



An
Bord
Pleanála

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

Inspector's Report ABP-302922-18

Strategic Housing Development

Demolition of existing derelict house and sheds, construction 180 no. dwellings, new link street connecting onto R445 (Ballymany Road) and associated site works.

Location

Ballymany, Newbridge, Co. Kildare.

Planning Authority

Kildare County Council

Applicant

Glan Developments Ltd.

Prescribed Bodies

Transport Infrastructure Ireland
Irish Water
National Transport Authority
Department of Culture, Heritage and
the Gaeltacht

Inland Fisheries Ireland

Observer(s)

Apartment Owners Network

Ballymany Residents Association

Date of Site Inspection

11 January 2019

Inspector

Una Crosse

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 application site, has a stated area of 7.22 hectares and is located to the south-west of Newbridge town centre, approximately 90-150 metres north of the M7 motorway. The site is currently under grass, in agricultural use and has an irregular narrow configuration. The Ballymany Manor and Rathcurragh housing developments are located to the east of the site, as is a petrol filling station. Two 38kv overhead power lines traverse the site.
- 2.2. The site is quite level but does rise marginally from south-west to north-east. There are a number of agricultural sheds and a derelict house on site. Native hedgerow planting forms the boundary with the R445 with mature trees along same.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of an existing derelict house and sheds and the construction of a 180 unit residential development comprising 145 dwellings and 35 apartments and all ancillary engineering services. The application site, has a stated area of 7.22 hectares however the applicants note that 6.5 hectares of same are within their ownership with the remainder of the lands owned by a third party. The net site area is noted as 5.076 hectares.
- 3.2. The proposal is set out within an L shaped apartment block located at the proposed entrance to the development from the Regional Road. The proposed structure is part 4/part 6 storeys in height. The remainder of the units are housing units of 2/2.5 storeys in height located behind the proposed link road with some accessed directly from same.
- 3.3. The breakdown of the 180 units are as follows:

	1 bed	2 bed	3 bed	4 bed	Total
Houses		13	83	49	145
Apartments	15	7	13	-	35
Total	15	20	96	49	180
%	8.4	11.1	53.3	27.3	100

- 3.4. A net density of 35.5 units per hectare is proposed (net area of 5.076 hectares).
- 3.5. It is proposed to provide 660 metres of a link road/street along the southern and south-western boundary of the site connecting onto the R445 at Ballymany from the subject site as it adjoins an area of open space within the Rathcurragh housing development which adjoins and is parallel to the M7 motorway. It is proposed to provide a new right turning lane into the development on the R445.
- 3.6. Improvement works are proposed to the foul sewer pump station with the provision of additional storage capacity. An area of 0.84 hectares of open space is proposed which is stated to be 16.5% of the gross site area. No crèche facility is proposed on site.

4.0 Planning History

There are a number of applications relating to the site and its environs. However, the most recent and relevant application is as follows:

- 4.1. **Ref. 05/271** - Permission GRANTED for demolition of existing house and sheds and construction of 77 residential units, crèche, pumping station and associated site works
- 4.2. **Ref. 10/112** - Extension of duration of permission GRANTED for 05/271
- 4.3. **Ref. 12/562** - Permission GRANTED for modifications to 10/112 and 05/271 to provide 102 dwellings, revisions to approved crèche, car parking layout and relocation of site entrance (increase of 25 no units from that previously approved)

Site to the Northwest

- 4.4. **Ref. 16/658 (PL09.249038)** – Permission granted on appeal by the Board for 280 dwelling units including dwellinghouses, apartments and duplex (220 originally applied for but amended as per public notices received by ABP on 14 February 2018), crèche and 120 bed nursing home. Previous permission on this site expired in April 2018.

5.0 Section 5 Pre Application Consultation

5.1. Notice of Pre-Application Consultation Opinion – Ref. ABP-300556-18

A notice of pre-application consultation opinion was issued by the Board in February 2018 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on 22 December 2017.

The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that 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 matters included are as follows:

1. Infrastructure

- (a) Further consideration of the documents as they relate to the proposed development in light of the identified Road Objective SRO 5 in the Newbridge Local Area Plan 2013 with regards to the provision, or otherwise, of a link road along the extent of the proposed site boundary. In this regard, the delivery of this infrastructural upgrade relative to the delivery of the proposed dwelling units on site should be addressed in detail. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
- (b) Further consideration/clarification of the documents as they relate to the wastewater infrastructure constraints in the network serving the proposed development. The documentation at application stage should clearly indicate

the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development.

2. Density

Further consideration/justification of the documents as they relate to the density proposed in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

3. Design, Layout and Unit Mix

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix and design, the configuration of the layout, elevational treatments and finishes should all be given further consideration. Further consideration of the documents as they relate to the development of a gateway building fronting onto the R445 having regard to the prominent location of this element of the proposal. The treatment and usability of the public realm surrounding the proposed building fronting onto the R445 and its interface with the adjoining areas of parking may also require consideration and/or justification in the documentation submitted at application stage. Further consideration of these issues may require an amendment to the documents and/ or design proposals submitted.

Furthermore, the following specific was requested:

1. A detailed phasing plan for the delivery of the proposed development.
2. A site layout plan showing which areas are to be taken in charge by the planning authority.

3. A site layout plan indicating pedestrian and cycle connections with the adjoining residential development and also to transport modes (train station/ bus stops) in the vicinity.
4. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and retention of existing trees or hedgerow, where applicable.
5. Site Specific Construction and Environment Management Plan (CEMP).
6. Colour coded layout plan identifying different unit types proposed.
7. Photomontages showing the proposed development from various vantage points in the vicinity.
8. A site layout plan clearly outlining location of Recorded Monuments in the vicinity of the site.
9. Details relating to bat surveys undertaken.
10. Further consideration of the submitted noise impact assessment, which further addresses the potential noise impact from the M7 motorway and clearly outlines noise mitigation measures, if considered necessary.

5.2. **Applicant's Statement**

Article 297(3) of the Regulations provides that where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.

The applicant's response is outlined in a series of letters entitled Statement of Response to ABP's Consultation Opinion and Statement on Density prepared by JFOC Architects. They are summarised as follows:

1. Infrastructure – Roads

- Further consideration of the design proposals as they relate to the Link Street have led to considerable and positive changes to the proposed development. It is now proposed to provide the link street for the full extent of the lands in the control of the applicant facilitating higher density and better connectivity.

- The Link Street has been designed in a holistic manner, taking full account of the guidance provided in DMURS, and of the connectivity, place making, movement and aesthetic functions of this piece of infrastructure.
- Placemakers Ireland have prepared a revised strategy for the overall development, and in particular for the link street from the R445 to the Rathcurragh Public Open Space.
- The link street constitutes a significant component of Objective SRO5 of the Newbridge Local Area Plan 2013 – 2019 to form a strategic infrastructure link from Standhouse Road to Green Road. Revisions to the proposal include that the full extent of the infrastructural upgrade will be provided on the lands within the control of the applicant as a part of this planning application.
- The tree – lined avenue style Link Street has been redesigned as an active street, in accordance with the Design Manual for Urban Roads and Streets 2013.
- The Movement and Connection Report concludes that the design of this DMURS compliant street has been resolved to great effect to achieve a quality new community using a balanced, place based and integrated approach.
- A coherent street network that will be attractive, efficient, legible and safe has been the result. The quality of the street environment and public realm will benefit from active street edges, passive surveillance, and high levels of street-tree planting.
- At the entrance to the proposed development at the junction of the R445, a new part 4 and part 6 storey, landmark apartment building is proposed. This building will define the edge of Newbridge and will act as a gateway building on the approach to the town.
- Sufficient land has been maintained free of development in front of the apartment building to facilitate a more significant four armed junction to complete the objective of SRO5 for a four armed junction with the R445, and as requested by Kildare County Council at pre-planning stage.

