



An  
Bord  
Pleanála

## Inspector's Report PL09.247364.

### Development

Permission for the development of 79 no residential units accessed from a new vehicular access road and junction at Thornhill Road and proposed to be constructed at this site of 3.13 hectares fronting Thornhill Road and Maynooth Road.

### Location

Thornhill Road & Maynooth Road (R405) Celbridge Co Kildare.

### Planning Authority

Kildare County Council

### Planning Authority Reg. Ref.

16/260

### Applicant(s)

Andrews Conservation Ltd.

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission subject to conditions.

### Appellant(s)

1. Brian & Fedelma Reynor, John & Assumpta Cunningham, Alex Warren & Rosemary Murphy, Jason and Rachael Adderley, Beatty Grove & Ashgrove

Residents Association. 2. Aine  
Gaynor.

**Observer(s)**

1. Thomas & Geraldine Fitzgerald.

**Date of Site Inspection**

12<sup>th</sup> December 2016.

**Inspector**

Brid Maxwell.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in a suburban part of Celbridge on the Maynooth Road to the north of the town centre. The site which has a stated area of 3.13 hectares is approximately 1km from the town centre is a brownfield site part of the former Schneider Electrical Works which closed in 2004. A corner of the former Schneider Electrical Site, adjacent to the north eastern boundary of the site has been developed as an *Aldi* discount foodstore with associated car parking. The appeal site fronts onto Thornhill Road to the north and Maynooth Road to the east. Established residential developments of Ash Grove and Beatty Grove adjoin to the western and southern boundaries while Thornhill Green open space adjoins to the southwest.
- 1.2. The appeal site is cleared of all former structures and has largely been colonised by scrub. Site boundaries are currently defined by a varied combination of palisade fencing, hoardings, hedgerow and weldmesh fencing some of which is topped with barbed wire.
- 1.3. In terms of the wider context, the site is within a well-established residential area also with a number of existing neighbourhood shopping facilities, public amenities, community facilities and services in close proximity. The Maynooth Road R405 which links to an interchange on the M4 is a busy urban road whilst Thornhill Road is a local road which accesses residential estates a school and open space and continues southwards linking to a network of other roads. To the east of the appeal site on Thornhill Road are a number of single houses on individual sites and a petrol filling station. On the opposite side of Thornhill Road to the north of the *Aldi* store is a neighbourhood centre including public house, Chinese restaurant, fish and chip shop, *daybreak* retail outlet and a barber. To the west of the site beyond Ash Grove residential estate is a school.

## 2.0 Proposed Development

- 2.1 Application is set out as the development of 79 no residential units, access via a new vehicular access road and junction at Thornhill Road. The proposed development comprises a mix of two and three storey terraced and semi-detached houses, with landscaped open space and car parking. Whilst primary vehicular and pedestrian

access to the proposed development is from a new access and junction off the Thornhill Road, four additional pedestrian / cycle accesses are to be provided from the Maynooth Road, Beatty Grove, Ash Grove, Thornhill Park and the adjacent *Aldi* Store. The proposal provides for all associated hard and soft landscaping, boundary treatment, footpaths and ancillary works above and below ground.

- 2.1. It is acknowledged within the application documentation that a 79-unit scheme would normally require associated childcare provision. However, it is asserted that childcare facilities and neighbourhood shopping facilities are surplus to local area requirements.<sup>1</sup>
- 2.2 In response to the Council's request for additional information a number of amendments were made to the detailed design of the development with amended roof profile providing for gable ended pitched roof construction, a reduction in height across the development generally by 600mm by way of reduction of internal room heights. Specific design amendments were made to units bounding Ash Grove and Beatty Grove. The proposed units are of a mixture of sizes with flexibility to allow expansion into the roof space with a view to providing flexibility of lifetime housing. The final revised layout provides 10 no 2 bed, 38 no 3 bed, 30 no 4 bed and 1 no 5 bed. The proposal provides a predominant mix of semi-detached and terraced units with a single detached dwelling. Open space represents in excess of 20% of the overall site and the proposed density equates to 25 units per hectare. Car parking is provided at a level of 2 spaces per unit.
- 2.3 As regards compliance with Part V it is the applicant's preference to comply with Part V by way of the transfer of built houses.

