



## **Development**

An infill development of two residential blocks (22 no. apartments in total) within the curtilage of Craddockstown Court Apartments. Both new blocks (Block E and Block F) will be four storeys in height and included 11 no. apartments (i.e. 3 x 1 bedroom and 8 x 2 bedroom apartments) in each block. This will bring the total number of apartments on site to 69. A basement level to Block F is proposed to provide for car parking, cycle storage and a bin store. Each apartment will have private amenity space provided by a terrace at ground floor or a balcony for apartments above ground floor level. The application proposes an additional 39 no. car parking spaces bringing the total car parking provision to 112 no. spaces on site. The application includes the demolition of an existing refuse store (c.37m<sup>2</sup>) and construction of four new refuse stores of c.13sqm to cater for apartments within Blocks

B-E. Refuse storage for Block F is proposed within the basement. The application proposes significant landscaping including the provision of a green walkway through the east of the site; a revised vehicular entrance and all other associated works

**Location**

Craddockstown Court  
Naas  
Co. Kildare

**Planning Authority**

Kildare County Council

**Planning Authority Reg. Ref.**

17/1187

**Applicant(s)**

Viztip Ltd.

**Type of Application**

Permission

**Planning Authority Decision**

REFUSE

**Type of Appeal**

First Party

**Appellant(s)**

Viztip Ltd

**Observer(s)**

Victoria & Ciaran Brennan  
Robert James Chambers  
Teresa & Trevor Bodtke  
Gordon Hardford & Sarah Bradley  
Jason & Lynne Teahan  
Agnieszka Kpoyto  
Annemaire Hayes & Frank Burke  
Tony & Carolyn Hannon  
Frank Hamond & Valerie Leinoissen

Siobhan Rooney

Owen & Patricia Kelly

Ceire & Enda Walsh

**Date of Site Inspection**

**Inspector**

Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The subject site (1.3575ha) is located within an existing apartment development, *Craddockstown Court*, which is just off the Naas Southern Ring Road, east of the R411 Ballymore Road and 1km south of Naas town.
- 1.2. There are 3No. apartments on the subject site (Blocks B, C and D) comprising of 47 apartments as permitted under Reg. Ref. 04/500138. The application site is bound to the north by the Naas Southern ring road, by the R411 Ballymore Eustace Road to the west, by residential development to the east and undeveloped land to the south (with planning permission for 251No. dwellings).
- 1.3. Vehicular and pedestrian access to the site is via the Naas Southern Ring Road. The main access road is a future access to undeveloped lands to the south, dwellings houses to the east which overlook the subject site, and access to the subject site.
- 1.4. The three apartment blocks on the subject site are mainly positioned along the road frontages of the site. The larger Blocks B and D address the Ballymore Eustace Road to the west. and Block C is at the entrance of the site and is mainly visible from the Southern Ring Road. The carparking and open space areas are located centrally on the site. The exact located of the proposed Block F is located in a dip within the site.

## 2.0 Proposed Development

- 2.1. The proposed development consists of an additional two blocks of apartments within an existing apartment development, *Craddockstown Court Apartments*. The proposed new blocks, E and F are four storeys high bringing the total number of apartments on the site to 69No. in total. A basement level is proposed within Block F to provide for carparking, cycle storage and a bin store.
- 2.2. Each apartment will have private amenity space provided by a terrace at ground floor or a balcony.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 14<sup>th</sup> of December 2017, Kildare County Council decided to refuse the proposed development for two reasons namely:

1. Condition no. 12 of 04/500138 requires that the public open spaces associated with the apartments shall be developed for, and devoted to, the use of the residential occupiers of the proposed development. They shall be kept free of any development and shall not be enclosed by any means. Having regard to the location of the proposed 2No. blocks of apartments on lands devoted to public open space for the existing apartment development permitted under 04/500138, the proposed development would materially contravene a condition attached to a planning permission and would therefore be contrary to the proper planning and sustainable development of the area.
2. To permit development on lands set aside for communal open space within the existing apartment/ residential development would erode the level of existing quality communal open space provision set aside for passive recreation of existing residents, would seriously injure the residential amenity of existing residents through the loss of open space, would set an undesirable precedent for future residential developments proposals on open space lands within existing residential schemes and would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- A summary of the numerous objections is outlined which comes from residents of the area citing, incompleteness of existing development, lack of maintenance of green spaces, unsafe parking areas, residential amenity.
- The relevant development plan policies are cited