1. Infrastructure – wastewater

- Letter issued from Irish Water dated 21st December 2017. This letter clearly indicates that the proposal can be accommodated in the existing drainage infrastructure.
- Engineering Services Report from Donnelly Troy Consulting Engineers references details of the proposals in relation to infrastructure for the proposed development.

2. Density

A specific Statement on Density has been included which is summarised as follows:

- Drawing 06.135.PD158 defining the gross site and net site areas available for development, for density calculation purposes. The gross area includes connection areas for services; distributor road reservation required by Kildare County Council; motorway building line buffer zone (91m) to the M7 motorway and non-development areas. These are excluded from the net site area calculation.
- The proposed development is located on the southern edge of Newbridge, approximately 2km from Newbridge Train Station, 1km from closest bus-stops and 0.5km from the M7 Motorway. Note that the CSO 2011 Census results for Newbridge indicate that the most popular means of travelling to work was by car with this mode accounting for 61.8% of all journeys.
- The proposed development at Ballymany is on residential zoned lands that is best characterised as an outer suburban or greenfield site, at the edge of the town of Newbridge.
- Guidelines (2009) state the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare
- Residential development proposals presented here for Ballymany will strike a balance between a significant improvement upon the ragged edge that is currently presented to the 'Unique' landscape character (as designated in the Kildare County Development Plan) of the Curragh from which it will be viewed, and providing an appropriate level of development for this edge of town location.

- Characteristics and context of the flat Curragh landscape is such that the appropriate response is for a typology of primarily low-rise two to two-and-a-half storey development in close proximity to existing suburban housing and overlooking the Curragh, with a higher scale of development closest to Newbridge, the R445 and to the adjacent shop and petrol station.
- Resulting nett density of 35.5 dwellings per hectare with a variety of housing types, is consistent with the provisions of the Sustainable Residential Guidelines. This is a significant change from previously approved schemes on this site at 15 dwellings per hectare and 20 dwellings per hectare. This density is appropriate for the context described in detail elsewhere and taking into account the external sensitivities including the adjacent suburban housing, Horse Racing Ireland lands and the Curragh.
- Table 4.2 of the Kildare County Development Plan (above) indicates that densities for outer suburban/greenfield sites should be 30–50 units per hectare.
- Newbridge Local Area Plan 2013-2019 policy HL 6 seeks “to restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections” and states that “Duplex units shall not generally be permitted”.
- Pre-application consultation suggested that a ‘gateway’ building at the entrance to the site would be an appropriate solution with an attractive and thoughtful landmark apartment building proposed at this location.
- The apartment building has been provided on a suitable and appropriate site, giving identity to the entrance. In addition, it provides for a higher density of development and a greater range of dwelling types on this site.
- Great effort has been made to ensure that a high quality and sustainable development is envisaged at a density appropriate to this edge of town location, and consistent with the guidelines and development plans relevant to this location.
- CSO Census Data for 2011 indicates that Newbridge, in contrast with the state average, has higher than average populations of children between 0 and 14, and of adults between 25 and 44 which would appear to demonstrate that the area is

a sought after location for young growing families. In accordance with section 17.4.3 of the Development Plan, the CSO data would support the provision of a high percentage of family type accommodation as being appropriate - the housing mix has a high proportion, 80% of three and four bedroom houses, and also includes 20% two bedroom and one bedroom dwellings.

- Development density adheres to the guidance contained in the Opinion received from ABP following the tripartite pre-planning meeting and in the Government Guidelines, giving these priority over the Newbridge LAP in relation to the form and mix of residential provision within the proposed scheme.

3. Design, Layout and Unit Mix

- Statement of Consistency with National Guidance enclosed with this planning application for a detailed appraisal of the quality and sustainability of the urban and detailed design, and the consistency of the proposals with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009 and the accompanying Urban Design Manual
- Movement and Connectivity Report prepared by Placemakers Ireland and JFOC Architects in support of this proposed planning application for details in respect of the design of the street network and street typologies, and detailed demonstration of the consistency of the revised proposals with DMURS 2013.
- A detailed consideration of the context, receiving environment, connectivity and movement have been driving factors in the detailed design scheme proposed.
- An appropriate mix of unit sizes and typologies as outlined in the Statement of Consistency with National Guidance enclosed in respect of the revised proposals.
- Revised proposals on lands within the control of applicant for the layout include the provision of the entirety of the Link Street from the R445 to the Rathcurragh Public Open Space. The configuration of the site layout plan stems from the detailed analysis of the existing context, the provision of the Link Street and a design emphasis on quality placemaking and is articulated in the attached Design Statement.
- The palette of materials proposed is of a traditional manner; sand-cement render, slate coloured roof tiles, and high quality glazing. This is in keeping with adjacent

developments and the situation of the development at the edge of Newbridge. The overall aesthetic is one of coherence and quality, balancing integration with the existing and a unique identity. Dwellings are designed with a great deal of clarity, demonstrating a quiet rhythm and a very high quality contemporary aesthetic utilising traditional materials.

- Significant amendments have been made to the proposed development to include provision for a landmark apartment building at the entrance to the site. This apartment building has been located appropriately at the access to the site, highlighting both the entrance to the new development and providing a new signature building on the approach to Newbridge.
- Landscaping and open spaces have been incorporated into the design of the building.
- Parking, bin stores and bicycle storage are discretely contained in a landscaped parking courtyard configuration to the rear of the apartment block. This courtyard is also overlooked and well supervised by the balconies of the apartments and houses No. 141 – 145.

Specific Information Requested

- Phasing Plan and Construction and Environment Management Plan provided;
- Site layout plan shows areas to be taken in charge;
- Drawings and movement and connectivity report provided to indicate pedestrian and cycle connections with adjoining development and transport modes;
- Landscape design and boundary treatment proposals provided in addition to Arboricultural report and tree protection plans;
- Site layout plans provide detailed legends of dwelling types;
- Photomontages provided;
- Archaeological test excavation report provides location of recorded monuments;
- Bat survey undertaken by Ecologist;
- Two noise reports enclosed with further assessment of noise barriers along a section of the M7;

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

- 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. 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. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. National Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018
- Urban Development and Building Height Guidelines 2018
- 'Childcare Facilities – Guidelines for Planning Authorities'

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.3. **Kildare County Development Plan 2017-2023**

The Kildare County Development Plan 2017-2023 is the operative County Development Plan wherein Newbridge is designated as a Large Growth Town II. In the County Plan it is stated that 'Outer Suburban/Greenfield' sites have stated general density parameters of 30-50 units/hectare.