### 3.0 **Planning Authority Decision**

- 3.1 Following an initial request for additional information Kildare County Council decided to grant permission for 77 dwellings<sup>2</sup> subject to 46 conditions including the following of particular note

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<sup>1</sup> Reference is made to consultation with Kildare Community Childcare Committee and confirmation of c20% vacancy or surplus of childcare provision in Celbridge.

<sup>2</sup> Refer to condition 5.

- Condition 3. Prior to commencement of development the applicant shall liaise with Irish Water regarding the disposal of foul water from the proposed development. Significant constraints exist in the Celbridge and Leixlip areas of the Lower Liffey Valley Sewerage Scheme. A project is currently underway in Celbridge to address constraints and is programmed for delivery in 2019-2020. Connections will be feasible upon completion of this project.”
- Condition 4. Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority
  - (a) revised house type C (adjacent to Ash Grove) to reduce the wide blank gable appearance when viewed from Ash Grove / Thornhill Road. The Planning Authority may accept a dual aspect dwelling in this location, maintaining the height as indicated in the response to Further information
  - (b) revised site plan at appropriate scale (1:500) to indicate the revised location of the bin store (Adjacent to No 91 Beatty Grove)
  - (c) Revised boundary treatment plan to provide for the following
    - 2m high concrete block wall capped and plastered to enclose the rear garden of all the dwellings
    - Amended boundaries between the side of dwellings to show a 2m long 1.8-2m high block wall, capped and plastered from the rear building line of the dwelling followed by a concrete post and base with timber panel fencing as indicated on site plan Drg 1523 PD03A received by the Planning Authority on 11/08/2016
  - (d) Revised site plan to show the location and detail of the proposed hedge strengthening and replanting measures along the southern boundary of the site.
  - (e) Proposal for the location of gas and electricity meters to serve the proposed terraced dwellings. Such proposals shall ensure that these metres are not placed on the front elevation of the dwellings.

- Condition 5. Prior to the commencement of development, the applicant shall submit revised proposals omitting the terraced dwellings at sites no's 44-49 and providing 2 no pairs of semi-detached two storey dwellings with a revised building line generally in line with that indicated for sites 43 and 50.
- Condition 32. Prior to commencement of development applicant shall revise cyclist / pedestrian access widths to 3.0m at proposed accesses and provide details of lighting to discourage antisocial behaviour.
- Condition 33 Applicant shall construct a 2.0m footpath along the extent of the housing frontage to tie in with existing footpaths on either side of proposed development.
- Condition 45. Development Contribution €573,770 in accordance with the development contribution scheme.
- Condition 46. Bond €158,000

## **3.2 Planning Authority Reports**

- 3.2.1 Housing Section report recommends the application of the standard 10% Part V Condition.
- 3.2.2 Chief Fire Officer indicates no objection subject to conditions.
- 3.2.3 Area Engineer - No objection subject to conditions.
- 3.2.4 Environment Section - information regarding maintenance of petrol oil interceptor required.
- 3.2.5 Initial Water Services section report recommends seeking additional information regarding surface water.
- 3.2.6 Initial report of transport department recommended relocation of access to the existing Aldi Access road and sought clarification of access to proposed house 10.
- 3.2.7 Planner's initial report contains a screening report which concludes that based on distance from Natura 2000 sites, connections to all public services there is no source

pathway receptor and impacts are unlikely. Proposed density deemed to be acceptable and layout generally acceptable. Concern expressed regarding scale and dwellings at boundaries with 91 and 106 Beatty Grove and 7 & 8 Ash Grove, proximity of bin store to 91 Beatty Grove and detailing of boundary treatment.

3.2.8 A request for additional information issued seeking a number of items including:

- Revised plans and elevations to amend the scheme design incorporating pitched roof profile. Reduced height. Amendments to layout to avoid unnecessary visual impact where the new houses are forward or to the rear of established building lines. (91 & 106 Beatty Grove and 7 & 8 Ash Grove)
- Review of boundary treatment for the site. Visual impact assessment from Maynooth Road and Thornhill Road frontages.
- Relocation of access to *Aldi* access.
- Comprehensive details of access connections, clarify access to house 10.
- Maintenance proposals for petrol / oil interceptor.
- Detailed specific requirements regarding surface water sewerage and foul sewer network and watemain.

