



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301818-18



Strategic Housing Development

281 residential units comprising of 167
apartments and 114 houses

Location

Morristownbiller and Cornelscourt,
Station Road, Newbridge

Planning Authority

Kildare County Council

Applicant

Stennock Ltd.

Prescribed Bodies

Irish Water
The Arts Council
An Taisce – The National Trust for
Ireland
Department of Culture, Heritage and
the Gaeltacht
Fáilte Ireland
The Heritage Council

National Transport Authority
Kildare County Childcare Committee
Transport Infrastructure Ireland
Commission for Railway Regulation
Iarnród Éireann

Observer(s)	2 no submissions/observations
Date of Site Inspection	9 th July and 28 th August 2018
Inspector	Joanna Kelly

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The development site is located within the jurisdiction of Kildare County Council to the north-west of the settlement boundary of Newbridge town. The development site has a stated site area of 6.92ha and is an irregular shape bounded by the Dublin-Cork railway line to the south, residential lands to the north, agricultural lands to the west and commercial/residential lands to the east which have access directly from Station Road. The Newbridge town football club abuts the south-east of the site also.
- 2.2. The development lands currently have access from Morristownbiller Road via a roundabout which was permitted as part of 'The Meadows' development which is located west of "Byrne's Cross" on Station Road. There was a previous permission on the overall landholding however, only Phase 1 'The Meadows' located on the northern side of the roundabout off Morristownbiller Road and Phase 2 'The Paddocks' have been developed. The Phase 2 element comprised 39 units which are dispersed within the development site itself i.e. within the vicinity of Morristown Wood as identified on the plans submitted. The overall residential development remains unfinished and this proposal effectively represents the completion of the development at this location. The Phase 2 development consisting of the 39 units have been constructed and are occupied hence the local road network is generally in place. Hoarding exists throughout the site in the interests of public safety.
- 2.3 The apartment blocks are proposed along the southern boundary of the site, nearest the railway line. There is a large central open space proposed with housing generally arranged around this area or accessed via a link road leading to this central open space. I note that this open space was permitted under a previous permission and to date while the housing appears to have been completed the open space has yet to be delivered.

- 2.4 The Department of Defence is located on the northern side of Station Road. On the southern side, there is a signalised junction which provides access into a gym complex, “spin entertainment” with a five storey apartment block located west of this centre. There is a greenfield area located between this development and the development site which has the benefit of an extant permission for a four storey apartment block. It is at this location that there is an objective in the Newbridge Local Area Plan to deliver a road that will provide a link from the Morrinstownbiller Road roundabout through to Station Road.
- 2.5 St. Mary’s National school is located along the northern section of Station Road, backing onto the site boundary to the north-east corner. Morrinstownbiller House is located approx. 200m north-west of the site. There is a woodland area which stretches from the house to the north-west boundary of the site. Morrinstownbiller House appears to be in a ruinous state and is only just discernible from the existing open space area serving the existing Meadows development. There are also pylons that exist on the site with overhead power lines. There is an extant permission permitting the under-grounding of these cables.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed residential development consists of 281 residential units as follows:

Table 1: Number of Residential Units proposed

Units Type	No of units	% of each Unit type
Apartments		
1 bed	39	23%
2 bed	108	65%
3 bed	20	12%
Total Apartments	167	100%
Houses		
2 bed	21	18.5%
3 bed	93	81.5%
Total Houses	114	100%
Total Units Overall	281	

The proposed development consists of five apartment blocks as follows:

Table 2: Unit type within Apartment Blocks

Apartment Block	1 Bed Units	2 Bed Units	3 Bed Units	Total of Units in each Block
Block A	10	36	4	50
Block B	10	32	4	46
Block C	7	21	5	33
Block D	8	14	4	26
Block E	4	8	0	12
Total Unit Types	39	108	20	167

The proposed 114 housing units comprises of 16 detached units, 76 semi-detached units and 22 terraced units.

- 3.2. The following table provides key details as stated by the applicant for the proposed development:

Table 3: Key development details

Detail	Proposal
No. of Units	281 (167 apartments, 114 houses)
Site Area	6.92 ha red-line boundary
Density	50 units per hectare net (stated by applicant) 40 units per hectare gross
Building Height	Houses -2 storey Apartment Structures – 4 storey
Public Open Space	Central open space area 6,142sq.m. Area to north-west boundary 1,571sq.m.
Car parking	460 spaces

Bicycle parking	406 spaces
Dual Aspect Apartments	50%

4.0 Planning History

Relevant History pertaining to the overall landholding

File Ref. No. 05/2160 Permission granted to Patrick Byrne for a mixed use development comprising of 484 residential units comprising 290 houses and 194 apartments, creche, distributor road, open spaces etc. This permission was the original permission that comprises of 'The Meadows' (constructed located on northern side of Morrinstown Biller roundabout) and the current development site including the 39 units constructed referred to as Phase 2 in this report.

File Ref. No. 08/874 Permission granted for revisions to permission 05/2160. Change of use of house 129 from 4 bed to 3 bed, change house 132 from 3 bed to 4 bed and change house 141 from 4 bed to 3 bed.

File Ref. No. 16/1013 Permission granted to Stennock Ltd. for 39 units which have been constructed. Permission was sought for retention and completion of 40 two and three storey houses commenced under Reg. Ref. 11/624 and 05/2160, provision of a future access to adjoining site to the northeast and construction of part of two no. link streets identified in Objective SR08:C (I) and (II) of the Newbridge Local Area Plan, provision of future link street and future access to adjoining site to the south west of the application site and all associated site works above and below ground level to include open space and car parking.

File Ref. No. 16/649 Permission refused for completion of Phases 2 and 3 of previously permitted residential development (previous ref. no's 11/624 and 05/2160) consisting of a total of 224 previously permitted residential units and a single storey creche (c. 516m²) including 166 no. two and three storey detached, semi-detached and terraced 2,3 and 4 bedroom houses, 78 apartments in 7 no.

three and four storey blocks including 22 no. duplex units, 22 no. two bedroom over duplex apartments, 27 no. two bedroom apartments and 7 no. one bedroom apartments, underdeck parking for 82 car spaces in a revised design and layout to comply with current apartment standards, minor revisions to previously approved site layout plan, undergrounding of existing overhead powerlines, access into the development through Morrinstown Wood as previously approved and all associated site works.

The three reasons for refusal included

1. failure to take account of objective STO 8(c)(i) of the Newbridge Local Area Plan 2013-2019 regarding the route of the proposed link road from Station Road to Morrinstown Road;
2. omission of link road fails in the provision of pedestrian and cycle linkage to train station from new development;
3. over-concentration of apartments, concerns regarding height and impact of proposed apartments on residential and visual amenity.

File Ref. No. 17/614 Permission granted for the construction of two no. maximum 38KV electrical pylons, 16.2m in height to facilitate the undergrounding to overhead ESB wires crossing the site and allow for the development previously approved under planning reference 16/1013 on this c. 7.15ha site bounded by The Meadows and Morrinstown Wood to the north, Newbridge railway line to the south, Newbridge Town football grounds to the east and agricultural lands to the west in the townlands of Morrinstownbiller and Cornelscourt.

Adjoining Site to the east which is accessed from Station Road

File Ref. No. 16/1266 Permission granted to Patrick and Thomas Leeson for the phased completion of a previously commenced residential development approved under PI ref No. 05/222 and commenced under Commencement Notice ref CN07596. The development consists of (a) 24 no. apartment units in 1 no. 4 storey apartment block. Block A consisting of 2 no. 1 bedroom apartments and 22 no. 2 bedroom apartments with layouts to comply with current apartment

development standards. (b) Access roads, surface car parking, drainage, extensive landscaping and all associated site development works. Revised by Significant Further Information which consists of revised boundaries.

5.0 Section 5 Pre-Application Consultation

5.1. Overview

A section 5 pre-application consultation took place at the office of An Bord Pleanála on 25 January 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Density, quantum and standard of residential development, open space provision, public realm, Newbridge Local Area Plan 2013-2019 Policy HL6, location of creche, potential impacts associated with the railway line
- Roads Layout, connection to Station Road, DMURS, traffic impacts
- Foul and surface water drainage and flood risk assessment, in particular connection to the Upper Liffey Valley Regional Sewerage Scheme
- Potential Impacts on Morrinstownbiller House
- Potential impacts on Pollardstown Fen SAC
- Clarification of Part V proposals
- Any other Matters

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Residential Density

Further consideration/justification of the documents as they relate to the proposed residential density. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the relevant provisions of the Newbridge Local Area Plan 2013-2019 including Policy HL6 of same and the proximity of the site to Newbridge town centre and Railway Station. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development

2. Roads Layout and Parking Provision

Further consideration/justification of the documents as they relate to the roads layout and parking provision. This consideration should have regard to, inter alia, the 'Design Manual for Urban Roads and Streets' in particular the need to provide a clear hierarchy of streets and the recommendations of DMURS with regard to parking layouts. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

3. Foul and Surface Water Drainage

Further consideration/justification of the documents as they relate to the proposed foul and surface water drainage. This consideration should have regard to (i) provision for surface water run-off from Phase 1 of the development and (ii) phasing and connection to the Upper Liffey Valley Regional Sewerage Scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

- Planning report to provide a rationale for the proposed public open space provision, with regard to the relationship between Phases 1 and 2 of the overall

scheme and the need for public open space within the proposed development to serve development permitted under Phase 1.

