



An
Bord
Pleanála

Inspector's Report ABP-300191-17

Development

Permission for the construction of 46 no. residential dwellings comprising 2 no. 4-semi-detached dormer bungalow dwellings; 32 no. 3 bed semi-detached two storey dwellings; 12 no. 4 bed two storey detached dwellings together with all ancillary internal access roads, infrastructure, landscaping and boundary treatments, and all associated site and development works and services

Location

The Willows, Allenwood, Naas, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

17/533

Applicant(s)

JAJ Construction Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal	Third Party against refusal
Appellant(s)	JAJ Construction Ltd.
Observer(s)	<ul style="list-style-type: none">• Jermain & Marian Williams• The Willows Allenwood Residents Association• Marie & Peter Casey
Date of Site Inspection	06 th February, 2018
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The site the subject of this appeal is located approximately 20km to the north west of Naas and a similar distance to the north of the town of Kildare, in the county of Kildare. Allenwood is a rural village which has experienced growth in the past decade and is located on the junction of two regional roads. The R415 connects Allenwood to Kildare and runs in a north / south direction, while the R403 which runs east / west and connects Carbury in Co. Kildare to Lucan, in Co. Dublin. The Grand Canal borders the village to the south. Much of the development in Allenwood centers around the crossroads and the lands to the north. Allenwood has a variety of businesses and services which support the population of the settlement and the rural hinterland.
- 1.2. The site, the subject of this appeal, is located to the north of the village and lies immediately adjacent to recent housing developments, the Willows and Woodlawn to the east and Whitethorn Park to the south of the R415. The site has frontage along the R415 but it is proposed to use the existing estate road serving the Willows as access. The Willows is a housing development which comprises 29 houses including detached and semi-detached houses, the majority of which front onto a central open space area. This open space area is dissected by a 110Kv powerline which runs in a north west / south east direction. In terms of the current proposed site, this 110Kv line affects the north eastern corner.
- 1.3. The site is currently in agricultural use and other than a fence at the end of the Willows estate road to the north of the open space, the area is open and accessible. The site covers a stated area of 2.6ha.

2.0 Proposed Development

- 2.1. The application to Kildare County Council was for permission for the construction of 46 no. residential dwellings comprising 2 no. 4-semi-detached dormer bungalow dwellings; 32 no. 3 bed semi-detached two storey dwellings; 12 no. 4 bed two storey detached dwellings together with all ancillary internal access roads, infrastructure, landscaping and boundary treatments, and all associated site and development works and services all at The Willows, Allenwood, Naas, Co. Kildare.

- 2.2. The proposed development will provide houses to overlook the existing open space associated with the Willows, with additional houses located to the west of the site. The development proposes incidental open space areas and is effectively an extension of the existing Willows estate. The development proposes a mixture of 3 and 4 bed roomed houses and will employ a number of materials including render and brick finishes to the walls and slate to the A roofs the detached and dormer style houses and Hipped roofs to the semi-detached. The soffit and fascia will be white uPVC, while rainwater goods will be black uPVC. Windows and doors will also be uPVC in ivory and graphite black respectively. The development originally provided for 32 no. 3 bed houses and 14 no. 4 bed houses with floor areas ranging from 130.6m² to 153m². Each house is proposed to be provided with 2 car parking spaces. The plans submitted indicate a site coverage of 15% and an open space provision of 15.7%.
- 2.3. Following a request for further information, some minor amendments were made to the development including stone finishes in place of the originally proposed brick and alterations to the size of the houses. There were minor amendments proposed to the site layout and the proposal provides for a site coverage of 13%, a plot ratio of 29%, density of 17.7 units per hectare and an open space provision of 17.4%. The final breakdown of units proposed is as follows:

Type	Unit Type	Floor Area	No
1	Semi-detached Dormer Bungalow (4-bed)	139m ²	1
1A			1
2	Semi-detached (3-bed)	168.6m ²	17
2A			16
2B			1
2C			1
2D			1
3A	Detached (4-bed)	146.3m ²	1
3B			1
3C			1
4	Detached dormer dwelling (5-bed)	190.4m ²	5

- 2.4. The application included a Services Design Details and Specification report as well as the Planning Application Form and relevant Plans and Particulars for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Following the submission of response to the further information request, the Planning Authority decided to refuse planning permission for the proposed development for the following two stated reasons:

1. It is considered the proposed layout is substandard and is not in accordance with the design and layout guidelines as detailed in Chapter 17 Development Management Standards of the Kildare County Development Plan 2017-2023, Urban Design Manual Best Practice Guidelines, Department of Environment, Heritage and Local Government (2009) and Design Manual for Urban Roads and Streets, Department of Transport, Tourism and Sport (2013) with regard to the poorly aligned layout of proposed roads which are disconnected from the existing 'The Willows' residential development to the immediate east and also the lack of a permeable and legible network throughout the development site. Furthermore, the proposed dwelling types and associated plot configurations present poorly aligned sites which overlook and diminish the residential amenity for the future occupiers of the development and would also seriously impact upon the residential amenity of an adjacent property within 'The Willows' to the south east of the site. The proposed development would therefore seriously injure the residential amenities of the area, be contrary to the provisions of Chapter 17 Development Management Standards of the Kildare County Development Plan 2017-2023, the Urban Design Manual Best Practice Guidelines (DEHLG 2009) and Design Manual for Urban Roads and Streets, (DTTS, 2013) and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development does not accord with the minimum standards for rooms size and storage provision as provided for in Chapter 17 Development

Management Standards of the Kildare County Development Plan, 2017-2023 and also the provisions of Quality Housing for Sustainable Communities Guidelines, Department of Environment, Heritage and Local Government (2007). The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers initial report considered that while the principle of the proposed development was considered acceptable, the proposed siting and layout of the development was not. In addition, the report considers that the proposed house design was repetitive and that further information was required to address issues of storage, boundary treatment and lighting. Concern was also raised in relation to the north facing gardens. The Planning History pertaining to the site as well as the comments and submissions from internal departments and external bodies, including third party objectors were also considered and the report recommended that FI be sought with regard to a number of issues.

The Planning Officers report formed the basis of the Planning Authority decision and Appropriate Assessment is dealt with. Following receipt of the response to the FI request, the final planners report notes that while the bulk of issues raised have been dealt with, concerns remain in relation to the overall proposed layout - which does not comply with the provisions of DMURS, room sizes and storage areas in House type 2 do not meet the minimum requirements, impacts on residential amenities of adjacent properties and future occupants and the proposed inactive frontage along the L1020 where pedestrian connections have not been created. The report recommends that permission be refused.

3.2.2. Other Technical Reports

Water Services: Further information required in terms of surface water drainage & attenuation.

Following the submission of a response to the further information request, no objections were noted subject to compliance with conditions.

Municipal District Engineer: No objections to the proposed development subject to compliance with conditions.

Environment Section: No objection to the proposed development subject to compliance with conditions.

Housing Officer: The application is subject to Part V.
Issues raised in terms of the provision of an accessible WC, living room widths and location of the proposed 5 Part V units. Further issues raised in relation to the provision of storage within the units. Further information required.
Following the submission of a response to the further information request, the Housing Officer noted that issues raised were not addressed.

Chief Fire Officer: No objection to the proposed development subject to compliance with conditions.

Transportation Dept: Further information required.
Following the submission of a response to the further information request, no objections were noted subject to compliance with conditions.

3.3. Prescribed Bodies

Environmental Health Officer: No objections subject to conditions.

Irish Water: The Board will note that the report from Irish Water arrived after the request for further information issued. IW required further information in relation to the proposed development.
Following the submission of a response to the further information request, IW advised no objection subject to compliance with conditions.