3.2.9 Final reports of Water Services Section, Environment Section, Transportation Department indicate no objection subject to conditions.

3.2.10 Final Planner's report asserts that the revised proposal is generally acceptable. House type C should be revised to take account of interface with Ash Grove. Permission was recommended subject to conditions.

### **3.3 Other Technical Reports & Third Party Observations**

3.3.1 Irish Water initial submission sought additional information regarding waste water and water supply.

3.3.2 Inland Fisheries Ireland submission notes location within the catchment of the River Liffey. It is essential that foul and stormwater infrastructure has adequate capacity to

accept predicted volumes for this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. Works to be completed in line with a construction management plan. Precautions to ensure no entry of solids to surface water system. Discharges in compliance with European Communities (Surface Water) Regulations 2009 and European Communities (Groundwater) Regulations 2010. Recommend that the "*Requirements for the Protection of Fisheries Habitat during construction and development works in and adjacent to waters*" be consulted when planning to undertake works on site. The maintenance of habitat integrity (both instream and riparian) is essential to safeguarding the ecological value of this important urban natural resource.

3.2.3 Numerous Third Party Submissions from residents of the adjacent residential estates object to the proposed walkway from the proposed development through Beatty Grove and Ash Grove citing negative impact on privacy and security. Object to the removal of palisade fencing and creation of cycle access to Thornhill Green. Schools are at capacity. Object to the proposed location of grouped car parking spaces, bin stores. Scale and design of houses is out of character resulting in negative visual impact overshadowing and overlooking. Traffic congestion and negative construction impacts. Walls should be provided to boundaries.

#### 4.0 **Planning History**

- PL09.222248 05/2722. Permission refused for the development of a 10,310sq.m shopping centre. Refused on grounds of contravention of development plan zoning objective.
- 04/1798 Material contravention procedures were implemented in respect of the grant of permission 16<sup>th</sup> March 2005 for demolition of factory unit and erection of licensed discount foodstore of 1,485 sq.m.

Adjacent sites

- 15/1131 Application for permission for 6 detached houses on site fronting Maynooth Road and south of the appeal site refused 6<sup>th</sup> February 2016. Refused on design grounds.



- 11/998 Extension of duration of permission for 26 no residential units 04/3109 at Thornhills Nursery Site on the opposite side of Maynooth Road.

## 5.0 Policy Context

### 5.1. National Policy

5.1.1 Sustainable Residential Development in Urban Areas, 2009. The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

5.1.2 The Design Manual for Urban Roads and Streets, Department of the Environment Community and Local Government, 2013. – DMURS provides guidance relating to the design of urban roads and streets. It presents a series of principles, approaches and standards that are necessary to achieve balanced best practice outcomes with regard to street networks and individual streets.

## 5.2 Development Plan

5.2.1 The Kildare County Development Plan 2011-2017 and the Celbridge Local Area Plan 2010-2016 refer. I note that the Draft Celbridge Local Area Plan 2017-2023 is currently on public display (to 3 February 2017)

5.2.2 Within the County Development Plan Celbridge is designated within the settlement hierarchy as a Moderate Sustainable Growth Town within the Metropolitan Area and a key town in supporting residential growth and providing sustainable residential densities.

5.2.3 Within the Celbridge Local Area Plan 2010-2016. The site is zoned C New Residential "To provide for and improve new residential areas and also to provide for

associated local shopping and other services incidental to new residential development.

5.2.4 Within the Draft Celbridge Local Area Plan 2017-2023 the site zoning remains C – New Residential.

## **6 Natural Heritage Designations**

6.1 The site is approximately 3km south of the Rye Water Valley / Carton SAC.

## **7.0 The Appeal - Grounds of Appeal**

7.1 There are two third party appeals.

7.2 The first third party appeal is by Aine Gaynor and named residents of houses 88 to 98 Beatty Grove including St John of God's House. The grounds of appeal can be summarised as follows:

- Welcome the principle of development however are disappointed that the Beatty Grove cul de sac will now be open to pedestrian and cycle traffic. Concerns expressed regarding loss of security and amenity and disturbance arising from anti-social behaviour. Proposed pedestrian route is unnecessary and poses a traffic risk.