6.4. **Newbridge Local Area Plan 2013-2019**

- This LAP provides that the site is zoned Objective C1- New Residential with a small element of the site area zoned Existing Residential.
- Policy HL6 – restrict apartment development to town centres and public transport connections, higher density schemes only considered where they exhibit high architectural design standard with duplex units not permitted;
- SRO5 (b) - link road from L7042 Green Road (c) to the L7037 Standhouse Road including new junction with the R445 Ballymany Road (d);
- NH3 – Protection of trees – Map 5 – 16 mature trees on both side of the R445 on approach from Ballymany interchange;
- The site is located approximately 800 metres from the Curragh pNHA.
- Policy NH6 – seeks to protect the Curragh pNHA with NH7 requiring development proposals within vicinity of or effecting Curragh pNHA to provide sufficient detail on how it will limit impact;
- Two Recorded Monuments are located within 200 metres of the site- a mound to the west (Ref KD023-019) and a Church to the south-east (Ref. KD023-020).

6.5. **Applicants Statement**

- 6.5.1. The applicant's statement of consistency with relevant policy required under Section 8(1)(iv) of the Act is summarised as follows:

The submission includes a number of documents which outline consistency with National Guidelines and Local policy. A design statement is provided as is a documented which outlines movement and connectivity and illustrates compliances

with a number of documents including DMURS, National Cycle Manual and local policy.

The following is a summary of the contents of all of these documents:

- Existing urban edge presents a broken edge to Newbridge with high boundary walls providing no passive surveillance to the town boundary with proposal providing a modest but clearly defined and attractive edge improving security and amenity but not impacting on views from the Curragh which is separated from the site by the M7;
- Where possible existing houses back onto the site, new rear gardens are placed behind them ensuring maximum amenity with existing amenity carefully respected;
- North-eastern section which juts into Ballymany Manor provides rear garden on one side with a wide margin for screening on the other with site levels in this location lower than Ballymany Manor;
- Open space strategically located adjacent to existing open space at Ballymany Manor to facilitate improvement and extension of existing green infrastructure;
- Some of the mature trees along Ballymany Road will need to be removed to facilitate new entrance and ultimate junction proposed to facilitate objective SRO5, apartment block is set back from the majority of the trees but a number of trees required to be removed;
- New signature building at access to the site will define both the new gateway at entrance and provide a landmark on the approach to Newbridge from M7;
- Potential spread of noise (from M7) mitigated by the built edge with detailed analysis provided in noise report which notes that cost of boundary and median treatment difficult to justify from acoustic perspective with approach outlined robust;
- One of the two 38kV overhead lines will be undergrounded with the other to be removed as it is obsolete;

- Connectivity improved by location of the greens space, provision of cycle and pedestrian routes;
- Provides for section of link road required under objective SRO5 within applicants ownership and facilitates remainder of connection to Green Road;
- Road and street networks, hierarchy of street design in accordance with DMURS with Movement and Connectivity report demonstrating same with integration of street network with public open spaces giving sense of place and identity;
- Principles of urban design underpin approach with public opens spaces designed to ensure access to all with home zones/shared spaces adjoining open spaces, gradients on streets and accesses kept below 1 in 20 with 10 ground floor apartments providing accessible living:
- While proposal provides for a range of house types and tenures, 2011 CSO Census data shows Newbridge has higher than average population of children between 0-14 and adults between 25-44 indicating area sought after for families which supports the provision of high percentage of family homes.
- Great effort been put into defining a clear distinction between streets and open spaces with all houses close to or adjoining public spaces;
- Net density of 35.5 units per hectare considered consistent with Sustainable Residential Guidelines given outer suburban location of the site on the edge of the Curragh and consistent with Kildare County Plan for outer suburban sites in large towns;
- To remain cognisant of LAP policy to restrict apartments to specific locations and Sustainable Residential Guidelines a single block of apartments is proposed at the entrance to the scheme with a lower density on the site considered appropriate due to location of the site but opinion from ABP required further consideration of the density with revised proposals an appropriate response;
- Proposed development has many recognisable features so people can describe where they live and form a community identity with three distinct village greens which are focal points making use of trees and landscaping to create a memorable layout;

- The layout aligns routes with desire lines to create permeable interconnected series of routes with opportunities for connections into adjoining estates with active street frontages with doors opening onto the street and houses at junctions addressing both streets, speed is controlled by design and layout;
- Number of unifying architectural devices used to create a coherent and legible public realm with streets and spaces wrapped with a continuous 2m high brick ribbon formed by lower section of houses and garden walls creating a visual coherence and legible street environment with no front building walls;
- Car parking proposal reduces the visual and physical impact of same on public realm with off-street parking largely proposed between the houses tucked behind the building line and out of sight and on-street parking parallel with the carriageway predominately with perpendicular parking broken up by trees and landscaping;
- Palette of materials traditional with brick, sand cement render and slate with overall aesthetic one of coherence and quality balancing integration with existing and a unique identity;
- NIS concludes that there is no ecological connection between the site and the designated sites and no effect on same;
- Archaeological report concludes no monuments or remains impacts, location of possible church not within boundary of the site with monitoring of groundworks recommended;
- Proposal hardly visible from the Curragh with design a beautiful and clearly defined edge to the town.
- Archaeological impact assessment report assesses the vernacular farm buildings on site which are of no architectural or historic significance;
- EIAR screening report provides a review of the potential significant effects on the environment concluding that no significant negative effects on any environmental factors are anticipated;
- Bats will remain in the area with landscaping proposed to encourage same;
- Proposal assists in providing the housing units required for settlement strategy;

- Flood risk concludes development will not be at risk from flooding;
- Details of Part V units enclosed;
- Social infrastructure audit concludes that there is adequate community, recreational and educational facilities in the area to serve the proposal with sustainability of crèche on site not likely given there are 17 crèches in the area.

7.0 EIA Screening

7.1. Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Observer Submissions

Two submissions were received which are summarised as follows:

8.1. Apartment Owners Network

The submission received is summarised as follows:

- Outlines the objectives of the Network which is a volunteer-led, non-party political organisations made up of owners of homes in multi-unit developments and directors of Owners' Management Companies;
- No view on intrinsic merits of the proposal and submission should not be viewed as an objection;
- Design Standards for New Apartment Guidelines (March 2018) requires a Building Lifecycle Report with none submitted with application documents;
- ABP should attach a condition ensuring proposal complies with the March 2018 Guidelines;

8.2. Ballymany Residents Association

The submission received is presented with an initial report and appended with 38 individual observations, the issues within which have been addressed in the initial report. The submission is summarised as follows:

- Objection not based on NIMBYism but on planning and architectural design of the proposal, residents accept the zoning and principle of proposal but architectural and planning design exceptionally low and of poor quality;
- Proposal ill-thought, lacks coherency with adjacent development, no proper design rationale, no alternative proposals and lack of proper site analysis obvious;
- Proposed design dominated by Link Road SR05 in the LAP which is product of road engineers and not planners and is aspirational rather than achievable resulting in poor residential amenity and low quality living environment when coupled with high density development, impacting on neighbouring housing;
- Proposal introduces some new architectural design concepts not established in existing residential housing developments in Newbridge such as a lack of front gardens, single aspect car parking on individual sites (front to rear), these features are poor and lead to low level of residential amenity;
- Most objectionable element is the massive 6-storey apartment development which is out of character with Newbridge and Kildare which was designed to meet density guidelines, possibly the only proper planning element of the proposal;
- Proposed apartment block will overlook and overshadow properties in BM;
- Concern at subsidence along boundary wall between site and No's 83-88;
- Proposal includes removal of protected lime trees which form a historic approach to the town and argue that Newbridge needs a landmark building on the approach road with no evidence of the need for same with existing landmarks in Newbridge to be replaced with a 6-storey crude apartment block;
- Concerned for residents of No.78-92 and views from these houses of back of the north facing balconies;
- Concerned at omission of daylight/shadow analysis for a 6-storey building and site sections showing impact of proposal on Ballymany Manor (BM) with 3D

images showing most positive aspects of the proposal with over 60% of units not overlooking open spaces;

- Development is developer led with only density and roads objective met with little objectivity and especially concerned with traffic impact report, bat survey, Arboricultural report, misleading 3D images, inaccurate social infrastructure assessment, absence of critical analysis of design thought process;
- Appears proposed link road partly located in land zoned for agricultural use with zoning not providing for road development with line of road indicative and should be within the residential area and request close inspection of zoning maps and proposed development for inconsistency in this possible mapping element;
- Lands designed 'B' (existing residential) also included with zoning and ancillary implications ignored;
- Lands not entirely 'new residential'; as stated in SOC with high density of housing proposed in existing residential infill zone (B) not complying with zoning objectives on a site with existing trees and a vernacular structure with the area requiring a stronger design response with proposal in this area greatly reducing residential amenity in Ballymany Manor;
- House type A (unit 131) only 15m from 83/84 Ballymany Manor with similar ridge heights with potential to shadow rear gardens with no shadow analysis with houses on sites 131 and 132 potentially impacting on 83/84 BM and suggest a redesign of this area is required to take cognisance of existing mature trees and buildings;
- No structural survey of existing building and detailed plans required for demolition and therefore not in accordance with the Regulations;
- Development developer led designed around road and location close to the unique Curragh demands a better quality;
- Link road ill thought, ends abruptly with no turning area and potential for future connection is questionable requiring continuation through an established green area adjoining an established estate and may never be developed and dominates the layout;

- 82 units have south fronting facades with no front gardens with rear gardens in constant shadow with no residential amenity reflecting poor residential design with development focused on the road;
- 90 units have no direct overlooking or view of public open space with amenity of occupants suffering and creating anti-social behaviour;
- Residents of BM object to continuation of public road through their estate as it will increase traffic through BM with potential for overspill car parking with TIA and RSA deficient as they do not take cognisance of this additional traffic;
- Objective HL6 of LAP restricts apartment development to town centres location or adjoining public transport and does not generally permit duplex units with apartments precluded by the LAP at this location;
- No crèche provided as required and analysis of childcare facilities in Newbridge in Social Impact Assessment flawed with facilities stated to be in Newbridge a considerable distance from same with many of the others at capacity;
- Not clear if 2.4m high block wall adjoining existing open space in Ballymany Manor is to be removed with no support from BM to remove same, reference to Liffey linear park which is 3km from the site and the Curragh Plains which requires that a walker traverse the busy M7 intersection;
- Train station is 25 minutes' walk from the site (2.5km from the site);
- SIA is misinformed and inaccurate and consider proposal requires a crèche and a redesign of open spaces to allow high quality residential amenity for residents;
- Bat report centres around mitigation measures to remove bats with caution required to protect these protected species;
- Findings of TIA do not reflect local knowledge and claim that proposal to include significant link road within a high density development can have absolutely negligible traffic impact questioned;
- Area of R445 well known point for speed vans, the locations of which are determined by historic dangers with a continuous white line on the road and headstones of two people killed on the road in area which were omitted in the TIA;

- Road widths while compliant with DMURS are minimised to stop speeding with reality that development encouraging on-street parking on narrow roads as witnessed on wider roads in BM with proposed link road and lack of front gardens compounding the problem;
- TIA has not addressed real time traffic situation in the area with manual traffic count undertaken by BM residents with average traffic movements into and out of BM 23-88 which is one per house with the TIA not allowing same for the proposal with service station generating considerable traffic in the area;
- Residential amenity of proposal is so poor it will impact negatively on BM due to lack of parking, open spaces and properly orientated houses encouraging future residents to overspill into BM;
- House design proposed unremarkable with no real design thought process and no relationship to adjoining development with layout not creating any sense of place and object to house types with oversized roofs which dominate the front facades which are essentially 3-storey with protruding gable features;
- Design statement does not justify or inform and 3D images are lacking in showing relationship between houses;
- Height at 18.3m is 5.3m higher than the Whitewater shopping centre in the middle of Newbridge with the apartment development out of scale and oversized for the site and is of a poor architectural design quality with 6-storeys out of character with the suburban location;
- Newbridge does not need a landmark building with no evidence of the need for same and no design justification for a landmark building;
- Shortfall of 15 car parking spaces for the apartment development leading to parking on the link road and in BM, no public open space for the apartments, most are single aspect, meeting minimum design standards with over-concentration of one-bed apartments for Part V of no use to families;
- Houses facing M7 will have poor residential amenity, no front gardens, do not overlook open space and overlook a link road with noise levels not leading to a high quality environment with conclusion that motorway barriers unjustified

confusing with no other noise attenuation explored with other options available and ample room;

- Not clear why there has to be a visual connection from the M7 to the proposal with no need for a visual perspective and proposal should not be visible from any part of the Curragh with landscape value and visual amenity primary design solutions and to base the proposal on fact BM can be seen an example of poor design;
- Layout of BM with rhythm of consistent 2-storey identical houses leads to a high quality sense of place with proposal overlooking a link road entirely at odds with the pattern of development in BM;
- Proposal placed beside an established development of 15 units p/h which is of an entirely different scale, pattern and density but utilising roads and open spaces in same;
- Location of part V units in area of least residential amenity;
- LAP protects the mature lime trees that front the site onto the R445 with Arboricultural report not recommending any removed with the rationale for same to facilitate the development with the considerable mature trees on site worthy of retention with examples outlined of successful incorporation of mature trees into developments;
- Photomontages ignore impact of proposal on BM and do not reflect that most houses do not address open spaces;
- Arrangement and location of bin stores unacceptable;

9.0 Planning Authority Submission

9.1. Overview

- 9.1.1. The planning authority, Kildare County Council, has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on 9th January 2019. It summarises the observer comments as per section 8(5)(a)(i) and the views of the relevant elected members as expressed at the Area Committee Meetings held on 21 November 2018, as per section

8(5)(a)(iii). The matters raised in both summaries are similar to those stated in the submission, above, and the Planning Authority's planning and technical assessments, below.