- A noise report, which addresses the potential noise impact from the adjoining railway line and clearly outlined proposed noise mitigation measures, if so required.
- Traffic Impact Assessment to include consideration of the traffic generated by Phase 1 of the development, traffic impacts as a result of the completion of the distributor road required under Policy SRO 8(c)(i) of the Newbridge Local Area Plan 2013-2019 and the proximity of the site to Newbridge Railway Station.
- Planning report providing a detailed rationale for the proposed car parking provision with regard (i) the location of the site adjacent to Newbridge Station (ii) development plan parking standards and (iii) parking provisions for the crèche, to be supplemented by a Transportation Impact Assessment and a Mobility Management Plan.
- Site specific Flood Risk Assessment
- Assessment of potential impacts on Morristownbillar House to consider impacts on the shared boundary including tree protection and visual impacts.
- AA screening report to consider impacts on Pollardstown Fen SAC.
- Part V proposals with regard to relevant national guidance.

5.3. Applicant's Statement

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

Item 1

Residential Density

Response

With regard to residential development the number of units proposed has been increased from 164 to 281 and now achieves a net residential density of 50 units per hectare. Details regarding the calculation of the net site area are outlined. The two link roads running through the site have been excluded. The designated landscape buffer strip along the rail line has also been excluded. The net site area has been calculated as 5.59ha.

Item 2

Roads Layout and parking

Response

Reference is made to the DDA Architects Drawing 16-010-P.1.006 which identifies the street hierarchy for the development comprising link roads, side streets and home-zones. The development will consist of a clear navigable route of internal streets, footpaths and cycle routes which will connect the development area. A major vehicular link already exists through the Meadows residential scheme to the north of the site connecting Morrinstownbiller Road with Station Road. A new major link road identified in the Newbridge LAP 2013-2019 as objective STO 8 (c), (i) and (ii) is proposed to connect from the adjoining lands to the east through the application site to provide further connectivity to the Morrinstownbiller Road through the agricultural lands west of the site as well as a link road connecting to the link road through 'the Meadows'.

Item 3

Foul and Surface Water Drainage

Response

The report prepared by Drainage Design Report prepared by Kavanagh Burke Consulting Engineers confirms that the waste and surface water drainage network is common to both the existing Phase 1 development (the existing 'Meadows' scheme to the north) and the current proposal, Phase 2. The full Phase 1 development will discharge into the subject Phase 2 where a full new surface water attenuation

system will be installed to cater for both the existing and proposed development. The single attenuation system will be the overall system for a) the 'Meadows' development plus b) the Phase 2, 39. no. houses that were the subject of the recent retention application (File Ref. No. 16/1013) and c) the current subject development.

In relation to foul drainage, the existing drainage, the existing Phase 1 foul sewer and the proposed Phase 2 foul sewer will form one drainage network with one outfall location. Both phases of the development will be fully integrated regarding access roads, drainage and utilities. In relation to phasing and connection to the Upper Liffey Valley Regional Sewerage Scheme it is noted that the matter will be specifically addressed when correspondence with Irish Water advances in the Project Works Services Agreement (PWSA). Until the PWSA is advanced it is not yet known what the specific phasing requirements of Irish Water will be for this development.

With regard to the specific additional information required, the applicant has responded as follows:

- Open Space - Two public open space areas totalling 0.77ha are proposed within the site are zoned 'residential' (c) under the Newbridge LAP. One is 0.64ha and the other is 0.15ha. The layout and extent of the larger open space was previously granted under File ref. No. 16/1013 for the 39 houses built and /or under construction to date within 'the Paddocks'. The location and extent of open space has been determined by the need for a significant attenuation area underneath. The proposed open space aims to combine with an existing area of open space in the adjoining 'Meadows' scheme.
- Noise Report – The current scheme was assessed by Traynor Environmental Ltd. In terms of noise exposure from the adjacent railway line. The development site has been found to be below the range of noise levels deemed to be significant and where the onset of mitigation measures would typically be considered for noise.
- Traffic Impact Assessment – A TIA prepared by TPS Consulting Engineers is included with the application.

- Parking – 460 no. car parking spaces are proposed as part of this development. The parking provision for the houses accords with Table 17.9 of the Kildare County Development Plan 2017-2023 i.e. 2 per house. A rate of one space per apartment unit is provided and a further 12 spaces for the creche and 53 visitor/car club/disabled parking space.
- Flood Risk – A site specific flood risk assessment has been submitted with the application.
- Morristown Biller House – Morristown Biller House is located on third party lands c. 200m west of the western boundary of the proposed development and is in ruins. The property is not included in the National Inventory of Archaeological Heritage nor is it a protected structure. Nevertheless, the setting of this House and the mature and robust small woodland surrounding the House is acknowledged and respected within the proposed design for the residential scheme. The small woodland within the grounds of Morristown Biller House is identified in the LAP for protection. The public open space itself is proposed at the location with deference to the setting of the House and protected trees, and also, to complement and complete the existing adjoining public open space in the Meadows. In relation to the House itself a separate report has been prepared by DDA Architects which examines further the potential impacts including visual impacts. It is considered that the proposal will not negatively impact on the character and setting of Morristown Biller House nor the protected woodland in its grounds.
- Appropriate Screening – A new AA screening report has been prepared and concludes that all impacts of the proposed development, including potential hydrological impacts upon the ground-water dependent habitats and species of Pollardstown Fen have been also considered and have been found to be unlikely.
- Part V – The applicant’s proposal will provide 21 no. units comprising of 4 no. 1 bed apartments, 8 no. 2 bed apartments, 5 no. 2 bed houses and 4 no. 3 bed houses. The locations are indicated on drawings submitted.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".

National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

National Planning Objective 13 provides that "in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

6.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'

6.3. Local Planning Policy

6.3.1. Kildare County Development Plan 2017-2023

Chapter 2 of this plan contains the “Core Strategy” for the County. Newbridge is identified as a Large Growth Town II which are smaller in scale to the Large Growth Towns but are strong active growth towns, economically vibrant with high quality transport links to larger towns/city. The CDP identifies a Housing Unit Target for 2023 of 32,497 units of which 21,123 housing units are allocated for the Hinterland area. A minimum of the 60% of this hinterland allocation is to be directed towards Newbridge and the other designated hinterland towns.

Chapter 4 refers to Housing, the aim of which is to facilitate the provision of high quality residential developments at appropriate locations in line with the settlement strategy. Sections 4.3 and 4.4 and 4.5 are directly relevant referring to policies relating to Sustainable Communities, Residential Urban design and Local and Density respectively. A copy of this chapter with relevant policies is enclosed as an Appendix for ease of reference by the Board.

Chapters 12, 15 and 17 refer to Architectural and Archaeological Heritage, Urban Design and Development Management Standards.

6.3.2 Newbridge Local Area Plan 2013-2019

Table 11 sets out Indicative Residential Densities which are sourced from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.

Relevant policies include:

HL5 To require applications for residential developments over 20 units, to demonstrate the provision of an appropriate mix of dwelling types having regard to the following:

- The nature of the existing housing stock and existing social mix in the area;
- The desirability of providing for mixed communities;

- The provision of a range of housing types and tenures;
- The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle;
- The need to cater for special needs groups.

HL6 To restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. Duplex units shall not generally be permitted.

GMO 2: That all development proposals would promote walking and cycling modes in Newbridge by ensuring consistency with the relevant measures contained in Chapter 9 of the Draft Transportation Strategy for the Greater Dublin Area 2011-2030 (or as amended) during the period of the plan.

It is an objective of the Council under

SRO 5: To seek the construction of the following transport links, subject to environmental and conservation considerations, as identified on Maps 2 and 7 and to preserve these routes free from development.

(d) A link from L7036 Morristownbiller Road (F) to the R416 Milltown Road (G).

SRO 8: To seek the construction of the following new streets, as identified on Map 2 and to preserve the routes of these streets free from development:

a) From Edward Street (L) to Military Road (M) (adjacent to Lidl).

b) From Main Street (N) to Military Road/ Athgarvan Road(O) (through Bord na Mona)

c) (i) From the L7036 Morristonwbiller Road (H) to the R416 Station Road at the entrance junction to the Department of Defence (I), through the lands zoned C4 & C5, utilising the existing section of street already constructed.