3.4. Third Party Observations

3.4.1. There are 17 third party submissions noted on the PAs file from the following:

- Marie & Peter Casey
- Brid Scully
- Iona & Thomas Bodnar
- Jermain & Marian Williams
- Manpreet Singh & Volgapreet Kaur
- John & Malgorzata Donoghue
- Peggy Ryan
- Andrew Brady
- Gavin & Patricia Shorten
- Paul Kelly & Clodagh Mockler
- Karen Doyle & Tiernan O'Brien
- Gavin Kinnear & Amy Daffy
- John McCarthy & Breda O'Farrell
- Patricia & Salvatore Morone
- Lyndsay Whyte & Anthony Slaughter
- The Willows (Allenwood) Residents Association
- Kevin McCarthy & Amanda Mooney

3.4.2. The issues raised are summarised as follows:

- Issues with existing sewerage system and blocked drains
- Roads and traffic issues with proposed up to 100 more cars on the estate road. Issues relating to child safety.
- The existing open space is not suitable for children to play as it is water logged. Another storm drain in the green area, where the current system is not working, will result in the green area becoming a lake.
- Road surfaces and shore drains not completed.
- The builder is using part of the estate as a dumping ground.
- Premium price was paid for houses in a residential estate of 30 houses.
- The proposed two storey houses will be out of character with the existing houses and will impact on the value of the existing houses.
- Inadequate room in school to accommodate additional children.

- Inadequate infrastructure in Allenwood for large developments.
- It is requested that the builder finish the existing estate instead of leaving it unfinished to start on another estate.

4.0 Planning History

4.1. The following is the planning history associated with the subject site and adjacent site, The Willows:

PA ref 06/1888: Permission granted to B. McNally for the construction of 29 houses.

PA Ref. 11/320: Permission granted to Merlow Developments Ltd for modifications and alterations to existing grant of planning permission granted under 06/1888. Permission for modifications to 5 bed detached and semi-detached, dormer bungalows to change houses 9, 10, 11, 12, 14, 15 to 3 bed semi-detached dormer bungalows and modifications to 3 bed house type 3 changes to 16 – 19, 22, 23, 28 and 29.

PA Ref 12/741: Permission granted to Merlow Developments Ltd for modifications and alterations to existing grant of planning permission granted under 06/1888 and 11/320. Permission sought for house type change from 5 bed detached to 3 bed semi-detached dormer bungalows with subsequent one no. additional dwelling proposed. House to change is no. 13 and 13a respectively.

PA ref 14/180: Permission granted to Merlow Developments Ltd for the construction of 10 houses.

PA ref 14/952: Permission granted to Merlow Developments Ltd to amend house types granted under planning permission 14/952 to allow for optional three or four bedroom units on this site.

PA ref 15/622: Permission refused to Merlow Developments Ltd for the construction of 3 no. dwelling houses, consisting of 2 no. four bed semi-detached dormer bungalows and 1 no. five bedroom detached dormer bungalow, connection to existing public mains located on site, relocation of existing turning bay and all associated site works and services. The development was refused on the basis that the site was located within an area of permitted open space.

5.0 Policy Context

National Policy / Guidelines

5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.1.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.1.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;

- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.3. **Development Plan:**

5.3.1. The Kildare County Development Plan 2017-2023 is the statutory Development Plan for County Kildare. Volume 2 of the County Development Plan deals with Village Plans and Rural Settlements.

5.3.2. Allenwood is identified as a rural village and the subject site is located within the northern area of the settlement on lands identified as 'C – New Residential'. This zoning objective is to provide for new residential development and associated ancillary services. The Plan further provides that 'new residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and landscaping of open space.

5.3.3. Volume 1 of the CDP, Chapter 15 deals with urban design and section 15.5.2 relates to Greenfield Edge, where development in edge of town / greenfield edge sites will primarily be residential development with supporting community uses and neighbourhood centres. The character of these areas should have less intensity of

development, providing a transition towards the open countryside. Table 15.1 outlines the key principles for consolidation and expansion areas.