7.3 The second third party appeal is submitted by Patrick M Kerr Architect on behalf of Barry & Fedelma Reynor, 7 Ashgrove, John & Assumpta Cuningham, 80 Ashgrove, Alex Warren & Rosemary Murphy, 82 Beatty Grove, Jason & Rachael Adderly 83 Beatty Grove, Beatty Grove & Ashgrove Residents Association, Martin & Mary Boylan 106 Beatty Grove, Patrick White 73 Beatty Grove and Aine Gaynor 91 Beatty Grove. Grounds are summarised as follows:

- Appellants welcome the development in principle however have concerns regarding layout particularly in reference to proximity to neighbouring properties (in particular 7 & 8 Ashgrove and 81 and 106 Beatty Grove), orientation siting and the height of the development relative to neighbouring properties.
- Distance of the development should be increased to a minimum of 5m from site boundary. Could be achieved by way substitution of terraced dwellings.

- Height of dwellings should be reduced by way of reducing floor to ceiling heights from c 2.7m as allowed for in the design to a standard 2.5m at ground floor achieving a further reduction of 0.2m.
- Drawings are misleading in relation to relationship of house 56 79 and existing houses 91 and 106 Beatty Grove. Contextual drawings show matching floor levels however ground level is some 0.78m higher and ridge 2.25m higher. Floor levels should be reduced.
- Boundary treatment is critical given amenity impacts. The retention of existing hedging which is largely damaged and unhealthy is unacceptable and walls ranging from 1m-2.5m-3m<sup>3</sup> suitably capped and finished in plaster / brickwork should be provided.
- In respect of the boundary to the west onto Ashgrove the metal fencing should be removed and replaced with wall brick / reconstituted stone to suitably capped to a height of circa 0.6m and finished with an attractive metal railing to overall height of 2 – 2.5m with planting to rear.
- Boundary onto Beatty Grove (incorporating open space) hedge should be replaced with a low brick wall with metal railing to overall height of 2-2.5m. A transparent boundary required to promote passive surveillance. Should only provide for pedestrian traffic and restrict motor cycles.
- Proposed landscaping is sparse. Semi mature species should be provided a least one every 5metres.
- Notably Kildare County Council conditioned the provision of a 2m high block wall between proposed houses to protect amenity and the same protection should be afforded to established properties.
- Boundaries should be secured prior to construction to minimise disruption.
- Proposal for multiple pedestrian access points into both Beatty Grove and Ashgrove unacceptable given the significant history of antisocial behaviour.

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<sup>3</sup> Detailed proposals and specification for various boundary interface areas is set out within appeal statement.

- Concern regarding location of pedestrian points from open space to Ashgrove estate having regard to its proximity to No 8. Access unnecessary.
- Note condition 5 regarding houses 44-49 concern that condition will result in increased overshadowing and overlooking of 82 and 83 Beatty Grove. No rationale for design change.
- Car parking spaces proposed adjacent to 73 82 and 83 Beatty Grove unacceptable and detrimental to amenity.
- Request that all bin stores be a minimum of 20m from existing dwellings.
- Impact of overshadowing should have been addressed by shadow projection drawings. Increased set back should be implemented.
- Construction mitigation measures in respect of hours and methods of operation of construction works.

### **7.3 Planning Authority Response**

7.3.1 The Planning Authority consider that the issues outlined in third party appeals have been addressed in planning reports and makes no further comment.

### **7.4 Other Party Responses**

7.4.1 The First Party Response to Appeals is submitted by The Planning Partnership and is summarised as follows:

- Note issues raised intended to be dealt with under Section 146A of the Planning and Development Act to address correction of clerical errors and facilitate the intentions of the permission as granted. In particular issues relate to the flexibility to agree wastewater connections directly with Irish Water, the consequential requirement for an 8-10-year permission to programme in any delays as may occur due to the planned programme of wastewater works locally, the required flexibility to allow for attic conversion and provide adaptable housing, and the ability to confirm the

removal of calculated amounts for development contributions associated with Social Housing Units.