(ii) From the L7036 Morristownbiller Road at The Meadows at Cornelscourt (J) to the new street proposed under SRO 8 (c) (i) above (K), through the lands zoned C4, utilising the existing sections of street already constructed.

These link streets (i & ii) will ensure that movement to/from the Station is maximised either as part of existing permitted developments or as part of any revised/future development(s). The design of these transport links shall be in accordance with the Design Manual for Urban Roads and Streets (DMURS).

6.4 Applicant's Statement of Consistency

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act which provides, *inter alia*:

- Newbridge is located within the Eastern and Midland Region which is targeted for an additional 475,000-500,000 additional people by 2040 as identified in the NPF.
- The proposal seeks to deliver an appropriate form and scale of residential development, along with public open space and childcare facilities and which will complete the overall residential development originally granted over 10 years ago which is located close to a high quality public transport corridor and in close proximity to existing services and facilities.
- Newbridge is designated in the RPGs as a Large Growth Town II within the Hinterland area of the GDA. The large growth towns are expected to absorb most of the new population growth in the county area. The development of the subject lands for significant residential development is in accordance with the objectives of the RPGs as is reflected in the zoning of the lands at the local planning level also.
- Reference is made to the 'Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas, 2009' and it is set out, *inter alia* that the scheme has been designed to the highest residential standard. The majority of units are dual aspect with access to private gardens that meet or exceed minimum standards. The development is well located in relation to educational, sports and retail services elsewhere in the town. A variety of streets and character areas are proposed and which generally emanate from

the main central open space and with the main link road marking a change in character housing in the north to apartments in the south.

- In relation to schools it is noted that Newbridge is currently served by 11 primary schools and 4 post-primary schools. The current Newbridge LAP states that there is no demand yet for additional schools, nevertheless a site on Walshestown Road has been zoned for a school should demand arise.
- The site is also located adjacent to recreational uses (e.g. Spin Activity Centre with swimming pool, Newbridge Town FC grounds, Sarsfield GAA grounds and the Bridge Medical Centre on Station Road.
- The subject site is within 400m of the railway station and proposes a density of 50 units per hectare in accordance with national policy.
- The statement of consistency sets out how the development is consistent with the design criteria of the Urban Design Manual. It is set out, inter alia, that the proposal will be an extension of the form and layout of buildings to the north at 'The Meadows' with an incremental increase in density to the south and east closer to the railway station. The general layout and design is informed by the established permission on the lands and reflects the greater scale and intensity of development on lands closer to the railway station. The development will contribute to the housing mix of the area. The site is currently vacant and in a poor visual state due to the site clearance and ground works previously carried out. The proposal will replace the current negative character with a new completed development.
- With regard to the Childcare Guidelines, it is proposed to construct a creche of 304sq.m. which will cater for up to 75 children which based on the guidelines is the equivalent of 281 residential units. The demand for childcare arising from existing development has been catered for within the eight facilities located within 1km of the site.
- With regard to 'Smarter Travel' it is set out that the proposal accords with the overall vision for better integration between land-use and transport as the development will be located close to rail services at Newbridge Station with 35 services operating into Dublin each weekday.
- A strategic flood risk assessment for Newbridge was carried out as part of the drafting of the 2013 LAP to inform strategic land-use decisions with the

purpose of ensuring that flood risk management is fully integrated into the LAP. The site is located outside of any identified areas and therefore a site specific flood risk assessment is not required. JBA consulting has undertaken a Flood Risk Assessment for the proposed development which confirms that the site resides in Flood Zone C and therefore has a low risk of fluvial inundation.

- With regard to local policy, the statement sets out that the proposal accords with the Core Strategy for the County.
- The density is considered consistent with the provisions of the County Development Plan.
- Proposal will increase the housing stock in the County in accordance with Objective HSO3.
- The proposed development provides an appropriate quantum and quality of public and private open space in accordance with Policies OS1 and PS1.
- Reference is made to development management standards and sets out that the development is consistent with these standards.
- It is also set out that the proposal complies with the Newbridge Local Area Plan 2013-2019.
- It is considered that the revised scheme results in an improved residential development that accords with the quantitative and qualitative residential design standards set out in national and local planning policy.

7.0 Observer Submissions

7.1. A total of 2 no. observations were received in respect of the proposed development.

Louise and Barry Walsh

- Dismayed at number of apartments included in the application.
- The previous application was refused because it contravened Policy HL6 of the Newbridge Area Development Plan pertaining to the building of apartments.

- The location of the apartments at the end of the site away from family homes leaves them isolated and separate from the rest of the estate.
- With regard to Part V concerns are raised about the apartment complex at the end of the site which is not conducive to successful social integration.
- The issue of sewage runoff is addressed in the application documents. This is welcomed as at different times of the year there are strong sewage odours experienced in the estate.
- Object to the inclusion of road works to create a through road past observers' front door (Morristown Wood). This objective is included in the town plan. However, the plan was drawn up whilst the estate was still under construction and assumptions were made regarding the quality and suitability of the phased and related infrastructure. Morristown Wood (phase 2 of the Meadows) has not been completed to an adequate standard to accommodate the traffic associated with 320 new dwellings.
- The width of the current road is not suitable to accommodate any extra traffic from the number of houses and apartments proposed.
- Concerns are raised about the traffic noise and safety risk posed having regard to the open plan nature of the gardens.
- The proposal will create a "rat-run" for residents from the Roseberry area travelling towards Newbridge and the Curragh direction. The proposal will drastically decrease property value and impact on the quality of life and impact on quality of life.
- If permission is granted it is urged that the developer open the road at "Spin Entertainment" as soon as possible.
- Reference is made to the end in the road as residents leave 'The Paddocks' and exit through Morristown Wood and the claim that this acts as a traffic calming measure. This is not the case. Gardens are open plan in nature so there are no walls or bollards to offer protection from speeding vehicles.
- It is requested that the developer include Morristown Wood estate in any signage for ease of access for postal services, couriers, etc.

Laura Finn on behalf of Leixlip and Newbridge SPV Limited

- Leixlip and Newbridge SPV limited are the owners of the lands located to the west of the Stennock housing application site.
- Reference is made to Local Plan Objective SRO8 which seek the construction of new streets. These link streets will ensure that movement to and from the Station is maximised either as part of existing permitted developments or as part of any revised/future development. The proposals contained within the application provide the link road as required by the LAP.
- It is suggested that the drainage network pipes/water supply infrastructure within the roads and footpaths are brought up to the edge of the site within the link road to ensure adjoining lands are serviced following the roads being taken in charge.
- In the interest of orderly development and to prevent any future ransom strips, it is suggested that all piped infrastructure is extended to the end of the link road spur as highlighted on the plan submitted with the observation.

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Kildare County Council has made a submission which was received by ABP 3rd August 2018. The report notes the two observations/submissions received and summarised the issues raised.

8.2 Summary of Views of Elected Members

- Concern regarding the capability of the bridge on Station Road to cater for additional traffic movements without prior works carried out to the bridge.
- Development premature pending the completion of works to the Newbridge interceptor sewer. Concern raised regarding water pressure and drainage issues.
- Traffic Management Plan for Newbridge required.
- Review of County Development Plan in respect of residential densities.

- Concern regarding open space provision. More open space should be provided, in excess of 15% and finished to a suitable quality.
- Proper access routes to and from the town centre to be provided to encourage apartment living.
- Given the subject site location to the town centre and train station, the site could support higher densities.
- Underground parking should be considered.
- Grey water and water harvesting systems should be considered.
- Apartments would have huge impact on Morristownbiller and one and two bed dwellings should be included in the scheme.

8.3 Planning Analysis

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

- **Principle of development** – it is considered that the proposed development would conform with the settlement strategy figures for Newbridge and as such is compliant with the Core and Settlement Strategy policies and objectives of the Plan. The majority of the site is zoned 'C' New residential with a portion to the south-east zoned 'I' agricultural within the Newbridge Local Area Plan 2013-2019. The portion of the site zoned 'I' agricultural has been designated a buffer zone adjacent to the railway line.
- **Density** –It is noted that the general density parameters in this instance is 30-50 units per hectare subject to the design principles and standards set out in Chapter 12 (Architectural and Archaeological Heritage), Chapter 16 (Urban Design Guidelines) and Chapter 17 (Development Management Standards). It is considered that the site could accommodate high density subject to satisfactory design and compliance with qualitative and quantitative standards.
- **Plot Ratio** – A plot ratio of 0.36 is proposed which is within the recommended standards.