- The salient issues assessed included the documents submitted which states that the site coverage is 17% and is slightly above development plan requirements. The Landscaping Masterplan is included.
- The subject site is over 1km from the town centre and is not close to public transport. However given the existing use of the site for apartments, it is possible to consider the application.
- The site is described as infill. The two proposed blocks are located on lands used for open space under the parent permission 04/500138 as per condition No. 12

*The public open spaces associated with the apartments shall be developed for, and devoted to the use of residential occupiers of the proposed development. They shall be kept free of any development and shall not be enclosed by any means. The developer shall be responsible for satisfactory maintenance and upkeep of all open spaces in the development until a management company has been put in place.*

- To permit the proposed development would materially contravene a condition attached to a permission. It is not considered appropriate to permit a development that will consume the two pockets of communal landscaped open space set aside for the passive recreational use of 3No. existing blocks. To permit the provision of an additional 22No. units within 2 No. blocks would result in 5No. separate blocks, a reduced area of good quality communal open space, would set an undesirable precedent for similar proposals on other open space lands within existing residential developments.
- The proposed design is a more appropriate alternative design to the existing blocks on site.
- There are technical issues raised by Water Services and Housing.
- **RECOMMENDATION : REFUSE**

### 3.2.2. Other Technical Reports

- Environment: No objection
- Transportation : No objection

### 3.3. **Third Party Observations**

A number of residents from the immediate area made submissions to the planning authority during the statutory period expressing the following concerns:

- The applicant did not implement previous permissions
- The applicant failed to maintain greenspaces
- Additional massing will damage overall character of area
- The carparking proposals are unsafe
- Impacts of construction on residential amenity

### 4.0 **Planning History**

#### **09/500083**

Permission granted to Twangbrook Ltd. For Retention of:

- (i) Lift Shafts
- (ii) Additional area for bike stores
- (iii) Alterations to elevations
- (iv) Minor alterations to internal layouts
- (v) Bin storage areas

#### **08/500141**

Permission granted to Twangbrook Ltd. For retention of lift additional area from bike stores on the ground floor.

#### **07/500059**

Permission granted to Twangbrook Ltd for demolition of bridge abutment wall to facilitate the construction of public path.

#### **04/500138**

Permission granted to Twangbrook Ltd for residential development at Craddockstown Naas comprising of 102No. apartments, 10No. single family dwellings and a creche, on a site of 2.5Ha including an extension to the Naas Southern Ringroad.



## **Adjoining site to the South ABP 09.249006**

Planning permission has been granted on 12.56ha to the south of the subject site, for 251No. dwellings, a creche and a 2.85Ha park located on the western portion of the lands. Permission granted on 14<sup>th</sup> of November 2017.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **Kildare County Development Plan 2017-2023**

Section 17.4.6 Apartment Developments

### **5.2. Natural Heritage Designations**

There are no relevant sites on or adjoining the subject site. A screening for Appropriate Assessment accompanies this report.

### **5.3 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018**

- i. Enable a mix of apartment types more closely reflecting contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- ii. Encourage more refurbishment and small-scale urban infill schemes
- iii. Deliver greater policy clarity in relation to the emerging 'build to rent' and 'shared accommodation' sectors; and
- iv. Remove requirements for car-parking in certain circumstances to support sustainable transport modes and in the interests of enhancing the economic deliverability of apartment schemes.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

RPS has taken this First Party appeal on behalf of the applicant, Viztip Ltd. The following is a summary of the appeal:

### **7.2 Requirement for Housing**

Currently there is a housing crisis in Ireland. The shortfall of housing is causing high rents and purchase prices which is attracting Ireland's ability to attract foreign investment. The rental prices exceed our European counterparts. There is more housing required to counteract the problem.

### **7.3 Overall Need for Housing**

The draft National Planning Framework targets delivery of 550,000 additional households up to 2040, and this equates to 25,000 dwellings per year 2018-2022. Draft documents states that housing will be delivered in cities and larger towns, where the demand exists and will be more cost effective to the state in the longterm.

### **7.4 Overall Need for Apartments**

There is a massive demand for a more sustainable form of housing namely apartments. Apartment living is the most suitable form of residential accommodation. Apartments are in line with recent government policy regarding the new Draft Apartment Guidelines 2018.