- Note that in consultation with local residents, the applicant agreed to honour and respect the wishes of the residents in respect of boundary treatments and informed the residents that it was on the advice of planning consultant and architects that permeability elements were presented as meeting best practice guidelines,
- Scheme is in accordance with Development Plan and relevant Ministerial Guidelines.
- It is submitted that the proposed development will enhance existing residential amenity by animating and populating an adjacent vacant landholding and providing new links to the community, retail and neighbourhood facilities to the north and the respective social infrastructure in the locality.
- Level of separation is acceptable in a suburban development context. Note Development Plan standards only refer to a minimum separation between semi-detached and detached units of 2.5m to which the proposed development fully complies. Separation between existing and proposed houses is 6.7m at its closest point which is acceptable.
- Photomontage Views demonstrate and highlight the adequate and generous separation distance.
- Reduction in height at ground floor level would have minimal impact on the overall scale of the houses and would be detrimental to the design of the houses.
- The height difference between No 91 and 106 Beatty Grove and No 56 and 79 of the proposed development is marginal and when considered in respect of the separation distance between units of 6.7m renders any differentiation in height somewhat impercievable. Deviations in heights do not result in an unacceptable diminution in neighbouring residential amenity.
- Sustainable Urban Drainage System designed to control surface water flood management.

- In regard to appellant's request for combination of brick and block walls to enclose the new development note the design approach to minimise impact on biodiversity locally and to maintain hedgerows where suitable.
- First party seeks to maintain strong 'soft' landscaping where possible and re enforce with additional planting where necessary. Note photomontage representations demonstrating soft and hard boundary treatment and the former approach clearly less invasive.
- Applicant willing to consider boundary wall approach between residential unit boundaries but would seek consideration of the Board of the suggested heights of 2.5m and 3m respectively.
- Applicant proposes removal of high security fence where it bounds the existing public open space and to open up to the parkland to west.
- Proposed pedestrian access path seeks to integrate with existing footpath to front of No 8 Ash Grove following the desire line for pedestrians.
- Note the balance between potential conflict between pedestrian connections and security as addressed on page 21 of Urban Design annual for Sustainable Residential Development in Urban Areas. The proposed connections are designed to ensure activity and passive surveillance.
- Treatment of pedestrian access from Beatty Grove demonstrated. Bollard proposed to prevent vehicular traffic.
- Note third party concerns regarding condition 5. Request the retention of terraced houses and set back.
- Car parking spaces adjacent to the boundary will not cause unacceptable or unexpected disturbance or nuisance.
- Bin stores are appropriately located away from boundaries with existing properties at Beatty Grove.

- Development not a significant height relative to the adjacent development. Shadow analysis exercise in respect of properties at Ash Grove demonstrates limited impact on existing residential units.
- Standard construction management standards appropriate.
- Applicant would accept the removal of pedestrian and cycle linkages between established and proposed residential estates but have taken clear advice from planning and architectural advisers and seek to present an appropriately integrated residential estate promoting permeability access to social infrastructure and community facilities and enhanced connectivity.

## **7.5 Observations**

7.5.1 Observations are submitted by Thomas and Geraldine Fitzgerald, 89A Beatty Grove.

The observers support objections raised and outline request that a pedestrian cycleway / walkway is not in the best interest of the residents of 'Beatty Grove. A letter attached to submission from Sergeant Jack Swan, An Garda Síochána, Celbridge summarises a number of incidents and disturbances over a 6-month period. The observers further present a summary of the benefits of residing in a cull de sac.

## **8.0 Assessment**

8.1 The principle of development of the site which is zoned for residential development is accepted, indeed welcomed by all parties and therefore I consider that the development of the site for residential purposes is acceptable in principle. The main issues raised in this appeal relate to detailed matters of design and layout as 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:

- Design and Layout and Impact on Established Residential Amenity

- Boundary Treatment
- Other Matters

## **8.2 Design and layout and impact on Established Residential Amenity.**

8.2.1 As regards the design and layout of the proposed development I note that the proposal is of a good architectural standard of design, providing for active frontages to public roads and public areas. The proposal provides enhanced connectivity to surrounding residential areas, open space areas which demonstrate a good sense of enclosure and provide for passive overlooking. Materials proposed are brick, coloured render, and blue black tiles or slates. As regards the third party contention that the proposed development is out of character with established adjacent residential development I do not agree and consider that the proposed development as modified in response to the Council's request for additional information respects the character of surrounding development. I consider that having regard to the size and nature of the site there is scope for the development to define its own character and I consider that the ultimate proposal achieves this whilst also integrating with established adjacent residential development.