- **Impact on protected structures and natural heritage** – The GIS system indicates that there are no archaeological or architectural heritages sites, monuments or protected structures within the vicinity of the proposed development.
- **Proposed mix** – Specific Planning Policy Requirement 1 of the Apartment Guidelines relates to a mix of units and the housing mix as proposed complies with this policy requirement.
- **Building height** – The dwellings proposed are two storey and are consistent with those previously constructed. The proposed apartments Block A to E address, side on, the proposed link road. Adjacent to the link road apartment blocks are three storey and rise to four storey in an effort to soften the transition between the two storey dwellings and the four storey element. It is considered that the building heights and siting of the proposed apartments are appropriate in this instance.
- **Dual Aspect Ratios** – The documentation submitted states that 50% of the proposed apartments are dual or triple aspect.
- **Private Amenity Space** – From the schedule of accommodation submitted all proposed units would meet the minimum requirements in terms of private open space in accordance with the Apartment Guidelines 2018.
- **Public Open Space** – The subject site has a stated net area of 5.59ha and an area of 0.77ha is proposed as public open space which represents 13% of the site area. Section 17.4.7 of the Kildare County Development Plan 2017-2023 states, that on greenfield sites the minimum acceptable area of public open space is 15% of the total site area. It is noted that the proposed buffer zone between the apartments and the railway line with a stated area of 0.584ha proposed for planting and grassed areas is not considered public open space nor included in the calculation. It is recommended that unit no's 253-266 in the vicinity of the permitted pylon be omitted from the area and that the resultant area be dedicated as public open space. This would also address the concerns of the elected members in relation to open space provision.

- **Childcare provision** – Provision of a creche is considered acceptable and would be in compliance with the provisions of section 17.5 of the Kildare County Development Plan 2017-2023.
- **Bicycle storage and parking** – A total of 396 spaces are proposed which is in excess of the county development plan and the apartment guidelines.
- **Car parking** – A total of 460 spaces are proposed. It is noted that the minimum standards as set out in Table 17.9 in relation to apartments would require in this instance 293 parking spaces, a shortfall of 78 spaces. It is noted, however, that section 4.21 of the Apartment Guidelines allows for a reduced car parking standard where the site is served by public transport or close to town centres.
- **Flooding** – A flood risk assessment has been carried out and concludes the site sits in Flood Zone C. The Water Services Department recommends that this application be granted subject to conditions.
- **Irish Water** – The report of IW indicates that based on review of the planning documents, the proposed scheme, can be facilitated subject to a connection agreement and a project works service agreement.
- **Appropriate Assessment** – A screening report has been submitted and concludes that the development if granted would not have the potential to result in likely significant effects on the integrity or conservation objectives of any Natura 2000 site. The NPWS also support this view. It is noted that An Bord Pleanála is the competent authority for AA.
- **Qualitative Assessment** – In terms of the qualitative approach it is set out that the proposal is effectively the completion of a permitted development. The “looped design road” ensures people can conveniently access the entire site with no need for detours. The proposed development incorporates varied housing and apartment types, and therefore facilitates a wide array of family types and individuals at differing life stages. The public open space is positioned towards the northern portion of the site. It is considered that the housing to the south of the open space areas would benefit from an additional open space area. It is noted that the apartment blocks are removed from the open space areas. Two pylons approved under File Ref. No. 17/614 are located to the western boundary. It is recognised that while these pylons are

unsightly they are necessary. It is considered that the pylon located to the rear of units 253 to 266 negatively impacts on the residential amenities of these units which should be omitted. This area should be used as public open space. It is noted that the Parks Department require improvements to the overall landscaping proposals for the development. The apartment blocks are not considered to comply with the provisions of the CDP in respect of separation distances. One apartment block should be omitted to allow for adequate separation distances.

- It is recommended that permission is granted subject to conditions

8.3 Inter-Departmental reports

The report also contains inter-departmental reports which are summarised briefly below:

Heritage Officer An archaeological assessment, ecological impact assessment and invasive species survey have not been prepared. Recommends three conditions to be attached to address same.

Conservation Officer No architectural conservation input required at this stage

Housing Section Report Recommends a condition be attached regarding Part V provision.

Water Services No objection subject to conditions. I note that the conditions recommended require the submission of calculations taking existing flows into account proving the capacity of existing 600-750mm public surface water sewer to accommodate surface water run-off from the proposed development including Phases 1 & 2, revised design calculations for the proposed surface water drainage pipe network with a 5 year design return period and 20% climate change factor applied and 30 and 100 year return periods sensitivity analysis to assess the performance of the proposed pipe network in extreme weather events. An increase in surface water drainage pipe from 300mm to 375mm diameter is required.

Roads and Transportation Report A number of issues were raised in the Opinion report 20/12/17. The applicant has addressed a number of issues however a number of items have been overlooked and it is not possible to seek further information. These relate to issues of road construction details and cross sections, traffic calming, creche parking and road markings and signage. It is unlikely that the

above concerns would result in a refusal of planning permission thus conditions are recommended. The report recommends 23 no. road conditions

Environmental Section No objection subject to 9 no. conditions

Parks Section Report It is recommended that permission be granted subject to conditions. A tree protection plan to be submitted. Applicant to agree a programme of tree surgery works and replanting works where appropriate. Tree planting along proposed roads considered inadequate and lacks continuity in places. Need to create more continuous tree lined avenues. Landscaping proposals around apartment blocks is poor and details to be agreed. Open space design and layout between the apartments and the rail line is inadequate. Applicant to agree with the local authority the detail design of the proposed natural play areas and local play areas proposed within the scheme.

8.4 Recommended Conditions

Section 5 of the Chief Executive's report recommends that permission is granted subject to conditions. A summary of the conditions outlined in section 6 of the Chief Executive report is provided as follows:

- | | |
|-------------|---|
| Condition 1 | Accord with plans and particulars |
| Condition 2 | Omission of housing units 253-266 around the pylon on the western boundary of the site and use of area as public open space. |
| Condition 3 | Omission of apartment Block E to ensure compliance with section 17.2.4 of the County Development Plan. |
| Condition 4 | External finishes to be agreed |
| Condition 5 | Phasing strategy to be submitted |
| Condition 6 | Private and public open spaces requirements |
| Condition 7 | Construction of 2.4m high solid block boundary wall along south-eastern boundary. Provision to be made for access to the rail line. |
| Condition 8 | Naming and signposting details |
| Condition 9 | Construction hours |

Condition 10	Part V
Condition 11	Cash deposit, security bond
Condition 12	Financial contribution
Condition 13	Details of biodiversity compensation to offset loss of hedgerow and submission of Invasive Species Management Plan
Condition 14	Construction Management Plan
Condition 15	Right to alter Construction Management Plan
Condition 16	Submission of Stage 2 Road Safety Audit
Condition 17	Completion of Stage 3 Road Safety Audit
Condition 18	Traffic calming details on Morrinstown Avenue
Condition 19	Submission of a longitudinal section of the Newbridge LAP roads objective SRO B(c)(i) from its intersection with the R416 to the Morrinstownbiller Road.
Condition 20	Road and footpath construction details to be agreed
Condition 21	Provision of safe crossing points for pedestrians
Condition 22	Details of signage, road markings and vehicular priority junctions
Condition 23	Warning signs during construction period
Condition 24	Measures to ensure no debris on roads
Condition 25	Details of engagement with residents regarding construction traffic
Condition 26	Newbridge town centre free from construction traffic
Condition 27	Roads, footpaths etc. constructed in accordance with DMURS
Condition 28	Footpaths to be dished
Condition 29	Implementation of traffic signs regarding Slow Zones in residential developments
Condition 30	Public Lighting scheme
Condition 31	Implementation of public lighting scheme
Condition 32	Car parking requirements

Condition 33	Bicycle parking to be in accordance with national guidelines
Condition 34	CBR test to be undertaken to determine strength under proposed roads.
Condition 35	Surface water collection and provision of road gullies
Condition 36	No surface water discharge onto public roads
Condition 37	Details to be submitted regarding calculations taking existing flows into account and proving the capacity of the existing public surface water sewer to accommodate surface water run-off from Phase 1 and 2, revised design calculations for proposed surface water drainage pipe network, 30 and 100 year return period sensitivity analysis.
Condition 38	Use of SuDS measures
Condition 39	Increase in surface water drainage pipe
Condition 40	Only clean uncontaminated water to enter drainage system
Condition 41	Use of oil/petrol interceptors
Condition 42-45	Drainage details
Condition 46-47	Noise and dust control
Condition 48	Waste Management Plan
Condition 49-51	Landscaping and playground details
Condition 52	Archaeological assessment

9.0 Prescribed Bodies

9.1 Irish Water

The submission sets out that subject to a valid connection agreement and Project Works Service Agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

9.2 Transport Infrastructure Ireland

Will rely on authority to abide by official policy in relation to development on/affecting national roads. The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject application.