### **7.5 Contravention of Condition 12 of 04/500138**

The reason for the condition was in the interests of proper planning and development of the area. There were 73No. conditions attached to the parent permission. It should be noted the application site, relates to a different area. The proposed application creates a new planning unit and should be considered afresh. It would not be appropriate to amend a condition relating to the entire old planning units as it is not all in the applicant's ownership. A new permission should supersede the previous condition as it relates to an area within the red line and the ownership of the applicant. It is agreed the condition is contrary to Condition No. 12 of the permission. Equally, it is contrary to several other conditions of the permission, for example condition No. 1.

To state that future permissions cannot supersede previous conditions would essentially preclude the site from any future development if neither Condition No. 1 or 12 could ever be contravened.

Planning permissions granted under 04/500138 is now constructed and occupied. Future planning applications start a new chapter. It is expected that any future application for development on the site will not comply with the conditions of the parent permission. Planning conditions should not preclude development in perpetuity for example of in cases of development plan changes.

Proposals should be considered against development plan as per section 34(2) of the Act. The section does not preclude development indefinitely.

#### **7.6 Precedent**

It is considered to refuse a planning permission on the grounds the development is restricted by a condition would set a negative precedent, and restrict developers and landowners from relooking at sites which are underutilised. There are several sites nationwide which have such restrictive conditions but are capable of providing additional housing in line with the policies of their respective development plans.

#### **7.7 Assessment of Proposals**

The development should be assessed against the provisions of the development as noted in Section 34(2) of the Act. The development plan is Kildare County Development Plan 2017-2023 following the expiration of the Naas Town Development Plan 2017.

#### **7.8 Policy Considerations**

Naas Town Plan has expired and the Kildare County Development Plan is to replace it. The County plan does not provide zoning maps for Naas. The principle of residential use is established on the site. The Plan seeks to focus new development in terms of consolidation within the existing urban footprint. Naas is designated as a 'Large Growth Town 1' in the County Settlement Hierarchy.

#### **7.9 Assessment**

The proposed site comprises a total of 5,577sq.m. total green area (excluding footpaths, carparks, etc). Of this 4,468sq.m. of high quality usable green space for the amenity of the residents.

CDP PS 1 requires all residential developments to be served by high quality public open space that enhances the character, identity and visual amenity of the area. Objective PS01 provides the Qualitative Standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

The requirements generated by the proposed 22No. units are as follows:

6 x 1Bedroom units = 30sq.m.

16 x 2Bedroom units = 112sq.m.

This equates to a total requirement of 142sq.m. The site currently includes 47No. units, creating a total demand of 69 units x 9sq.m. which is 621sq.m. The current open space provision on the site is 4,468sq.m. and is in excess of the requirement by 7 times. The existing open space requirement is 33% of the total site area (13,575sqm.), which is far in excess of the 10% development plan requirement.

The application proposes a landscaped greenway to the east of the site, linking the permitted Cairn Homes site, and the application site to the south with the town centre. This would provide a significant planning benefit to the scheme.

The CDP in Chapter 6 outlines the transport aims for the County with particular reference to increasing cycling and walking routes. Planning policies encourage more sustainable transport use and forms which requires increased densities close to town centre.

#### **7.10 Quality of Open Space Provision**

The proposals ensure the open space will be to the highest quality. A Landscaped Masterplan has been produced, which aims to increase circulation for pedestrians and cyclists, and to green up and soften the areas. The amenity space provision in the surrounding areas is excellent. There is a large park area approved with the Cairn Homes development, there is an existing park to the north. There is a large landscaped park to the west of the hospital. The communal amenity space in the area around the proposed development is excellent.

#### **7.11 Location of Proposed Blocks**

The proposed two blocks are located in areas which do not contribute greatly to the existing site in terms of amenity space. Block E is proposed in place of a substantial refuse and cycle store. The store sits between Blocks B and D and limits the usability

of the space. Block F is proposed in an area characterised by elevational changes. It is noted the area offers little by way of usable amenity. The location of the proposed blocks has been carefully considered to ensure they are located on parts of the site which would not unduly harm the amenity of the site. The provision of much needed residential accommodation can be provided without lowering the quality of the amenity space on site.

#### 7.12 **Alternatives to Current Proposal**

The Board could grant planning permission for one of the blocks.