8.2.2 I consider that the proposed built form including external materials and finishes of a good architectural quality. Moreover, having considered the context of the development and set back from site boundaries, I do not consider that the proposed development will have any significant adverse impacts on the amenities of adjacent dwellings. Set back is sufficient to discount potential proximity overlooking. Regarding potential overshadowing and loss of light, I note that the dwellings at Beatty Grove and Ash Grove are to the south and west of the development respectively. I note the shadowing analysis provided in response to the appeal and I consider the stated view that the impact arising is not significant to be reasonable. I consider that overlooking or overbearing impact does not give rise to a significant erosion of residential amenity. I acknowledge that the context and perception of established properties will be altered however I do not consider that it will give rise to undue impact in terms of prominence, overlooking or loss of privacy.



8.2.3 As regards the issue of site permeability and the pedestrian cycle links proposed through the site and to adjacent residential development, I consider that such linkage to be a positive proposal which will benefit the existing and proposed residential development in the vicinity. Whilst I acknowledge the third party concerns regarding anti-social behaviour and the perceived danger of the creation of “alleyways”, such issues do not arise in terms of a well supervised, overlooked and suitably lit space. In my view the proposed development achieves an appropriate level of supervision and will facilitate and promote social inclusion and a well-integrated residential community.

8.2.4 On the issue of access I note that in response to the request for additional information on the issue it was outlined that the proposed development follows first principles of designing a residential estate in accordance with 2009 Guidelines and 2013 DMURS. It is asserted that the proposed access would not conflict with the existing accesses onto Thornhill (Aghards) Road. Furthermore, it was asserted that it is preferable to elect to separate commercial traffic and residential traffic to provide safer and more accessible development. Also it was asserted that the proposed entrance represents the best design for the proposed layout.

8.2.5 Having considered the detailed design and layout and having regard to the zoning of the site C New residential, I consider that the proposed design and scale of development is appropriate and having regard to the context of the site and impacts arising on the surrounding area.

### **8.3 Boundary Treatment**

8.3.1 On the matter of site boundaries I note that the third party appellants request removal of entire boundary hedgerows and replacement with walling of varied heights ranging from low wall with railing overhead to open space areas to individual house boundaries of 2.5 to 3m. In the case of the latter clearly walls of 3m in height to

individual residential site boundaries would be unduly oppressive and unnecessary in a residential context. I consider it reasonable that established individual residential site boundaries should be provided with walling 1.8m in height, suitably capped and rendered. I consider that the maintenance of soft landscaping treatment where necessary to be reinforced with additional landscaping is desirable and appropriate in terms of local biodiversity and in the interest of visual amenity.

8.3.2 As regards the interface of the development with parkland to the west the applicant proposes the removal of the existing palisade fencing and maintenance of an open arrangement which is appropriate.

#### **8.4 Other Matters**

8.4.1 On the question of the duration of the permission I note that the suggestion for an 8-10-year permission as proposed by the first party within the response to the appeals arises as a consequence of predicted delay in respect of planned programme of wastewater works. Whilst I would consider that delay is likely and having regard to the self-contained nature of the site, the negative amenity impacts of an elongated permission could be mitigated, I note that this matter was not expressly addressed in public notices and has not therefore been subject to third party consultation. On this basis I consider the standard 5-year permission is appropriate.

8.4.2 As regards the wording of condition 3 to allow for suitable flexibility in terms of connection agreements with Irish Water, I consider that the condition as set out within the decision is unsatisfactory and I recommend an alternative.

8.4.3 As regards Condition 10, restricting use of attic space to use as storage and not for human habitation, and having regard to its implications in terms of adaptable housing I consider that the condition is unnecessary in light of the design of the development.

8.4.4 On the issue of replacement of terraced houses 44-49 with semi-detached dwellings and relocation of these dwellings towards the southern boundary of the site, I consider that the proposed terraced layout also providing for courtyard type space forward of the dwellings is preferable also in the interests of protection the established residential amenity of adjacent established dwellings at Beatty Grove.