9.3 Development Applications Unit

Archaeology

Recommends a general condition requiring the engagement of the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site.

Architectural Heritage

It is the Department's recommendation that a more informed architectural heritage assessment/record should be provided as described to inform the appropriate planning due to scale and proximity of the proposed development. The historic mapping evident from the NIAH web viewer suggests that this adjoining site may date from the early C18th and was subsequently overlaid C19th to form a larger complex. Minimal information has been provided on this site, which appears to have once had a significant setting. The future relationship to the proposed development should be considered in terms of the surviving boundaries and the retention of mature planting which provide the distinctive landscape character to this area. The south-west boundary to the development area in particular requires detailed landscape consideration due to the encroachment of garden boundary walls and new build housing immediate to the historic ditch line. This is the most prominent and exposed view of the scale and density from within the historic site and from the main façade of the Morristownbiller House itself, which should be safeguarded in the landscape design proposed to encourage the rehabilitation of this site and its amenity in time.

Nature Conservation

The development lies close to the Pollardstown Fen SAC and Mouds Bod SAC. The NPWS are in agreement with this conclusion. However, concerns remain for biodiversity locally relating to the destruction of existing hedgerows, including a townland boundary hedge, which is mapped in the Newbridge LAP as Green Infrastructure to be retained. It is not clear from the documents whether adequate mitigation planting will take place to compensate for the loss of local biodiversity features. Conditions are suggested pertaining to the provision of mitigation planting comprising of hedgerows of similar length and species composition to the original. The new hedgerows should link to larger areas of Green Infrastructure (woodland at Morrinstownbiller and railway embankment). Where mature trees are to be removed they should be replaced with semi-mature native trees. No removal of trees to occur during nesting season. It is also recommended that the goat willow, bramble and blackthorn scrub be retained particularly along the southern boundary. A number of measures are recommended with regard to protection of surface water quality locally.

9.4 Commission for Railway Regulation

Notification of decision is required to Iarnród Éireann who should be consulted to ensure that risks associated with railway trespass are not increased. If permission is required, the party undertaking the work should consult with IE regarding road-rail interfaces on access routes which may have increased flow or abnormal loads during the construction phase and upon completion of the project.

9.5 Iarnrod Éireann

No objections in principle. Obligation on all persons carrying out any works on or near the railway to ensure that there is no increase in risk to the railway under the Railway Safety Act 2005. Due to proximity of the main Dublin to Cork railway line a 2.4m high suitable designed, solid block/brick boundary wall should be erected by the applicant on the applicant's side of the boundary. Applicant should conduct qualified noise assessment to ensure noise levels at the proposed residential units do not equal or exceed the undesirable noise levels. Given that the railway is maintained and operated 24 hours a day 7 days a week, the developer should be required via sales literature to inform the future purchasers and/or tenants where applicable of residential units within the development of the noise and vibration that might be expected due to such railway operations and maintenance.

10.0 Assessment

10.1 Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars, and submissions/observations on file, the following are the relevant planning considerations of this application:

- Principle of development
- Urban Design, Layout and Density
- Green Infrastructure to include archaeology and architectural heritage
- Services and Flood Risk
- Movement and transportation
- Other issues
- Appropriate Assessment

10.1. Principle of development

10.1.1. Zoning - The majority of the lands in question are zoned 'Objective C' – New Residential in the Newbridge Local Area Plan 2017-2023. This zoning objective provides "for new residential development and associated ancillary services". It also provides that "new residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycles routes and the landscaping of open spaces". There is a portion of lands along the southern boundary (along the railway line) that is zoned '1' agriculture. This area has been identified in the application as a landscape buffer zone. The proposal is to construct 281 residential units on a site of 6.92ha (gross). The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development. The applicant is also proposing a crèche facility with a floor area of approx. 304sq.m. The proposal is, therefore, consistent with the land use zoning objective and the provisions of the Planning and Development Act of 2016 in respect of strategic housing applications.

10.2 Urban Design, Layout and Density

10.2.1 The proposal provides for the provision of 281 residential units on the overall site.

The proposed apartments are provided within five apartment blocks (Blocks A-E) all of which are four storey with a three storey element nearest the link to provide a transition from the housing units which are two storey. These are located to the southern boundary of the site which abuts the Dublin-Cork railway line. Block A is the largest of the blocks with an overall length of approx. 69.3m and contains 50 apartment units. Block B has an overall length of 62.9m approx. containing 46 apartments. Block C contains 33 no. apartments and has an overall length of 47.1m approx. Block D containing 26 apartments is 34.7m in length. Block E is the smallest block containing 12 apartments and is 21.6m in length. The apartment blocks have select brick finish with aluminium cladding to the penthouse walls. Balcony areas are considered to be of sufficient size. Opaque screening should be provided at either end of the balconies to avoid overlooking.

10.2.2 Policy HL6 in the Newbridge Local Area Plan seeks to restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment. The proposal is to provide the apartments at the southern end of the site which bounds the railway line. A landscaped buffer is to be provided in addition to retaining the earthen berm between the apartment blocks and the railway line thus providing screening and a noise buffer at this location. An 'Assessment of Inward Railway Noise Impact' has been submitted which provides results of six noise locations across the site. Recommendations are provided to ensure that the calculated internal noise levels for units are below 35dB L_{Aeq} , 16hr for daytime periods and 30dB L_{Aeq} , 8hr night-time within bedrooms. Minimum sound insulation standards are set out in the report. A condition should be attached which ensures the recommendations are adhered to.

10.2.3 The train station is located along Station Road within walking distance of the site and the apartments have been positioned along the railway line which has the benefit of achieving higher densities (through increased height) at this location without injuring or detracting from existing residential amenities elsewhere. There is an objective in the Local Area Plan to ensure the delivery of a link road from Station Road to the site. Part of this link road is complete and the proposed development

will deliver the link road as it falls within the applicant's landholding. There is a remaining section that will be required to be delivered on the site to the east which will complete the link road. The proposal is considered consistent with the provisions of the HL6 policy.

10.2.4 The following is a brief description of the proposed house types:

- House Type A1, A2 and A3 are two storey three-bedroom house with a total floor area of 107sq.m.
- House type B1 and B2 are two storey three-bedroom house with a floor area of 120sq.m. approx.
- House Type C1 and C2 are two storey two-bedroom dwellings with a floor area of approx. 87sq.m.
- House type J1 is a detached three bedroom house with study and a floor area of approx. 119sq.m.

The house designs are generally similar to the design of the constructed development. The Chief Executive's report makes reference to the omission of house units 253-266 which are located along the western boundary of the site in close proximity to the pylons permitted under File Ref. No. 17/614 so as to facilitate the undergrounding of overhead lines that traverse the development site. I consider that the housing units will help screen/obscure the view of these pylons. I do not consider that there are sufficient planning grounds to omit the units at this location. Access is to be retained for the pylon that is located to the rear of the units in question.

10.2.5 The crèche facility has a proposed floor area of 305sq.m. This structure is a single storey structure located in close proximity to the Block A at the eastern side of the site. The proposed finishes are similar to the proposed housing consisting of render or brick and select tile roof. An enclosed play area has been provided along with independent bin storage for the creche. A phasing plan should provide for the delivery of the crèche within the first phase.

10.2.6 A Design Statement has been submitted with the application. It is submitted that the layout has been established by the previously permitted and constructed housing

layout. I agree that the layout of the development site has been largely pre-determined by the existing location and layout of the already constructed dwellings. There is a roads objective which pre-determines the road layout in close proximity to the apartment blocks. There is also a public sewer passing through the site. The applicant indicates that the layout is similar to the previously permitted scheme with the exception of a slight increase in density. The Design Statement deals with each of the principles identified in the Urban Design Manual. While I generally concur with the submission of the applicant in this regard, I would draw the Board's attention to the variety of house types proposed. The housing units proposed are all two bed and three bed units. House Type J1 is the larger of the units with three bed units and a study. The study would be below the recommended standards regarding bedroom sizes. These units should not be sold as four bed units and a condition requiring these units to remain as three bed should be attached to any grant of permission. I note that no four bed units are being provided. However, documentation pertaining to the previous permission File Ref. No. 05/2160 referred to the over-provision of four bed units in Newbridge. In general, I am satisfied that having regard to the national trend of smaller households and that there would appear to be a good supply of family homes generally in Newbridge that the proposed mix and type of units proposed is satisfactory.