5.3.4. The plan provides best practice guidance for sustainable urban growth at section 15.6 and deals with character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability, diversity, environmental sustainability and liveable environments. Section 15.8 deals with overall layout design considerations.

5.3.5. Chapter 17 deals with development management standards and section 17.4 deals with residential development.

5.4. Natural Heritage Designations

The subject site is located at a distance of approximately 5km from the nearest cSAC, Ballynafagh Lake SAC, Site Code 001387, and Ballynafagh Bog SAC, Site Code 000391. The site is not located within any designated site.

6.0 The Appeal

This is a first party appeal against the decision to refuse permission.

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are summarised as follows:

- The proposed development seeks to complete the existing estate, The Willows.
- The exact basis on which the Council concluded that the development is unacceptable is not identifiable in the final planning report.
- The proposed layout focuses on a two no-through-roads, which has been promoted nationwide since the turn of the century and is an optimal solution for the site.
- The proposed development will combine with the existing estate. It need for the proposed development to address the road outside the site is disputed given that the scheme comprises a stand-alone extension to the Willows.

- Concerns in terms of the juxtaposition of houses raised by the council are not shared.
- Garden sizes comply with requirements.
- Objections to the proposal are light-weight.
- Room sizes and storage issues addressed.
- Difficulties have been overstated in the Planning officers report and an analysis appear to relate to difference in garden sizes, proposed roads do not connect with an existing cul-de-sac, the presence of two no-through roads and the precise location of communal open space.
- The appellant does not share the Planning Authority's objection to the proposal and request that the Board overturn the decision and grant permission for the development.

6.2. Planning Authority Response

The PA has responded to the first party appeal advising no further comments.

6.3. Observations

There are three observations noted in relation to the subject appeal.

6.3.1. Jermain & Marian Williams:

This observation restates objections to the proposed development as raised in the course of the PAs assessment. Issues raised are summarised as follows:

- When purchasing their home in the Willows, they were advised that it was a 30 house estate. The proposal for 46 further houses changes this.
- Roads and traffic issues with the potential for 120+ cars using the entrance and estate road.
- Potential impacts on children safety.
- The turning area has not been provided.
- The style of the houses proposed is completely different from the existing houses.

- The existing estate remains unfinished.

6.3.2. The Willows (Allenwood) Residents Association:

This observation restates objections to the proposed development as raised in the course of the PAs assessment. Issues raised are summarised as follows:

- The association does not wish to object to the building of houses, but object to their homes remaining in an unfinished estate for an indeterminate period of time into the future. It is requested that the existing estate be completed.
- The applicant has not responded adequately to the issues raised in the Associations previous submissions.
- Issues to be rectified within the existing estate are indicated as follows:
 - Street lighting
 - Road surface
 - Open space / green area experiences significant ponding and is waterlogged.
 - Surface water drainage is inadequate.
 - Foul water drainage is inadequate. The sewage network frequently blocks up and many sewer access hatches have to be cleared manually by residents or sewerage backs up into gardens. There are blockages during heavy rainfall also.
- It is requested that the Board take into consideration the above issues.

6.3.3. Marie & Peter Casey:

This observation restates objections to the proposed development as raised in the course of the PAs assessment. Issues raised are summarised as follows:

- The sewerage system does not work properly.
- Roads and traffic issues.
- Unfinished nature of the existing estate.
- Ongoing issues with the existing development.