9.2. Views of Elected Members

9.2.1. The views of the Relevant Elected Members as expressed at the Area Committee held on 21 November 2018. The recorded minutes of the Elected Members views are included as appendix B of the submission from KCC. The following is a summary of the views expressed:

- Issues raised in relation to the New Interceptor Sewer to connect Newbridge to Osberstown WWTP and how development can proceed prior to completion of the works;
- Concerns raised at height of proposed houses in relation to existing dwellings;
- Concerns raised in relation to proposed apartment block in terms of visual impact and inadequate design, height and location at the entrance to Newbridge at the edge of the Curragh;
- Part V provision concentrated within the apartment block which is not in accordance with spirit of Part V;

9.3. Chief Executives Views

9.3.1. Section 2 of the report outlines the Chief Executives views on the effects of the proposal on planning and sustainable development of the area and the environment. In this regard the report refers to County and Local policy documents, the zoning, planning history, documentation submitted with the application in addition to National Guidelines. It then states that it is not considered that certain elements of the proposal would be in accordance with the aforementioned as it would be visually obtrusive, out of character with the scale of development in the immediate area and in proximity to the sensitive location of the Curragh and would not accord with development management standards in terms of public open space. It continues by stating that there are concerns regarding the proposed layout of the Link Road where there is considered to be an excess of accesses onto this stretch of roadway. Flood risk and surface water have not been adequately addressed, it is considered,

and require further analysis which cannot be dealt with by condition. It is concluded that the proposal would be contrary to the proper planning and sustainable development of the area.

9.4. Planning Analysis

9.4.1. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is outlined in Section 4 of the Report and may be summarised as follows:

- Provisions of the Kildare CDP including core strategy policies outlined;
- Newbridge has a housing unit target allocation of 3,770 units over the CDP Plan period (2016-2023) bringing estimated population to 26,896 persons;
- Table 3.4 'Development Capacity' in Kildare indicated based on assessment of zoned lands that there is a potential capacity deficit of 637 units;
- Objective of Newbridge LAP to accommodate 2,609 new residential units (2013-2019) and considered proposed development of the lands would conform to settlement strategy and is compliance with core and settlement strategy policies;
- The following site specific policies in the LAP are considered relevant:-
 - HL6 – restrict apartment development to town centres and public transport connections, higher density schemes only considered where they exhibit high architectural design standard with duplex units not permitted;
 - SRO5 (b) - link road from L7042 Green Road (c) to the L7037 Standhouse Road including new junction with the R445 Ballymany Road (d);
 - SRO10 – implement safety and/or capacity improvements as necessary at junction E R445/Green Road/Morristownbiller Road (Langton Cross);
 - NH3 – Protection of trees – Map 5 – 16 mature trees on both side of the R445 on approach from Ballymany interchange;
 - NH6 – protect the Curragh pNHA;
 - NH7 – development proposal within vicinity of or effecting Curragh pNHA to provide sufficient detail on how it will limit impact;
- Net density of 35.5 units per hectares complies with parameters in CDP & LAP:

- LAP states that greenfield edge site should have less intensity of development and provide a transition with provisions of Chapter 14 of note which states that the Curragh is a Class 5 area of unique sensitivity with little or no capacity to accommodate uses without significant adverse effects;
- Table 14.3 indicated provision of housing within the landscape area of the Curragh is less compatible with provisions of policy CU1 notes that it is policy to restrict development on the Curragh edge or where it obtrudes on the skyline as viewed from the Curragh;
- Considered some level of flexibility to increase intensity of development it should be carefully considered to ensure and maintain the transition between the rural countryside and the unique landscape character of the Curragh and considered that proposed density level is generally acceptable subject to other planning parameters and a positive approach to design;
- Plot ratio is as per requirements for outer suburban sites;
- Scheme provides a varied mix which is confirmed by figures provided by the Housing Department of KCC and applicants analysis of CSO data;
- Majority of Part V units within the apartment building which is part of Phase 2 which is a concern as is the concentration of units in a single block with no physical and social integration;
- Social impact assessment notes the provision of childcare facilities but majority of same are at capacity with a detailed analysis of predicted childcare places required with PA considering a childcare facility should be provided on site – suggested location – refurbished derelict vernacular cottage and outbuildings;
- CDP requires minimum of 15% open space with 11.5% provided with applicant asserting compliance with standard on net site area (16.5% of 5.076ha) but considered that overall public open space does not accord with Section 17.4.7 of CDP;
- Provision of private amenity space in accordance with Apartment Guidelines (2018);
- Justification for the deficit in parking provision for apartments (1 space proposed per apartment) not provided with 1.5 spaces per apartment recommended;

- Regard required for impact of proposed on existing dwellings in the area particularly where buildings back onto and are located adjacent to existing dwellings are lower in height;
- Contiguous elevations show proposed units 73 & 74 have significant change in height between existing and proposed and should be reduced to provide a more appropriate transition;
- Recommended in opinion by PA that given houses are 2.5 storeys that shadow impact analysis required which has not been submitted;
- Concern at impact of 18.8m high apartment block and recommended by PA that a feature building could be accommodated within this section of the site but a 4-6 storey building considered wholly inappropriate with significant overbearing visual impact on approach to Newbridge and within edge of Curragh;
- Photomontages submitted lacking in detail with only close up views and no shadow impact assessment to assess impact on dwellings to the east;
- Inclusion of apartments at this location contrary to provisions of HL6 with PA recommending omission of this building from the proposal;
- Urban Development and Building Heights guidelines provide that where higher scale of development may be appropriate in suburban/edge locations that the form of development must be well designed and integrated into its surroundings and considered apartment building not appropriately designed, does not integrate with existing neighbourhoods and is out of context with character of area;
- 12 of apartments have north facing balconies and living spaces resulting in negative impact on residential amenity of these units with 40 dwellings having north facing gardens which with dwellings in excess of 10m in height may result in severe overshadowing and disamenity;
- Storage space in units cannot include utility spaces as general storage with proposal failing to meet minimum standard and internal revision required;
- Bin storage for apartments could present negative impact on amenity of existing residences;

- Flood risk including the proposed Link Road has not been adequately assessed and Flood Risk Report has not dealt with the requirements of the Flood Risk Management Guidelines – effects of climate change, pluvial flooding risk source;
- Water services has concerns regarding surface water drainage system proposed and detailed design which does not comply with GSDSDS and KCC requirements with refusal recommended as outlined below;
- Serious concerns in relation to number of accesses which is not considered to comply with DMURS with refusal recommended as outlined below;
- Natura Impact Screening report submitted and conclusion noted with ABP competent authority;
- 12 criteria in Urban Design Manual used to provide a qualitative assessment as follows:
 - Context of proposal in respect of adjoining developments outlines with in general form and mass responding to area however serious concerns regarding scale of apartment block which is at odds with area, and height of same and of the 2.5 storey dwelling units in absence of shadow impact assessment, quantity of open space below 15% required, no details provided of vernacular buildings to be demolished or possibility of their reuse not considered;
 - Serious concerns regarding design of link street, internal connections to Ballymany Manor desirable, 2m high wall around between existing and proposed open spaces should be removed and space amalgamated;
 - Single storey units for older generation and mobility impaired not provided for, PA have serious concerns about provision of Part V in one block and provision as Phase 2, recommended apartment block omitted and Part V provided elsewhere;
 - Variety of house type lacking housing for older persons and impaired mobility, childcare facility not provided but considered to be required;
 - While density may be considered to be efficient use of land it is achieved through inappropriate scale and form of development and substandard layout,