10.2.7 I am satisfied that the proposal would not have undue negative impact on the existing residential amenities of the area. 50% of the apartments are single aspect. I am satisfied that the apartments are above the recommended minimum overall apartment floor areas as set out in national guidance. In general, I consider that the layout and architectural expression of the proposed residential units and apartment blocks are acceptable and are in keeping with the permitted developments in the vicinity of the site. I also consider that the proposed apartment blocks will offer reasonable levels of natural light enhancing the liveability and amenity enjoyed by residents. I note the concerns of the planning authority regarding separation distances between apartment blocks and the condition recommending the omission of Block E. However, the apartment blocks, in my opinion, have adequate separation

distances (22m generally) ensuring the protection of future residential amenity from undue overlooking or overshadowing. Block E is located in an area which adjoins agricultural zoned lands to the west. I do not consider overlooking an issue. I note that the condition recommended by the planning authority does not seek to re-locate the other blocks and therefore would not actually result in a greater degree of separation. Block E also contains the apartment units being offered as Part V.

10.2.8 With regard to bin storage, I would have concerns that inadequate provision for the apartments has been provided. Further access to these areas should be considered having regard to their proximity to parking spaces. A condition requiring final specification for bin storage areas to be agreed with the planning authority should be attached to any grant of permission.

10.2.9 The application form indicates that the development site is 6.92ha gross which gives rise to a gross density of 40.6 units per hectare. The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities', provides guidance on density thresholds and measuring residential density in Appendix A. Having regard to latter provisions, I consider that only the landscaped buffer strip i.e. the lands zoned 'agriculture' should be excluded for the purposes of calculating net density. 0.58ha. The details submitted indicate that this area is I question the appropriateness of excluding the link roads as highlighted by the applicant on p. 5 of the Response to ABP's Opinion from the site area. In any event, I consider that the gross density and consequential net density 44.3 units per hectare are within the acceptable levels provided for in national guidelines.

10.3 Green Infrastructure

10.3.1 Open Space

The primary area of open space is provided within the centre of the overall development to serve existing and future residents. This area of open space has a stated area of 6,142sq.m. This area is overlooked by houses to three sides with the

fourth side straddling a party boundary. It is set out that the size of this space has been influenced by the need for attenuation on site for both this development and phases 1 and 2. A further area of public open space is being provided along the western boundary comprising of 1,570sq.m. and will tie in with existing open space at this location which serves the development constructed to date. An Bord Pleanála's Opinion notification pursuant to section 285(5)(b) sought a rationale for proposed public open space having regard to the relationship between phase 1 and 2 of the overall scheme. The applicant submits that the large open space has been determined by the need for a large attenuation area. This large public area is intended to serve residents in Phase 1 and 2. While I have no objection to the location and quantum of open space, I do consider that further consideration should have been given to the accessibility to the open space by all residents. A landscape buffer is provided on the agricultural zoned lands along the railway line. While I consider that this buffer area may provide amenity value to the future residents of the apartments I do not consider that it is an area that is likely to be frequented by residents of the housing units due to its location. I consider that a small pocket of open space should be provided within the southern portion of the housing development to serve residential units that are distant of the main central open space area. Therefore, I consider it appropriate to omit the proposed units 1 and 2 Morristown Court. The two car parking spaces at this location should also be omitted and area included as public open space. I also consider that a playground should be provided by the developer on the central open space area in addition to the play area in close proximity to the creche. The quality of this area will be largely contingent on the quality of the hard and soft landscaping features to this area. A condition requiring such details to be agreed in writing with the planning authority should be included.

10.3.2 Archaeology and Architectural Heritage

While the development site is not located within an area of archaeological potential or an architectural conservation area, the site is 6.92ha and is located approx.190m from the ruins of Morristownbiller House. A small portion of the western boundary

bounds the woodlands area associated with the Morrinstownbiller demesne. Specific information was requested by An Bord Pleanála in the Opinion notice as follows:

“Assessment of potential impacts on Morrinstownbiller House, to consider impacts on the shared boundary including trees protection and visual impacts”.

The applicant has submitted a report indicating that the house is in ruins. There is a belt of trees situated to the south and southwest which are indicated on Drawing No. 200/13/593 of the Newbridge Local Area Plan 2013-2019. The report indicates that this belt of trees form a landscaping screen around the ruins of Morrinstownbiller House and protect the setting of the house from the proposed housing development. There is a crescent shaped open space directly to the east of the protected tree belt proposed in this application. The report concludes that a separation distance of approx. 200m between the proposed development boundary and Morrinstownbiller House will protect the setting of the house. It is also set out that the proposed development is at a lower level than Morrinstownbiller house which mitigates against any visual impact on the house. I note that six photographs have been submitted indicating views to the house mainly from agricultural lands to the south of the house. It would have been useful if some photographic records of the house were taken from within the lands of Morrinstownbiller House however this may not have been possible due to ownership/consent issues to enter these lands.

10.3.3 I note that the department of Culture, Heritage and the Gaeltacht recommend that the applicant is required to engage the services of a suitably qualified conservation architect to carry out an architectural heritage assessment of the impact of the proposed development on the adjoining Morrinstownbiller House with particular regard to the aspect and setting of the historic building and the surviving historic boundaries. However, given that the lands are outside the ownership of the applicant and that the house is in ruins (i.e. no longer has a roof intact) and to the lack of any protection afforded to the house either in the record of protected structures or the record of national monuments, I consider

that this condition is particularly onerous. The pertinent issue for assessment is whether the proposal before the Board for decision is considered to have an injurious impact on the architectural or historical setting of Morristownbiller House so as to recommend a refusal or require an amendment of the proposed layout. The House is currently in ruins, with a woodland setting that does offer screening to the house. Pursuant to site inspection, Millerstownbiller House is just discernible from the current open space to the north-west of the site. Having regard to the permitted level of development previously considered appropriate for the site, the proposed positioning of open space area to the north-west boundary with the woodland and that additional landscaping can be provided along the western boundary I consider that the proposal before the Board is acceptable.

10.3.4 Biodiversity

The development site is generally a disturbed site having formed part of a larger permitted residential development which was not completed. Pursuant to site inspection there are no trees or hedgerows of great ecological value. A 'Preliminary Tree Survey and Report' has been submitted and sets out that "much of the site is devoid of vegetation with the primary vegetation being located along the north-eastern boundary, to the north-west of the site and along the southern/south-eastern area of the site." Policy NH3 of the LAP seeks to protect trees and groups of trees of special amenity. This policy specifically includes the trees within the grounds of Morristownbiller House. The proposal will have no impact on these existing trees. Open space is proposed along the boundary with Morristownbiller house lands/demesne. Map 6 of the Newbridge LAP refers to Green Infrastructure and highlights tree/hedgerows to be retained. There are two hedgerows that are located along the boundaries of this site which are identified on the map. A landscape strategy and tree survey has been submitted with the application. The tree survey states that it provides much of the basic information that would assist in the compilation of a full Arboricultural Implication Assessment, or Arboricultural Method Statement or Tree Protection Plan. The most significant vegetation within the site is

the hedgerow to the north-east of the site and the short hedgerow to the north-west of the site with all of the material being of small stature and typically comprising natural regeneration subsequent to land disuse. I note the report from the Parks Department which outlines conditions to be attached to any grant of permission. Having regard to the characteristics of the development site I consider it more appropriate that a general landscaping condition requiring details of number, type, size of species to be planted should be submitted and agreed with the planning authority if permission is granted.

A landscape strategy has been submitted with the application. A new Woodland area comprising the existing bank (along the railway) is to be planted with substantial quantities of native tree species utilising a range of size/ages. No further details have been submitted with regards to the trees. It is unclear whether the applicant liaised with Árnrod Éireann with regards to the proposed planting. In any event, no planting should encroach onto the railway line. A condition requiring the agreement of the planning authority in respect of specific landscaping details should be finalised and agreed, to address inter alia concerns regarding type and size specifications. The planting of evergreen trees should not be permitted.

10.5 Infrastructural Services including Flood Risk

10.5.1 Water and Waste Water

The foul sewer network is common to both phases (similar to the surface water arrangement) with the outfall being within the site discharging to an existing manhole in neighbouring lands. Allowance is made in the subject Phase 2 foul network for the 11 l/s arising from Phase 1 development. An existing 300mm diameter foul sewer traverses the subject Phase 2 lands in a west to east direction. This pipe will be retained in its entirety and is located on the proposed link road to ensure ease of access.

10.5.2 With regards to the watermain the proposed Phase 2 will be connected to the existing Phase 1 main. It is submitted that following consultations with Kildare County Council water quantity would not be a problem. The existing watermain within Phase 1 is a 150mm diameter pipe which is proposed to provide in Phase 2. It is set out that this new watermain will be looped with adequate valves and chambers. Irish Water has made a submission in respect of the application and set out that based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water that subject to a valid connection agreement and Project Works Service Agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated. A third party observer is generally supportive of the drainage network pipes/water supply infrastructure and suggests that these should be brought up to the edge of the site within the link road to ensure adjoining lands are serviced and there are no ransom strips. The link roads will be taken in charge and as such the local authority will have control over same in the future. Further drainage and water supply details will be subject to final agreement with the planning authority and as such I do not consider a specific condition is required in this regard.