6.4. Further Responses

None

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Planning History & Water Services
3. Roads & Traffic
4. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

Sustainable Residential Development in Urban Areas (DoEHLG, 2008)

- 7.1.1. The subject site is located within the rural village of Allenwood, Co. Kildare and on lands zoned for residential purposes in the Kildare County Development Plan 2017. The site can connect to public services and as such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2008 guidelines updated the Residential Density Guidelines for Planning Authorities (1999), and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. The development proposes the construction of 46 dwelling units on a site covering approximately 2.6ha and in terms of the recommendations of the Guidelines, the density could be considered at the

lower levels permissible on such zoned lands. However, given the nature of site and its location within the context of the village, I have no objection to the proposed density of same. The Board will note that the proposed development is described as an extension to the existing Willows residential estate, constructed to the east of the site, and if permitted, will result in the estate comprising 75 residential units.

7.1.2. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.1 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

- In terms of private open space, the Board will note that proposed development layout, as permitted, provides for rear gardens generally having a depth of +10m. I would consider that the private open space provision is adequate.
- With regard to public open space, the proposal as amended, provides for three areas of open space to be located centrally, a smaller pocket to the north east and an extension to the existing open space associated with the Willows estate to the east. The open space to the north and east are so designated due to the presence of the 110kv power lines which traverse the Willows estate. As the proposed development is described as an extension to the Willows residential estate, the future residents will also have access to the existing green area. Having regard to the fact that if permitted, the development will comprise 75 houses, I am concerned that the open space provision across the estate, does not provide for specified play areas or kickabout areas.

The applicant indicates that the proposed open space provides for 4,584m² equating to 17.4% of the total site area. While I accept that the

open space provision generally accords with the requirements of the County Development Plan, I have reservations as to the quality of this space.

Having carried out a site inspection, it is clear that the soil conditions would not appear to be good in terms of permeability and ponding was evident on the existing open space area. In addition, the large existing open space area is located under 110Kv power lines. The quality of the existing open space is questionable and therefore, I would consider that the proposed extension will require appropriate amenity spaces for the residents and children.

Access to the open space is not readily achievable without the requirement to cross a road for the majority of the proposed residential units, due to the proposed layout. Children and residents will have to cross a 6m wide estate road to access the open space areas.

- Overall, I am satisfied that the proposed open space provision is acceptable in principle. I do however, have real concerns regarding the proposed layout of the site, together with the proposed widths of roads and the requirements of DMURS. I consider that if the development is permitted in its current form and layout, it would significantly impact on the existing amenities of the area. The layout is roads dominated, in my opinion, and does not give due regard to the quality of the open spaces to be provided

b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

- The subject site is zoned for residential development and as such, the principle of the development is considered acceptable. However, I have a real concern in relation to the potential impact the development will have on the existing adjacent residents, particularly with regard to the access proposals.
- The Board will note that the Local Authority sought amendments to the site layout to improve the permeability of the development. The applicant has resisted the request for additional pedestrian links to the

local road, the L-1020, which would require the provision of a footpath. Having regard to the fact that the existing road within The Willows is excessive in its width for an estate road, the development of additional houses, and the associated traffic together with the potential for the inclusion of a future access road to access lands to the north and all using the existing Willows roads and entrance, there is a significant potential for adverse impacts arising on the amenities of existing residents and neighbours.

c) *Good internal space standards of development;*

The proposed development provides for a number of different house types. The Kildare County Development Plan, section 17.4 deals with development management guidelines for residential developments and table 17.4 provides guidance for minimum floor areas and storage requirements for dwelling houses. The Board will note that as part of the first party appeal, the applicant has submitted amended house designs in order to ensure compliance with the stated guidelines. The details are advised as follows:

Type	Unit Type	Floor Area	Storage area	Guideline m ²	
				Floor	Storage
1 1A	Semi-detached Dormer Bungalow (4-bed)	139m ²	11.4	110	10
2 2A 2B 2C 2D	Semi-detached (3-bed)	168.6m ² 168.6m ² 187.2m ² 174.4m ² 174.4m ²	12	100	9
3A 3B 3C	Detached (4-bed)	146.3m ² 153m ² 153m ²	10	110	10
4	Detached dormer dwelling (5-bed)	190.4m ²	10	-	-

In terms of above, the following is relevant:

- It is clear that the proposed houses, as presented in support of the appeal to the Board, provide for floor areas which adequately comply with the stated required standards.