8.4.5 As regards condition 45 and the imposition of development contribution in respect of proposed 8 units proposed under Part V, I note Kildare County Development Contribution Scheme 2015-2022 which provides at Section 12 (c) "*Social housing units including those which are provided in accordance with an agreement made under Part V of the Planning and Development Acts 2000-2015 or which are provided by a voluntary or co-operative housing association which is recognised as such by the Planning Authority, shall be exempt.*"

8.4.6 On the issue of appropriate assessment, I note that the site is approximately 3km south of the Rye Water Valley / Carton SAC Site Code 001398. The Rye Valley Carton SAC is within the Dublin Groundwater Body. Given the distance involved it is considered that any local impacts on groundwater within the site will not extend to the SAC. There is no direct hydrological link between the appeal site and the Rye Valley Carton SAC and therefore the development has no potential to give rise to significant effect by way of water quality. The potential for downstream impacts on Natura 2000 site arising from effects on water quality can be excluded due to distance. The closest downstream site the South Dublin and River Tolka Estuary SPA (Site Code 004024) which is in excess of 20km downstream.

8.4.6 Having regard to the nature of the proposed development sought on serviced land together, with the source-pathway-receptor model, I consider that an NIS or Appropriate Assessment is not necessary in this case. I consider it reasonable to conclude that on the basis of the information available that no Appropriate Assessments issues arise and it is not considered that the proposed development

would be likely to have a significant effect either individually or in combination with other plans or projects on a European Site.

## **9.0 Recommendation**

- 9.1 I recommend that planning permission should be granted, subject to conditions, as set out below.]

### **REASONS AND CONSIDERATIONS**

Having regard to the “C” New Residential zoning objective for the area, the central location, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be generally in accordance with the Kildare County Development Plan 2011-2017 and Celbridge Local Area Plan 2010-2016, would not seriously injure the amenities of adjacent residential neighbourhoods or of the property in the vicinity, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 11th day of August 2016 and by the further plans and particulars received by An Bord Pleanála on the 2<sup>nd</sup> day of November, 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, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) House Type C on Site 10 shall be amended to provide for dual aspect.
  - (b) Walled boundaries shall be provided where the site adjoins established residential sites at Beatty Grove and Ash Grove. Walls shall be 1.8m high concrete block walls suitably capped and rendered.
  - (c) Boundary to Thornhill Green shall be open.

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

Reason: In the interest of visual and residential amenity.

3. Prior to the commencement of development, the developer shall liaise with Irish Water and the Planning Authority regarding the disposal of foul water from the proposed development having regard to constraints in the Celbridge area of the Lower Liffey Valley Sewerage scheme. The development shall be carried out on a phased basis based on prior written connection agreement.

Reason: To ensure the adequate servicing of the development.

4. 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.

5. 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. Roof colour shall be blue-black, black, dark grey in colour only.

Reason: In the interest of visual amenity.

6. Rear gardens shall be bounded by block walls 1.8m in height capped and rendered on both sides to the written satisfaction of the planning authority.

Reason: In the interest of visual and residential amenity.

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

Reason: In the interest of public safety and the amenities of the development.

8. Cycleway / pathways shall be provided at the locations as set out in submitted plans and at width of 3.0m. A 2.0m footpath shall be provided along the site frontage to tie in with existing footpaths. Design details setting out measures to enhance safety of pedestrians and cyclists and to discourage anti-social behaviour shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

Reason: In the interest of pedestrian and traffic safety.

9. Prior to commencement of development, proposals for the location and form of all public lighting shall be submitted for the written agreement of the Planning Authority. This shall include details of design of individual lamp standards, details of the likely intensity of lighting.

Reason: In the interest of orderly development.

10. The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

- 11 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of on-site car parking facilities for site workers during the course of construction;
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris

on the public road network;

(h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(i) provision of parking for existing properties during the construction period;

(j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and

(m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 12 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects” published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.



Reason: In the interest of sustainable waste management.

13. The areas of public open space shown on lodged plans shall be reserved for such use. These areas shall be levelled contoured soiled seeded and landscape in accordance with the detailed requirements of the planning authority. The 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.

14. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing
    - (i) The species, variety, number size and locations of all proposed trees and shrubs.
    - (ii) Details of screen planting.
    - (iii) Details of roadside / street planting
    - (iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
  - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
  - © A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

15. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of the visual amenities of the area.

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

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

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

18. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No

advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

19. 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.

20. Prior to commencement of development, the developer shall lodge with the planning authority, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 of the development.

21. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Brid Maxwell  
Planning Inspector  
11<sup>th</sup> January 2017