#### 7.13 **Assessment of the Overall Scheme**

- The site is currently residential in use, and the increased density is acceptable in principle.
- The existing site has a residential density of 34 dwellings per hectare which is an unsustainable form of development on the site. The proposed density represents a density of 50.82 dwellings per hectare, which accords with Table 4.2 of the County Development Plan.
- The proposal provides a good housing mix
- The unit sizes all exceed the minimum standards set out in the 2015 Design Standards and the CDP by 7sq.m. and 15sq.m. The level of internal amenity is excellent.
- The proposed heights are commensurate with existing blocks on site.
- With regard to site coverage, the application proposes a site coverage of 17%, which is below the maximum threshold of 50% in the CDP.
- Section 17.2.3 of the CDP notes that plot ratios of 0.35-0.5ha are appropriate for outer suburban sites and ratios of 0.5-1.0 are appropriate for inner suburban sites. The plot ratio of 0.54 accords with the development plan.
- There is no overlooking from the proposed apartment blocks to the existing.
- Internal storage is in excess of standards
- The communal amenity open space is also in excess of standards

- The proposals would see an extension to the greenway linking the Cairn Homes to the south of the town.
- Carparking is in accordance with the development plan.

## 6.2. **Planning Authority Response**

There does not appear to be any further comment from the planning authority regarding the appeal.

## 6.3. **Observations**

There was a multitude of observations received from the following residents in the area:

Victoria & Ciaran Brennan

Robert James Chambers

Teresa & Trevor Bodtker

Gordon Hardford & Sarah Bradley

Jason & Lynne Teahan

Agnieszka Kpoyto

Annemaire Hayes & Frank Burke

Tony & Carolyn Hannon

Frank Hamond & Valerie Leinoissen

Siobhan Rooney

Owen & Patricia Kelly

Ceire & Enda Walsh

The following is a summary of the concerns expressed in their submissions, which has been summarised collectively to avoid undue repetition:

- The proposal will irreparably damage the character and quality of the entire development. The original development included Blocks B, C and D and 10

semi-detached dwellings, which the applicant fails to reference in the application documentation.

- The developer should not be allowed to expand the existing incomplete development. The applicant has owned the estate for 3 years, and the Council still has not taken the estate in charge.
- The applicant has made no effort to maintain any of the common areas. Any such maintenance has been at the expense of the residents which is made up of the owners of 1-10 Craddockstown Court. The Residents Association is considering proceedings against the applicant in respect of on going problems which have not been addressed to date.
- All of the units within blocks B, C and D, apart from three are rented. The tenants have no legal standing, and it falls on the residents to make observations on the proposal.
- Planning permission 04/500138 should not be superseded by 17/1187. The applicant is trying to circumvent the reason why the current planning application has been refused. The proposed development is located on open spaces within the estate, the proposed Block F is on an area which is for the existing residents amenity and enjoyment. Plenty of young children and families enjoy this area during the summer months.
- The proposal will destroy the quality amenity areas within the existing estate.
- It is noted the applicant has stated the proposal will help towards the existing housing crisis. There are numerous new developments in the area, Pipers Hill, Bellingsfield, Stoneleigh, Elsmore, Oldtown Walk, Landen Park, Willouise, Finlay Park, Castle Farm and Caragh Heights. Immediately adjacent to the site the Board has granted permission for 244No. residential units.
- The volume of traffic within the estate has increased enormously, not to mention the traffic on the Ballymore/ Blessington Road, whereby traffic is often backed up within the estate. Further developments will congest the road, leading to undesirable traffic lights at the entrance/ exit to the estate.

- The development would result in unwanted noise, disturbance and nuisance, especially dust. There will be a lot of drilling required for Block F, the houses will be covered in dust.
- There is a proposal for a basement carpark, and no proposal for surface carparking. Any additional carparking generated by the development should be confined to the basement carparking. Parking along the access road would be unsafe.
- Any further developments would have a negative impact in terms of the value of the existing owner occupied units and houses.
- Should the Board be inclined to permit the development it is requested the following conditions be attached :
  - (i) Completion of the road surfacing within the estate.
  - (ii) Repairs and full restoration of all street lighting
  - (iii) Full maintenance and service plan for the estate until it is taken in charge
  - (iv) Completion of pathways, drains, pipeworks, cabling
  - (v) A yield sign for residents exiting the apartments access road, and a 'Children at Play' sign at the entrance and road markings to be set down.
  - (vi) The pedestrian access onto the footpath adjacent to No. 10 Craddockstown Court be blocked or a barrier of some description be erected to ensure the safety of the children at play
  - (vii) Regular maintenance of green areas