- While good mix of house types the uniform design throughout is considered to lack certain character and is monotonous, apartment block is poorly designed and does not respond to the unique character of the area, retention and reuse of vernacular buildings encouraged, retention of trees encouraged;
- Connections not made to internal service roads of Ballymany Manor, some of corner elevations have unbalanced pattern of fenestration, traffic concerns along proposed link street, greater open space required, refurbishment of vernacular buildings should have been explored, poor quality of design in apartment block which has a monolithic appearance and undesirable deck access, use entirely for social housing of concern, recommended building omitted and area redesigned, any grant of permission should require its omission, alternative solution required for bin storage for apartments;
- Open space to southeast of site required additional surveillance, quantum of open space inadequate;
- Extending to rear of some dwellings restrictive;
- Impact on residential amenity of existing and proposed units in terms of overshadowing cannot be adequately assessed in absence of shadow impact analysis;

9.5. Response to Prescribed Bodies/Observers

- 9.5.1. Section 1 of the report provides a summary of the points raised by the observers noting that 39 third party submissions were received. I would note for the Board that 2 observations were received by the Board. One of the observations, from Ballymany Residents Association, includes what are stated at page 24 of the observation to be 38 resident objections and are appended to the submission received. The names of each of the 38 are included at Appendix 1 below. The issues arising in each are included within the summary of the overall submission outlined in Section 7 of this report above. Appendix A of the submission received from the Planning Authority summarises both observer submissions and the resident objections appended to same. The summary provided outlines the matters arising under topic headings and outlines the matters outlined in Section 7 above.

9.6. Other Technical Reports

9.6.1. Transportation

Roads and Transportation Section raised a number of issues in its Opinion Report with further information requested relating to Roads Objective SRO5(b), junction of new road and R445, RSA, roads footpath widths, cross sections, traffic calming, car parking, swept path analysis permeability, signage and road markings;

Applicant has proposed to deliver the extent of the access road within the curtilage of their site however road is proposed as a link street with multiple entrances onto it in form of estate roads and driveways with a link street in this form required to be designed in accordance with the principle of DMURS which is not the case with design doing little to reduce the vehicular speeds and proposed traffic calming would have minimal effect and is a road safety hazard due to creation of poor visibility;

Objective SRO 5(b) requires delivery of a link road between the R445 and Green Road and should see a limited number of direct accesses onto the road and be of sufficient width to carry HGV traffic with road to be linked with a new junction on Green Road in future and in its present form the road cannot be delivered to meet the requirements of the road objective;

Concerns regarding noise levels present from M7 motorway particularly for units to the south east with EPA mapping suggesting noise levels in the area up to 70 dB with noise survey carried out which does not present a true picture of noise experienced by residents living less than 100m from the motorway;

A refusal of permission is recommended with three reasons outlined relating to the proposed link street and noise impact from M7. 35 conditions are then recommended in the event that permission is granted.

9.6.2. Water Services

Detailed report provided in respect of matters arising with the overall proposed surface water drainage does not demonstrate adequate compliance with requirements of the GSDS polices and Code of Practice or recommendations contained in the report submitted at pre-application stage. Issues arising relate to the proposed link road drainage, matters relating to the discharge outfall, potential for infiltration to ground.

Lack of regard to recommendations contained in the SHD Stage 2 report (Pre-application stage) and deficiencies in systems which would normally be dealt with under Further Information are of such nature and scale as to preclude a feasible grant of permission which can be seen in the required conditions outlined.

Issues also outlined in terms of attenuation systems, restricted discharge flow rates, SuDS, consistency of submitted drainage information, longitudinal section drawings, development phasing.

In relation to flood risk assessment it is stated that KCC do not consider that the submitted Flood Risk Report is compliance with the requirements of the Guidelines nor does it take enough account of the KCC WSD recommendations in pre-app opinion report, Issues arising relate to climate change, pluvial flood risk, groundwater flood risk, recommended flood information sources, third party properties and public road, compensatory flood storage, overland flood flow routes, residual flood risk.

Refusal is recommended with recommended conditions if Board decide to grant permission.

9.6.3. **Municipal District Office**

A report from the Municipal District office states that a refusal is recommended as the number of access points onto the proposed link road is considered excessive and poses a safety concern with KCC promoting and encouraging shared access points where possible.

The report also outlines further information required and a number of conditions.

9.6.4. **Conservation**

In accordance with policies VA1-VA8 an Architectural Inventory and Heritage significance of the vernacular farm buildings to the east boundary in accordance with NIAH format and standards. Scaled drawings linked to a schedule of photographs of the exterior and interior built elements of the possible tin over thatch vernacular farmhouse and its outbuildings required. Revise the proposed layout to reuse the vernacular farm buildings and respect its setting.

9.6.5. **Housing**

Part V proposal of 4 houses and 14 apartments acceptable to the Council with indicative costs also acceptable with a condition for Part V proposed;

9.6.6. **Parks Section**

Refusal recommend given proposal to retain boundary wall between existing and proposed open space with area to be re-designed to remove the boundary wall to unite the spaces and the design of the attenuation pond is very engineered and lacks imagination to make the area more natural with pond and open space to be re-designed. Conditions are recommended if Board are minded to grant permission.

9.6.7. **Environmental Health**

Taken that all mitigation measures in the environmental impact screening report will be implemented which includes a Dust Minimisation Plan in the Outline Construction and Environmental Management Plan with conditions recommended.

9.6.8. **Environment Section**

No objection subject to conditions on matters including surface water, noise control, household waste.

9.7. **Recommendation and Conditions**

9.7.1. **Recommendation**

The PA outline 5 recommended reasons for refusal which are summarised as follows:

1. Proposed link street is contrary to Objective SRO 5(b) of the Newbridge LAP as it does not meet the design requirements for a link street. Multiple road safety hazards exist though the proliferation of domestic entrances along the route where cars must reverse in/out, impeded sightlines due to on-street car parking and tree planting, insufficient carriageway width to cater for HGV traffic and poorly designed traffic calming measures. Furthermore, the link street as identified in the Plan will be required to be delivered through to Green Road in the future and a new junction considered at this location with the proposal possibly rendering same unviable due to improper design. Proposal is therefore contrary to objective 5(b) of LAP and would endanger public safety by reason of traffic hazard.

2. Not demonstrated to satisfaction of the PA that proposal would not pose an increased flood risk to third party properties and lands with FRA submitted not adequately addressing flood risk in the context of the proposal including the new Link

Street. Proposed drainage design anomalies of proposed surface water drainage system of such a nature and scale that they do not demonstrate adequate compliance with the GSDSDS with proposal premature pending completion of a revised SSFRA, surface water drainage system and consideration of same with proposal prejudicial to public health and safety and contrary to policies in County, Local Plans and National Guidelines.

3. Proposed apartment block by reason of height, design, scale and bulk on a sensitive site at the edge of the Curragh (pNHA) and given prominent location on approach to Newbridge would negatively impact on character and seriously injure visual amenities of the area and would set an undesirable precedent for similar developments of the area with proposal contrary to provision of Chapter 15 (urban design) of County Plan and provisions of same which require appropriate height and scale in relation to surrounding environment and provisions of Chapter 3 of the Urban Development and Building Heights Guidelines 2019 which require higher scale developments in suburban/edge locations of towns to be well designed and integrated into existing surroundings.