- Storage areas include utility rooms, under stairs storage and storage at first floor level including walk in wardrobes.
- The width of the living rooms, and actual proposed floor areas, all comply with the minimum requirements stipulated in the County Development Plan.
- The amended proposed development also provides for the sheds for the houses which will provide additional storage.

Overall, I have no objections to the proposed houses in terms of the proposed internal spaces proposed.

d) Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;

Given the nature and scale of the proposed development, I am satisfied that the development might reasonably be considered as being acceptable in principle, given the zoning afforded to the subject site. That said, third parties have raised concerns in terms of the proposed introduction of two storey dwellings into the Willows. The existing estate comprises dormer bungalows while the proposed development will include two storey houses. In principle, I have no objection to the proposed house designs.

e) Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;

Not relevant in this instance as there is no protected structure or Architectural Conservation Area in proximity to the subject site.

f) Compliance with plot ratio and site coverage standards adopted in development plans.

The Kildare County Development Plan provides guidance in terms of site coverage and density and having regard to the nature of the subject site, I am satisfied that the proposed development is acceptable in my opinion, in terms of site coverage and plot ratio.

7.1.3. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surround area and existing residential estates. The development proposes 46 residential units as an extension to the Willows estate.

7.1.4. Having regard to the above, and acknowledging that the current Plan for the area zones the lands for residential development, I consider that the principle of the proposed development is acceptable. However, the nature of the proposed development and in particular, the layout which gives priority to the car, the inadequate permeability through the site for pedestrians and cyclists, together with the potential for a future access road to service lands to the north, remains a serious concern. I consider that if permitted as proposed, the development will significantly, and adversely, impact on the existing residential amenities of residents in the Willows.

7.2. **Planning History & Water Services**

7.2.1. The Board will note the planning history associated with the adjacent site, where permission for the existing Willows estate was permitted over a number of decisions. The third party submissions indicate that at no time was it advised that the development of the adjoining lands would be accessed via the Willows. I also note the identification of a possible future road to access lands to the north. I am satisfied that the principle of the proposed residential development is acceptable at this location, but I do have reservations regarding the proposed layout and access proposals as discussed above.

7.2.2. In terms of water services, the Board will note that the proposed development will connect to existing services serving the wider area. While I acknowledge the issues raised by third parties in relation to the existing water services in the Willows, the public system appears to have adequate capacity to accommodate the proposed development and Irish Water has indicated no objections. That said, the evidence submitted to the Board clearly indicates that there are issues with the existing servicing of the Willows development and the system into which the proposed development will connect. I also note that the applicant has not offered any solution

to the existing issues other than to advise that they would be addressed within 3 months of a decision to grant permission.

7.2.3. I would have serious concerns that if permitted, the proposed development will significantly and negatively impact on the amenities of the existing residents as it has not been shown that the existing sewerage network and the surface water network within the Willows estate is capable of accommodating the level of development proposed. Should the Board be minded to grant permission in this instance, I would consider it necessary that appropriate conditions are included as stipulated by the Water Services Engineer of Kildare County Council. In addition, I would consider it necessary that the existing issues with the service networks within The Willows, which are clearly evident, would require to be rectified in the first instance with sufficient evidence to satisfy the planning authority that capacity has been increased to accommodate the proposed development.

7.3. Roads & Traffic:

7.3.1. Access to the subject site is proposed over the existing and permitted estate road serving The Willows. This access road has an existing width of up to 6.772m. The existing road within the Willows essentially circles the public open space with houses located along the site boundaries. The Board will note that a primary concern of third parties relates to roads and traffic issues. If permitted, the proposed development will use the existing estate road, which is excessively wide in terms of DMURS, and will in my opinion, isolate those houses which are located to the north and east. In addition, the Board will note that the original plans identify a possible access road for lands to the north of the subject site. While it is reasonable to consider possible future connections, existing residents on The Willows have raised this as an issue.