10.5.3 Surface water drainage and attenuation

It is noted that there is an issue with the permitted surface water attenuation system for Phase 1 in that no flow control device was fitted to the system. It is submitted that on analysis of the surface water drainage network that the placing of a flow control device would introduce runoff water backup in the system which would exit through low lying road gullies. Hence, it is proposed in this application to allow for a new surface water attenuation system that will cater for both the existing and proposed development. A single attenuation system is proposed which will cater for the Meadows development plus the Phase 2 houses that were subject to retention permission i.e. 39 units and this application for 281 units. A climate change factor of 20% has been incorporated into the design. I refer the Board also to the Flood Risk Assessment section of this report which contains further details regarding storm water. In this regard, I note the conditions attached to the Water Services report

from Kildare County Council. While no assessment/commentary is provided within this report regarding the acceptability or otherwise of the proposals, the report indicates that there is no objection to the proposal.

10.5.2 The first recommended condition is seeking the submission of information demonstrating that there is capacity in the existing 600mm-750mm public surface water sewer to accommodate surface water run-off from the proposed development, revised calculations for the proposed surface water drainage pipe network with a five year design return period and 20% climate change factor applied and finally the condition is seeking 30 and 100 year return period sensitivity analysis to assess the performance of the proposed pipe network in extreme weather events. I consider this information that the water services department is seeking should have been submitted as part of the application to allay any concerns regarding network capacity. The Water Services department has indicated that there is no objection to the proposal which would imply that the principle of the development including the connections are satisfactory. I also consider that the onus is on the local authority to satisfy themselves that there is adequate capacity within their own network when assessing an application. Given that they indicate that they have “no objection” and that the applicant has submitted surface water calculations which are not disputed by the local authority, I consider it unreasonable to refuse this application. The local authority may be seeking to “bottom-out” or clarify through this application what the maximum capacity of the network is in an extreme event. Furthermore, having regard to the condition recommending the use of SuDS measures, I consider that this in-combination with the overall attenuation storage proposed will provide additional capacity should the sensitivity analysis show additional storage is required. I consider that a general condition requiring the developer to comply with the planning authority’s requirements in respect of drainage will adequately cover this issue allowing for full agreement to be reached between the parties prior to commencement of development.

10.5.3 There is a recommended condition that the embankment on the site at the railway boundary shown on DDA drawing no. 16-010-9.1.021B received 12.06.2018 shall be removed or otherwise drained to the proposed surface water drainage system so not to impound water on the railway side. Details on file indicate that this embankment exists on site and as such it is unreasonable to seek its removal. It also acts as a noise attenuation barrier.

10.5.5 In relation to storm water management the system will include a large underground storm cell attenuation system, silt trap and hydrocarbon interceptor. The calculated attenuation system volume is 4,264m², however the final provided storage volume of 4,270m² has been provided. The report sets out that this volume is designed to provide temporary storage for a 6 hour 100 year storm event, plus 20% increased flow for climate change. It is set out that the proposed stormwater system is designed such as to maintain surface water discharge from the site to its greenfield equivalent and there will be no increased risk of flooding elsewhere in the catchment from the proposed development. The report concludes by recommending that the FFL should be 150mm above the surrounding ground level to minimise any pluvial risks at the site.

10.5.4 Flood Risk Assessment

A site-specific flood risk assessment has been submitted. I note that the development proposal incorrectly refers to “retention and completion of phase 2 and 3 of the residential development which consists of 164 units”. The assessment makes reference to a number of locations where re-occurring flooding is found. The nearest location is Milltown Road which is caused by a tributary of the River Liffey which overtops its banks during periods of heavy rainfall which caused damage to Lakeview Park and Mt. Carmel. Lakeview park is just south of the development site. The topography suggest that water would flow away from the site. The report notes that from reviewing the OPW PFRA flood maps that a single pluvial flood cell is noted within the site boundary at the south by the railway line. This flood cell is located on low lying lands adjacent to the railway embankment. A natural fall is

present across the site which conveys surface water to this low point which is impeded by the embankment. The report concludes that the site is identified as being located within Flood Zone C. Run-off from within the site can be managed with adequate storm water design.

10.6 Movement and Transportation

10.6.1 Movement

Section 7.7 of the Newbridge Local Area Plan deals with movement and transportation. Section 7.7.2 deals with streets and roads infrastructure. There is a specific objective SRO 8 which is as follows:

“To seek the construction of the following new streets, as identified on Map 2 and to preserve the routes of these streets free from development:

C) (i) from the L75036 Morrinstownbiller Road (H) to the R416 Station Road at the entrance junction to the Department of Defence (I) through the lands zoned C4 and C5, utilising the existing section of street already constructed.

(ii) from the L7036 Morrinstownbiller Road at The Meadows at Cornelscourt (J) to the new street proposed under SRO 8(c) (i) above (K), through the lands zoned C4, utilising the existing sections of street already constructed.

These link streets (I & ii) will ensure that movement to/from the Station is maximised either as part of existing permitted developments or as part of any revised/future development(s).

The design of these transport links shall be in accordance with the design Manual for Urban Roads and Streets (DMURS).”

- . 10.6.2 The proposed layout provides for the provision of two link roads i.e. from L75036 Morrinstownbiller Road to the R416 Station Road (indicated route H on map) and from ‘The Meadows’ to the link road which is indicated as ‘H’ as proposed. Both of these links roads are 6m in width. The street network is generally open with minimal

use of cul-de-sacs. Shared surfaces are proposed in the parking areas associated with the apartments. Parking has been provided along streets to help reduce speed levels. I note concerns raised by third parties in respect of capacity of the existing road network to carry additional traffic. I deal with the network capacity below however I do not consider that the existing width of the road is a constraint as suggested in an observation but rather this serves as a tool for controlling speed. I consider that the completion of this development in its entirety and subsequent removal of hoarding will address speeding concerns as there will be an increase in pedestrian and traffic movement raising driver awareness than that which may currently exist mainly due to the fragmented nature at which the site has developed.

10.6.3 Traffic Impact Assessment

A Traffic Impact Assessment has been submitted with the application. It is noted that the construction of the Morristownbiller/The Meadows roundabout junction was completed in October 2017 following a protracted history. I note that traffic survey was undertaken on 10th April 2017 at three locations:

- Morristownbiller Road/The Meadows/Morristown Wood roundabout junction
- R416/The Meadows/L-7045 traffic signal junction
- R416/Department of Defence/ Thoval lands traffic signal junction

The traffic surveys were carried out between the hours of 700-0930 hours and 1600-1900 hours which were chosen for the reason that over this time period the peak AM and PM peak traffic conditions can be identified. I would caution against the findings of the traffic surveys for the date in question as it would have coincided with the Easter holidays for most schools and as such may not reflect the actual peak traffic flows for these junctions. Notwithstanding this, I am satisfied that there is adequate capacity (including additional capacity for any shortfall in the traffic volumes surveyed) at the Morristownbiller Road/ The Meadows Roundabout junction to cater for this development. The report also considers the assignment of traffic associated with this development within the Morristown Avenue – The Link street which would then route via the Thoval lands and be distributed within R-416/Department of

Defence/Thoval lands traffic signal junction. This signal junction operates a MOVA system. Results indicate that this junction will still operate within capacity even if all traffic from the development is re-routed through this junction. In conclusion, I am satisfied that the proposed development and associated traffic levels can be adequately catered for within the existing junctions layout of the immediate area. I also consider that having regard to the proximity of the lands to the train station and nearby community/ social infrastructure that cycling and walking offer viable alternatives to the car for residents of this development.

10.6.4 Mobility Management Plan

An outline of a Mobility Management Plan has been submitted. The main contents of this plan refer to the use of “welcome travel information” packs that will form part of the marketing material for the site and will be distributed to all new residents within the development at the point of sale. The outline report concludes that a key consideration in the design of the development is the delivery of a high level of permeability through the site, particularly for pedestrian and cyclists, by providing connections to existing public transport services and adjoining residential areas and local services. The details submitted are not considered to be site-specific. The Board may wish to include a condition requiring a MMP to be submitted for the agreement of the planning authority.

10.6.5 Parking provision

The applicant is proposing 2 no. car parking spaces per residential unit which is considered to be consistent with the Kildare County Development Plan standards. With regards to the apartment car parking provision, it is proposed to provide 215 spaces for the 167 apartments. This equates to 1 per unit with a remaining 48 spaces. It is unclear if the remaining 48 spaces are to be assigned to units or remain as visitor spaces/first come first served. In any event, I consider having regard to the proximity of the lands to the train station and within walking and cycling distance of Newbridge town that 1 space per apartment is adequate. National guidelines advocates, inter alia, that car parking will be based on “performance criteria” that

seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. Pursuant to site inspection of the already built residential units within The Meadows, there is a dominance of street parking mainly due to high car ownership. However, The Meadows development is more removed from train station in comparison to this site. This site is within walking distance of a primary school, medical centre and other social amenities. With regard to bicycle parking, the plans submitted indicate a provision of 94 bicycle spaces per Blocks A-D and 23 spaces for Block E. Spaces are also provided within the creche area. It is considered adequate bicycle parking has been provided.