4. Proposal considered substandard and does not fully comply with Development Management Standards of CDP by reason of deficit provision of public open space, omission of adequate childcare facilities on site, orientation of private amenity space along northern aspect of proposed apartment block and inadequate quantum and location of internal storage areas and would represent substandard form of development and injure residential amenity of future occupants.

5. Height and scale of buildings proposed and absence of comprehensive shadow analysis study to ascertain impact of proposal on adjoining site and site itself and additional photomontages along the R445 considered proposal would be visually obtrusive, seriously injure residential amenity of the area by reason of overshadowing.

9.7.2. **Recommended Conditions**

It is stated that it is not considered appropriate in this instance to recommend conditions because of the requirement for a revised FRA and drainage system, detailed shadow analysis, redesign required of proposed layout along the link road to address traffic safety concerns and multiple access, additional visual impact

assessments required to address the impact of the development on longer range views on approach to Newbridge and from M7, revised floor plans required to ensure compliance with New Apartment Guidelines, revised public open space arrangements which may require omissions of parts of proposed buildings, provision of a childcare facility with the possible restoration and re-use of existing vernacular structures on site.

It is stated that the evidence based assessments required would have material implications for the design and layout of the proposal and could not be dealt with by condition and considered this approach in accordance with Section 8(5)(b)(iii)(II) of the PD (Housing) and Residential Tenancies Act 2016. Also considered that in context of 2007 Development Management Guidelines that the recommended planning conditions could not be precise or reasonable conflicting with sections of the Guidelines.

In conclusion it is stated that a revised scheme which materially deviates from the current planning application would require further consultation with public and statutory authorities in the interests of natural justice.

10.0 Prescribed Bodies

Submissions were received from five prescribed bodies which are summarised as follows:

10.1. Transport Infrastructure Ireland (TII)

- Proposal shall be undertaken in accordance with recommendations of the Transport Assessment and Road Safety Audit with any recommendations arising to be incorporated as conditions of any permission granted;
- Developer advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer;

10.2. Irish Water (IW)

- Based upon details provided by the developer and the confirmation of feasibility issued by IW, IW confirms that subject to a valid connection agreement being put in place between IW and the developer the proposal connections to IW networks can be facilitated;

10.3. **National Transport Authority (NTA)**

- In principle NTA supports proposal with some minor recommendations regarding provision for walking and cycling;
- Proposed road would partly fulfil objective SR05 of the Newbridge LAP;
- Proposal accorded with the objectives of the LAP and NTA supportive;
- NTA supports the road along west and south site boundary designed as a street, inclusion of cycle facilities on same, filtered permeability at two internal junctions and potential for three new pedestrian/cycle connections on the eastern boundary;
- NTA recommends that one potential new pedestrian/cycle connection with Ballymany Manor is provided precluding vehicular access;
- Acknowledged connection with Rathcarragh is on third party lands and recommend a link in the interim is provided to the public open space at Rathcarragh;
- Signalised pedestrian crossing on the R445 adjacent to Ballymany shopping centre should be upgraded to a signalised crossing;

10.4. **Department of Culture, Heritage and the Gaeltacht**

- Archaeological Conditions outlined;

10.5. **Inland Fisheries Ireland**

- River Liffey exceptional in the area in supporting Atlantic Salmon, Brown Trout and Freshwater Crayfish and Lampray, highlighting sensitivity of local watercourses and Liffey catchment in general outlined;
- Comprehensive surface water management measures must be implementation at construction and operational stage to prevent any pollution;
- Ground works and associated construction works have potential to cause release of sediments and pollutants into surrounding watercourses;
- Essential that receiving foul and surface water infrastructure has adequate capacity to accept predicted volumes with no negative repercussions for quality of treatment, final effluent quality and quality of receiving waters and consider

that the pump station should be upgraded before any new apartments/houses are connected;

- If permission granted suggest a condition to require developer to enter into an annual maintenance contract in relation to interceptors and silt traps;

11.0 **Assessment**

11.1. **Introduction**

11.1.1. 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, I consider the following the relevant planning considerations of this application:

- Principle of Proposal
- Development Strategy
- Transport Related Matters
- Residential Amenity
- Infrastructure
- Surface Water and Flood Risk
- Ecology
- Archaeology and Heritage
- Other Matters
- Appropriate Assessment

11.2. **Principle of proposal**

11.2.1. There are a number of matters of principle arising which I will address in turn.

11.2.2. Firstly, an observer points out that the lands are not entirely 'new residential' as stated in the Statement of Consistency with part of the development, which they refer to as a high density of housing, proposed in part of the site which is zoned existing residential infill zone (B) and which they consider does not comply with the zoning objectives on the site. This is in fact correct with an area of the site jutting into

Ballymany Manor zoned objective B – existing residential. It currently accommodates the outbuildings associated with the former farm complex. While this is indeed a different zoning to the one which extends over the vast majority of the site, zoning objective C1, the B zoning is also a residential zoning with the principle of housing, notwithstanding its density, acceptable in principle.

11.2.3. The observer also states that it appears that the proposed link road is partly located in land zoned for agricultural use with the zoning not providing for road development and the line of the road indicative and should be within the residential area. They request close inspection of zoning maps and the proposed development for inconsistency in this possible mapping error. I would note for the Boards information that the indicative line of the road is indeed within the 'I' zoning within the Newbridge LAP. The objective of this zoning is agriculture. Contrary to the observer's opinion I would suggest that roads are a common feature in agricultural land not only within the environs of Newbridge but all over the country. I do not consider that the location of the road should be revised such that it is within the residential zoning. I consider it is imperative that the most efficient use is made of lands zoned for residential development and therefore I consider that the proposal to locate the road on agricultural land is acceptable.

11.2.4. While I address density within the section relating to development strategy below, it is appropriate I would suggest to address the principle of a higher density scheme on this site. Firstly, the proposal at 35.5 units per hectare is at the lower range of density for an outer suburban site as outlined in the National Guidelines and in County and Local policy which refer to 35-50 units and 30-50 units per hectare respectively. The adjoining mature developments were constructed prior to the introduction of the current National Guidelines which as its focus seeks to make the most efficient use of a finite land resource. It is not appropriate I would suggest to replicate the patterns of development in the adjoining developments which are at 15 units per hectare. Furthermore, it is not appropriate that, what one observer describes as, the entirely different scale, pattern and density of existing development should dictate the requirement for some sort of transitional typology which would also be of low density. Utilising roads and open spaces within existing developments is a matter central to the principles of DMURS and the Urban Design Manual and the creation of connections.