## 7.0 **Assessment**

7.1. The appeal file has been summarised, a site visit was carried out, the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The main issues arising are:

- Planning Authority's Decision
- Parent Permission – Reg. Ref. 04/500138



- Development Plan
- Impacts

## 7.2 Planning Authority's Decision

The public notices described the proposed development as an *infill development of two residential blocks* within the curtilage of Craddockstown Court. Both of the proposed blocks are four storeys in height, and include 11No. apartments in each block(22No. apartments), bringing the total number of apartments on the site to 69No. units. I note the description of the proposed development does not reference the parent permission on the subject site. Kildare County Council in it's decision to refuse planning permission for the two blocks of apartments, cited the parent permission reference number in its reason for refusal No. 1

1. *Condition no. 12 of 04/500138 requires that the public open spaces associated with the apartments shall be developed for, and devoted to, the use of the residential occupiers of the proposed development. They shall be kept free of any development and shall not be enclosed by any means. Having regard to the location of the proposed 2No. blocks of apartments on lands devoted to public open space for the existing apartment development permitted under 04/500138, the proposed development would materially contravene a condition attached to a planning permission and would therefore be contrary to the proper planning and sustainable development of the area.*

In my opinion, the proposed blocks of apartments are not standalone developments, they are integrated into an existing residential scheme, which is supported by a communal access point, service roads, footpaths, sewerage infrastructure and watermains, carparking and open spaces. Furthermore, the position of Blocks E includes the demolition of an existing refuse store associated with the existing apartments, and the loss of private amenity areas associated with the existing Craddockstown Court development.

The First Party appeal states the proposed development only relates to part of the original site area, and that this is a new planning unit, and should be considered afresh, especially as there is a different landowner and the entire original planning unit is not in the landowner's ownership. It is further submitted the application should supersede previous permissions so far as it relates to the area within the red line and ownership of the applicant. The applicant agrees that the proposal does not comply with condition No. 12 of 04/500138, however, it does not comply with Condition No. 1 of said permission either. The applicant further submits that future permissions begin a new chapter, and it cannot be the case that future permissions cannot supersede previous conditions of planning permissions. Conditions should not preclude development indefinitely on the basis that a condition restricts it. It is submitted that this practice is contrary to section 34 (2) of the Planning and Development Act. It is submitted by the applicant, that the previous permission is a relevant material consideration but the Act does not preclude development based on a condition.

- 7.3 In my opinion it is important to examine the background to the conditions attached to the parent permission, to determine if the layout and open space was a substantive issue in the original proposal for the site, and the consideration for the planning authority in its decision. The current planning application and appeal excludes the ten dwellings to the east of the subject site which formed part of the original planning application and the main infrastructure for the existing three apartment blocks also serves the ten houses. These houses are an integral part of Craddockstown Court, and should have been included in all calculations relating to open space provision. The current application excludes these dwellings, and I note the bulk of the observations on appeal have been submitted by the owner occupiers of the dwellings.

7.4 I am not convinced by the applicant's argument that the proposed development represents a new planning unit and should be considered afresh under Section 34(2) of the Planning and Development Act. As stated above the proposal is an integral part of development permitted in 2005, and it is not a standalone project. In the event the Board was favourably disposed towards the development, any permission would have to link in with the 2004 case because the proposed development is dependent on the infrastructure and services associated with the parent permission. The problem arises that the applicant has reduced the site of the overall original site, and excludes the houses to the east but has included the open space areas fronting them. In saying that, the dwellings are detached from the apartment complex, and would appear to be a separate entity due to the physical cut off by the access road which is also to provide access to lands to the south of the site.

#### 7.5 **Parent Permission – Reg. Ref. 04/500138**

7.6 The original planning application went through a protracted planning process. The original layout included a full block of apartments along the Ballymore Road and a creche facility where Block F is proposed. There were originally 102No. apartments proposed under 04/500138, but following many requests for further information and clarification, the overall design was reduced to include for 65No. apartments with the layout revised to provide open space interlinking the apartments and houses on the site, and the existing open space areas in the vicinity. The design brief accompanying the final submission to the planning authority stated, the proposed open spaces formed an integral part of the development and will enable the continuation of parkland. The overall layout was revised to include two separate blocks along Ballymore Road to reduce the overall visual bulk of the proposal.

