layout to be agreed and to be maintained until taken in charge.

Condition 9, 14, 15, 16 and 17, 18 and 19. Surface water runoff and drainage details.

Condition 10, 12, 13. Roads requirements.

3.2. **Planning Authority Reports**

- Environment Section Report indicates no objection.
- Transportation Department initial report recommends refusal on grounds of insufficient information to assess the specification of the roadway. Development considered premature pending completion of Kilcullen Road improvement works.
- Area Engineer refers to roads design report.
- Water Services initial report seeks additional information regarding masterplan for adjacent lands and drainage and water main layout.
- Planner's initial report expresses concern regarding lack of clarity in terms of the proposed use of the road and recommends refusal on grounds of prematurity in the absence of a masterplan and in advance of completion of Kilcullen Road Improvement Scheme.
- Senior Planner's report directs area planner to compile a report seeking additional information.
- A request for additional information issued seeking a number of items including a rationale for the development separate from the development of the adjacent

zoned lands, indicative details on zoned lands, clarification of sightline entrance design and services details

- Final reports of transportation department and water services indicate no objection subject to conditions,
- Final Planner's report recommends permission subject to conditions.

3.3. Other Technical Reports

3.4. Third Party Observations

A number of third party submissions to the planning authority from local residents object to the development on grounds of project splitting and piecemeal development, potential negative impact on residential amenity by reason of noise, disturbance, overlooking loss of privacy. Concerns were expressed regarding lack of information on future development. Development is speculative and there is an excessive bank of zoned land in Naas. Concern regarding traffic impact and impact on dwellings in Broadfield View and Kilashee View. Negative impact on ecology and lack of information on boundary treatment.

4.0 Planning History

- 15/687 Incomplete mirror application.

5.0 Policy Context

6.0 Development Plan

The Kildare County Development Plan 2011-2017 and Naas Town Development Plan 2011-2017 refer. The site is zoned C7 New Residential the objective is "To provide for new residential development".

7.0 Natural Heritage Designations

- Mouds Bog SAC is located approximately 8km to the west of the site.
- Poulaphouca Reservoir SPA is located approximately 9km to the south east.
- Pollardstown Fen SAC is located circa 10km to the southwest.
- Ballynafagh Bog SAC is located circa 11km to the northwest.
- The Grant Canal pNHA is circa 5km to the north of the site.

8.0 The Appeals

8.1. Grounds of Appeal

8.1.1 There are two third party appeals by Paul Moran, 23 Broadfield View and by Orla Coleman and Leo Clancy, 18 Broadfield View. The grounds of appeal can be summarised as follows:

- Project splitting. Application is premature pending application for residential development.
- Road realignment works and electrical works have been completed therefore justification for project in advance of housing development is questioned. No remaining benefit in terms of co-ordinating work.
- Noise Pollution during and after works.
- Boundary arrangements are unclear. Current boundary is a mature hedgerow. Concrete wall should be required to provide separation and security.
- Ongoing disturbance and inconvenience to residential amenity arising from location beside an incomplete and isolated piece of infrastructure.
- Risk of dereliction and anti-social behaviour.
- No conditions regarding environmental survey.

8.2 Planning Authority Response

8.2.1 Kildare County Council did not comment on the appeal.

8.3 First Party Response to the appeal

8.3.1 The response to the appeal by Clarke and Company, Engineers, Architects, Planning Consultants on behalf of the first party refutes the grounds of appeal and is summarised as follows:

- The Planning Application arose from discussions with the local authority and ESB regarding co-ordination with works being carried out by both parties.
- No objection to a condition restricting the opening of the roadway until such time as planning permission has been granted for a residential development on the land.
- It is reasonable to plan for the entrance and services for future development. This services strategic plan is an essential part of ensuring the affordability and reliability of future development of the land.

9.0 Assessment

9.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design and Impact on Residential Amenity
- Appropriate Assessment

9.2. Principle of Development

9.2.1 The third party appellants are critical of the timing of the application in advance of development of adjoining housing lands and contend that the proposed development is speculative and piecemeal. I note that the first party in submissions outlines that the application arises following discussions with the ESB and local authority with a view to co-ordinating works. In my view it is reasonable to plan for infrastructural works and services for future housing development and co-ordination with other relevant bodies is entirely appropriate. On this basis I consider that the principle of development is acceptable and in keeping with the proper planning and sustainable development of the area.

9.3 Design, traffic safety and impact on residential and other amenities of the area.

9.3.1 As regards the design of the proposed roadway it is set out in detail and is considered adequate for the proposed future development of 4 hectares of residential land in accordance with the Design Manual for Urban Roads and Streets.

9.3.2 A key concern of the third party appellants relates to the lack of clarity in terms of boundary treatment to dwellings adjacent on Broadfield View. I consider that it is reasonable to provide for a walled boundary along the north eastern boundary to provide security and to ensure that established residential amenity is not compromised. I further consider that it is reasonable that the road remains closed off pending permission for development of the adjacent housing lands. As regards issues such as public lighting these are matters which can be addressed by way of condition. I consider that the design and layout is acceptable and will not give rise to traffic hazard or negative impact on residential and other amenities of the area.

9.4 Appropriate Assessment

9.4.1 As regards Appropriate Assessment having regard to the nature and scale of the development and to the proximity to the nearest Natura 2000 site, it is considered

that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

10.0 Recommendation

10.1. I have read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising. I recommend that planning permission for the development be granted subject to the following conditions and for the reasons and considerations as set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2011-2017 and Nass Town Development Plan 2011-2017 and to the pattern of development of the area, it is considered that subject to compliance with the conditions as set out the proposed development would not seriously injure the amenities and depreciate the value of properties in the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of March 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.

Reason: In the interest of clarity.

2. A boundary block wall 1.8m in height capped and rendered on both sides shall be provided along the northern boundary of the site with Broadfield View.

Reason: In the interest of residential and visual amenity.

3. The roadway shall be suitably fenced off from public use pending a grant of permission for development on the adjacent lands.

Reason: In the interest of amenity and public safety.

4. The entrance and internal road network shall comply with the detailed standards of the planning authority for such road works.

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

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

Reason: In the interest of public health.

6. 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 the commencement of development.

Reason: In the interest of amenity and public safety.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of

working, noise management measures and off-site disposal of construction / demolition waste.

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

Bríd Maxwell
Planning Inspector

12th October 2016