10.8 Other Issues

10.8.1 Part V

Following significant revisions to the scheme the applicant sets out that they reengaged with the Housing Department and agreed a revised quantum and location of Part V units within the scheme. It is now proposed to provide 21 no. units comprising of 4 no. 1 bed apartments, 8 no. 2 bed apartments, 5 no. two bed houses and 4 no. three bed houses. The location of these units is indicated on Drawing No. 16-010-P.1.010.

10.8.2 Building Life Cycle Report

A document has been submitted titled "Operation and Management of Apartment Development". It is not clear who prepared the document as it does not refer a person or company/firm who prepared it. It is set out that the developers will appoint a management company to look after the apartment element of the development. A projected and combined residential and estate service charge are outlined, however, there is no details as to how the calculations were arrived at. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.8.3 Phasing

Documentation submitted with the application sets out that the phasing arrangement for the development is contingent on the PWSA with Irish Water. Therefore, it is reasonable that the phasing arrangement would be subject to agreement with the planning authority once this agreement has been reached. In any event, a condition requiring the delivery of the central public open space area should be attached prior to the occupation of any residential unit authorised in this permission so as to ensure a reasonable level of amenity for both existing and future residents.

10.8.4 Railway

The proposed development site bounds the Dublin-Cork railway line to the south. I have noted the comments from Iarnród Éireann and the Commission for Railway Safety. IE recommends that a boundary wall should be constructed along the southern boundary which should be agreed with both IE and the planning authority. I am satisfied that no development will take place within the 25m of the southern boundary. This area is zoned agriculture and the applicant is proposing to provide open space/landscaping at this location.

10.9 Appropriate Assessment

10.9.1 Screening report

The applicant has submitted an AA screening report which sets out a description of the proposed development which sets out that waste water will be directed to the Upper Liffey Valley Sewerage at Oberstown subject agreement with Irish Water. It is set out that Irish Water are progressing works on this sewerage scheme to include the construction of a new interceptor sewer to connect Newbridge to Oberstown WWTP. This will facilitate future population and economic growth in Newbridge including the proposed development. The report set out that the EIS submitted with the original application on the site in 2005 identified the existing habitat on site as agricultural grassland with hedgerows. Since that, the site has been subject to certain construction and site clearance works that were associated with the original permission. The original grassland has been disturbed and the site contains areas of spoil and bare ground. The closest water body to the application site is the main channel of the River Liffey and this is 1.2km east of the application site boundary. The report identifies three Natura 2000 sites within 10km of the development site. The report sets out that the construction and operation of the proposed development will not give rise to any impacts upon the designated sites identified. There will be no habitat or species fragmentation within any SAC. There will be no hydrological changes that will impact upon any SAC or qualifying interests of these SACs. The report concludes that there will be no impacts upon the integrity or the conservation objectives of any SAC or SPA. The proposed development does not need to proceed to Stage II of the Appropriate Assessment process.

10.9.2 Identification of sites

Table 4: Natura 2000 sites within 15km range of site

Natura 2000 Code	Site Code	Distance to site (as crow flies)	Qualifying Interests
Pollardstown Fen SAC	000396	1.25km south west of site	7210 Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae* 7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens * denotes a priority habitat 1013 Geyer's Whorl Snail <i>Vertigo geyeri</i> 1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i>
Mouds Bog SAC	002331	2.4km north of site	7110 Active raised bogs □ 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
Ballynafagh Lake SAC	001387	9.8km	7230 Alkaline fens 1016 Desmoulin's Whorl Snail, <i>Vertigo moulinsiana</i> 1065 Marsh Fritillary, <i>Euphydryas aurinia</i>
Ballynafagh Bog SAC	000391	11.7km north of site	7110 Active raised bogs 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion

As identified in Table 4 above there are 4 European sites located within a 15 kilometre range of the proposed project. Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular, the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

10.9.3 Assessment of likely Significant Effects on Designated Sites

The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model, there is a remote possibility of the site being linked to Natura 2000 sites via a water pathway. The nearest waterbody to the site is the main channel of the River Liffey which is approx. 1.2km east/south-east of the development site. The Cloncumber stream is also 1.2km south-west of the site. This stream is within a different sub-catchment to the development site. The surface water from the proposed development is to be directed to a new surface water attenuation system which in turn will connect into the local authority's system located on Station Road. Foul water is to discharge to the public system where it is to be treated at Oberstown waste water treatment plant. Having regard to the dilution and treatment of waste waters prior to ultimate discharge and lack of a direct entry point for waters from the development site to any of the Natura 2000 sites the proposal either individually or in-combination with other plans or projects (including the most recent SHD application for 343 units north of Newbridge town) could not be considered to have likely significant effects in view of the sites' conservation objectives.

AA screening – Conclusion

10.9.4 I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have

a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

I recommend that permission be **granted** for the proposed development subject to the following conditions:

12.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for residential development and the policy and objective provisions in the Newbridge Local Area Plan 2013-2019 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Kildare County Development Plan 2017-2023 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, March 2018,
- (vi) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (vii) the availability in the area of a wide range of social and transport infrastructure,

- (viii) to the pattern of existing and permitted development in the area, and
- (ix) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application including the 'Inward Noise Impact Assessment Report', 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. In the default of agreement the matter(s) in dispute may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The developer shall submit revised drawings and documentation showing compliance with the following requirements:
 - (a) Omission of units 1 and 2 Morristown Court and provision of public open space at this location.
 - (b) Housing Unit type J1 shall be three bed units with study and shall not be converted to four bed units without a prior grant of permission.
 - (c) Provision of privacy screens at either end of all balconies.

- (d) Provision of 1.8m high block walls, capped and rendered on both sides to the rear gardens of the housing units.
- (e) A phasing plan to include the provision of the crèche within Phase 1.
- (f) Provision of SuDS measures including green roofs to the apartment blocks
- (g) Details to ensure surface parking are constructed so as to accommodate future electric charging points for electrically operated vehicles.
- (h) Longitudinal section of the Newbridge Local Area Plan roads objective SRO B(c)(i) from its intersection with the R-416 to the Morrinstownbiller Road.

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

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area.

3. (a) The developer shall erect a 2.4m high, suitable designed solid block/brick boundary wall along the southern boundary of the site details of which shall be the subject of written agreement with the planning authority following consultation with Iarnród Éireann.
- (b) Provision shall be made for maintain the security of the railway boundary during the course of the works and the boundary treatment should be completed before the construction of any residential units authorised by this permission unless agreed in writing with the planning authority.
 - (c) Any proposed services that are required to cross along, over or under the railway property must be the subject of a wayleave agreement with Iarnród Éireann / C.I.E.
 - (d) Lights from the proposed development, either during construction phase or when the development is completed, should not cause glare or in any way impair the safe operation of the railway line.
 - (e) No trees are to be planted directly along the railway boundary.
- Reason:** In the interests of public safety and to maintain the safe operation of the railway line.

4. The following works shall be completed by the developer prior to the first occupation of any dwelling permitted within this proposed residential development
 - (i) Provision of public open space including the playground and landscaping to such areas,
 - (ii) Completion of the road linking Morristownbiller Road to the R416 Station Road including footpaths and cycle paths to the satisfaction of the planning authority

Reason: To enhance pedestrian and cyclist permeability and to provide adequate residential amenity for existing and future residents.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall-
 - (a) Notify the planning authority in writing at least four weeks prior to the commencement of site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, specific details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The name and contact details of said person shall be submitted to the planning authority prior to commencement of development. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the

proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter. The planting of evergreen trees shall not be permitted.

Reason: In the interest of residential and visual amenity.

7. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

8. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential privacy.

9. Proposals for a naming convention for the proposed development, which may include street names, a residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 orderly development.

10. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

11. The internal road network, public footpaths, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

Reason: To ensure a satisfactory standard of development.

12. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in

Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

15. (a) The communal open spaces, including hard and soft landscaping, internal road serving the apartments, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted owners' management company
- (b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

16. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. 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: To protect residential amenity, public safety and natural heritage.

19. 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.

Reason: In the interest of sustainable waste management.

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking for construction workers during the construction phase, and arrangements for delivery of abnormal loads to the site.

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

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, 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.

22. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Joanna Kelly

Senior Planning Inspector

10th September 2018