7.3.2. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires

written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.3.3. DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, placed-based, self-regulations streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent on site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;
 - Catering for and promotion of higher levels of pedestrian movement;

- A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

7.3.4. DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design - omit left turn slips and staggered crossings etc., and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, the applicant has sought to design the internal roads of the proposed estate to ensure compliance and to a design speed of 20km/ph. In addition, pedestrian crossings have been provided, although I do consider that the design standards have not been fully applied with particular regard to the priority hierarchy. In particular, the Board will note the intention to provide 6m wide roads, and that in order to access the public open space area, pedestrians will have to navigate crossing the estate road. I have concerns that the width of the existing road, together with the proposed layout of the subject appeal, prioritises car users, contrary to the requirements of DMURS.

7.3.5. In terms of permeability, DMURS seeks to promote high connectivity which maximises permeability particularly for pedestrians and cyclists. In order to achieve such networks, DMURS seeks to limit the use of dendritic networks and cul-de-sacs that provide no through access. In terms of the proposed development, the Board will note that 3 cul-de-sacs are proposed with no permeability from the southern area of the proposed development site to the larger public open space area within the Willows and onto the existing footpath network.

7.3.6. In terms of parking, the Board will note that each proposed house will have 2 spaces. This accords with the requirements of the County Development Plan. In terms of the construction phase of the proposed development, I accept that there will be some impacts to existing road users. However, I am satisfied that these impacts are generally temporary in nature.

7.3.7. In conclusion, the Board will note that the zoning of the subject site, affords potential for a residential development. In terms of general roads and traffic issues, I am satisfied, based on the information submitted to date, that the requirements of the Design Manual for Urban Roads and Streets, have not been met. I further

conclude that the potential impact of the proposed development, and the traffic generated by same on the local road network, that the proposed development would result in a significant traffic hazard for existing residents in the area. In addition, I am satisfied that the development in its current form and layout would contribute significantly to traffic congestion within the local road network at the existing entrance to the Willows estate and would adversely affect the existing residential amenities of the existing residents by reason of the additional traffic resulting from the proposed development and would not accord with the requirements of DMURS.

7.4. **Appropriate Assessment**

7.4.1. The closest European Sites include the Ballynafagh Lake SAC (Site Code 001387) approximately 5km to the north east of the site, and the Ballynafagh Bog SAC (Site Code 000391), approximately 5km to the east. The Planning Authority carried out an AA screening – the applicant did not - which concludes that there would be no risk of significant negative effects on any European Site as a result of the proposed development, either alone or in combination with other plans or projects. The planning report on file concludes that appropriate assessment is not required.

7.4.2. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 **Recommendation**

I recommend that planning permission be **Refused** for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Notwithstanding the zoning of the subject site, and the general desirability of promoting increased residential densities, as provided for in the current Development Plan for the area, and having regard to the pattern of development in the vicinity and the planning history of the area, it is considered that the proposed development, by reason of its layout, scale and design, would:-

- provide for a road and estate layout which would not be conducive to pedestrian safety and would generally fail to comply with the overall design approach and requirements set out in the Design Manual for Urban Roads and Streets (DMURS), issued in March 2013;
- result in a significant traffic hazard for existing residents in the area by reason of the existing layout of The Willows and would adversely affect the existing residential amenities of the existing residents by reason of the additional traffic resulting from the proposed development.

The proposed development would, therefore, constitute a substandard form of residential development that would seriously injure the residential amenities of the area, would be contrary to Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, based on the information provided and the evidence submitted, that the existing water services networks in The Willows residential estate, can adequately accommodate the level of development proposed in terms of waste water and surface water. The development would, therefore, result in a significant dis-amenity to existing residents and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
28th February, 2018