7.7 It should be noted that the subject site includes part of the original site assessed under P04/500138. The 10No. family dwellings to the east have been excluded from the subject site. The applicant acquired the site of the apartment blocks B, C and D.

#### 7.8 **Adjoining Site**

7.9 There is planning permission granted (PL09.249006) for 251No. dwellings, a two storey creche, associated carparking, and all associated site development works on the contiguous site to the south. Therefore, the applicant's argument that the Board should consider the proposal favourable due to a national housing crisis, is not sufficient reasoning to permit the proposal. There are a multitude on large housing schemes to the south of Naas, in the general vicinity of the site, currently under construction or with outstanding planning permissions.

#### 7.10 **Development Plan**

The relevant development plan is *Kildare County Development Plan 2017-2023*. *Naas is designated within the settlement strategy as a Large Growth Town 1*. I refer to Sections 17.4.6 and 17.4.7 as appended to this report. The applicant has calculated that there is 4,468sq.m. of public open space associated with the subject site. The subject site and the open space provision calculations do not include the dwelling houses to the east which should have formed part of the overall open space calculations. Notwithstanding, this omission, there is adequate open space provision on the site to cater for existing and proposed developments. The open space provision between existing Blocks B and D is somewhat limited by the single storey refuse store located in the middle. However, the residual area at this location is a usable space and it does create an attractive space between the two blocks.

#### 7.11 **Potential Impact of Proposed Development**

Having regard to the layout out and the height of the existing apartment blocks, I consider Block E would create an excessively bulky morphology along the Ballymore Road, at an urban fringe/ suburban location. Having examined the continuous proposed elevation from within the scheme, I believe Block E represents an excessive bulk and height at this location and the proposed elevation would be more appropriate in a more urban centre location. The proposed removal of the refuse store and replacement with a four storey block of apartments sandwiched between two existing blocks, will have an overbearing visual impact on the locality and Craddockstown Court. The Board should uphold the planning authority's decision to refuse Block E within the scheme.

Proposed Block F is positioned on a section of existing open space along the southern site boundary. The ground level dips at this location and this restricts the usability of the open space area. Block F includes a basement carparking catering for 10No. spaces and 11No. apartments within a four storey building. On the original plans in 2004, there was a creche proposed at this location, and the proposed creche was removed by condition because it was considered there were sufficient creches in the area, and to avoid additional traffic movements into the proposed estate. In my opinion, the proposed Block F can be accommodated at the subject location without unduly impacting on the existing residential amenities of the existing houses and apartments on site. Sufficient separation distances will be maintained, the design is in keeping with the existing blocks of apartments. In addition, the proposal will not take up any carparking spaces within the existing development as there are 10No. spaces and cycle storage located within the proposed basement area. The applicant had requested on appeal that the Board could grant planning permission for one of the Blocks and in my opinion the location of the proposed Block F is acceptable as the site location offers little by way of usable open space.

## **8.0 Recommendation**

I recommend the Board make a split decision whereby it should grant planning permission for Block F and refuse planning permission for proposed Block E.

## Reasons and Considerations

Having regard to the scale, height and design of the proposed Apartment Block F and the provisions of the Kildare County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of the existing apartment blocks within Craddockstown Court, would adequately protect the residential amenity of adjacent properties and of properties within the scheme. 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, and with the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> of February 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to 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 grant of permission is for Block F only. The residual site area shall remain as permitted under the original planning permission registration number 04/500138.

**Reason:** In the interests of clarity.

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

**Reason:** In the interest of protecting the character of the area

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity

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

**Reason:** In the interest of public health.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area.

**Reason:** In the interests of public safety and residential amenity.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. The landscaping scheme shown as submitted to An Bord Pleanála on the 19<sup>th</sup> day of January 2018, shall be carried out prior to occupation of any of the units permitted by this grant of permission.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 interests of residential and visual amenity.

10. 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 local 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.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## **REFUSAL OF BLOCK E**

Having regard to the pattern of development in the vicinity and the planning history of the site, it is considered that the proposed development, by reason of its scale, layout and overall design, would be visually incongruous and contrary to the visual amenities of the area, and would adversely affect the setting of the two existing apartment blocks alongside Ballymore Road, and by reason of its bulk, height and proximity to adjoining properties within Craddockstown Court would seriously injure the residential amenities of such adjoining property by reason of being visually overbearing and would significantly reduce the overall amount of public open space available to the existing and future residents of the scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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Caryn Coogan  
Planning Inspector

30 April 2018