- 11.2.5. Both the observer and the PA make reference to the location of the site in close proximity to The Curragh and to policies within the LAP in particular relating to development within the Curragh. I note the policies in relation to the Curragh however, the site is zoned for residential development. The site is c.800m from the Curragh and is separated from same by a major transport network (M7) and Interchange. Therefore I do not consider that in principle the proposal impacts on the Curragh.
- 11.2.6. While I address development strategy in Section 10.3 below I would note particularly Policy HL6 of the Newbridge LAP which restricts apartment development to town centres and public transport connections, provides that higher density schemes will only be considered where they exhibit high architectural design standard with duplex units not permitted. While I consider that ensuring higher density schemes will only be considered where they exhibit high architectural design standard is reasonable and of merit, I consider that restricting apartments and duplexes outside of the two specified locations runs counter to National Guidance. The quality and design of these two typologies is a different matter which I will address in the next section, however in principle it is not considered appropriate to limit the mix of typologies within urban areas as to do same would prevent the achievement of sustainable and efficient densities on residentially zoned land.
- 11.2.7. While I address the matter of heritage in a separate section below, the PA in particular are seeking to encourage the reuse of the vernacular structures on site. I would note as per my accompanying photographs that the structures are in a very poor state of repair. They are not protected structures and while they exhibit a pleasant vernacular style it is one which is evident in many farming complexes around Kildare and further afield. I do not consider that the PA have made a sufficient case such that they should not be demolished to facilitate the development. Furthermore, suggesting they may be used as a crèche facility is without any consideration of how such a use would work in buildings designed for domestic purposes. I therefore in principle do not agree that these buildings should be retained.

11.3. **Development Strategy**

The development strategy for the site includes a number of matters which require consideration which I will address in turn.

11.3.1. **Density**

While I have addressed density above in relation to the principle of a higher density development, or rather a higher density than the prevailing density in the area, I would as I outline above note that the density proposed at 35.5 units per hectare is at the lower end of the density band in the Guidelines. Notwithstanding, the density in numerical terms has been increased from that originally proposed in the pre-application proposal submitted to the Board upon which the opinion was based. The opinion (Item No. 2 of Opinion) as outlined in Section 5 above specifically requested that further consideration be given to the density proposed on the site, amongst other matters.

I would also note that the PA, while addressing the locational context of the site, consider that the density proposed in principle is acceptable. The concern arising, and one with which I would agree, is how the density is achieved. The layout now before the Board is almost identical to that originally submitted at pre-application stage save for the apartment block within which 35 apartments are proposed. A number of two-bed houses have also been introduced to the body of the scheme to the rear of the apartment block however the layout is almost identical. I will discuss the apartment block in respect of its height, design etc. in the following section in addition to unit mix and layout, but I would suggest that the Opinion which issued sought that density across the site was addressed rather than focusing the achievement of the numerical requirements in one specific area, given that Item 3 of the opinion specifically references design, layout and unit mix. Item 3 sought that the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Street with specific reference to matters of unit mix and design, the configuration of the layout, (my emphasis) elevational treatments and finishes. While this Item of the Opinion also sought consideration of a gateway building fronting onto the R445 having regard to the prominent location of this element of the proposal, I do not consider that it was intended that the matter of density was specifically addressed by way of one block of development leaving the majority of the proposed development unaltered. I would note that there are many

successful housing developments which include modest numbers of duplex and/or apartments which can reach the density proposed. In this regard while a sustainable density has just about been reached, the manner of how it is achieved is questionable and will be addressed in the following sections.

11.3.2. **Height & Design of Landmark Building**

One of the key matters of concern expressed by both the PA and one of the observers is the proposed apartment block. For the Boards information I would note that the Planning Authority opinion submitted in respect of the Pre-application consultation recommended in terms of distinctiveness that an opportunity exists to create a feature building of appropriate scale at the gateway to the development with the design of the proposed units at the pre-application process not considered appropriate. The Opinion which issued from the Board in response to the pre-application documentation received required further consideration of the documents as they relate to the development of a gateway building fronting onto the R445 having regard to the prominent location of this element of the proposal. I would note that the observers state that there is no evidence of the need for a landmark building with existing landmarks in Newbridge to be replaced with a 6-storey crude apartment block and that no design justification for a landmark building. However as is clear both the PA and the Board have indicated that a gateway building may be appropriate at the entrance to the development.

Therefore the language expressed in the opinions refers to gateway and feature building. The applicants consistently refer to the proposed landmark building and while there is little actual difference it is clear that the requirement is for a building of architectural significance, a feature. Gateway and feature building does not necessarily translate into a high building. While a building of greater height than what currently exists could be accommodated on the site I consider that the 6-storeys proposed is higher than what can be absorbed. Furthermore, the design is monolithic and stark and is reminiscent of a brutalist/utilitarian architectural style. While the 4-storey finger type blocks are of some interest the structure as a block lacks many architectural elements which would create visual interest. The fenestration pattern is monotonous with identical window openings in symmetrical lines horizontally and vertically. The render, while traditional, lacks detailing and does not provide any visual interest. Furthermore, the maintenance of render on a multi-unit building is

difficult. The ground floor brick face is the only variety provided. As I have outlined above, the applicants appear to have taken two of the requirements of the Opinion from ABP, density and a gateway building and have developed the proposal now presented rather than developing a building of architectural significance which accommodates residential units as appropriate. Therefore I consider that the proposal does not respond satisfactorily to the Opinion, does not create an appropriate gateway building, has not managed to justify the proposed 6-storey structure at this location and is not of an appropriate architectural quality. For this reason I consider that the proposal before the Board should be refused.

I also note the concerns expressed in respect of the lack of open space for the apartment block which as I outline below requires revision. The sea of car parking which surrounds the space creates a questionable amenity. The location of the bin stores for the apartment block directly adjoining the Ballymany Manor boundary also requires revision particularly as there does not appear to be any mention in respect of the design of same regarding the amenity of the adjoining residential properties.

11.3.3. **Design of Housing Units**

The applicants have stated in their documentation that there are a number of unifying architectural devices used to create a coherent and legible public realm with streets and spaces wrapped with a continuous 2m high brick ribbon formed by the lower section of the houses and garden walls creating a visual coherence and legible street environment with no front building walls. While this may provide a unifying architectural device, it does not facilitate the creation of any distinctive character areas within the scheme, with the unifying details creating a monotony which would be contrary to one of the 12 criteria in the Urban Design Manual, distinctiveness. The gable fronted units which are proposed at corners and focal points within the scheme are asymmetrical and appear to sit awkwardly, I would suggest, within the scheme. One of the observer's state that the house design proposed is unremarkable with no real design thought process. While I would agree that the design is unremarkable, I do not agree with their contention that there should be a relationship to the adjoining development in respect of design, given the low density nature of the existing developments in the area. I do agree that the layout does not create any sense of place. I do not however agree that the 2.5 storey unit typology is inappropriate. In order to provide higher density residential schemes, a more modern house type is

required however, I do not consider that the design of the proposed units is appropriate.

11.3.4. **Layout, Link Street and Open Space**

The applicants have suggested that the proposal as laid out seeks to create an appropriate edge to Newbridge given the location of the site at the south-western edge of Newbridge on one of the entrances to the town with views from the M7. While I consider that creating a strong edge to the town is an appropriate urban design response, as can be seen from the drawings and photomontages submitted, the view created is monotonous and of very little visual interest given the absence of any variety and distinctiveness in the house type and materials. I would consider that this new street provides an opportunity to create a stronger edge with for example blocks of duplex type development which have dual frontage and whose elongated height could provide an opportunity to create interesting frontages to this new street and new town edge. I do not consider that the approach proposed with semi-detached houses interspersed with short 4-unit terraces is an appropriate means of creating the edge espoused by the applicants as an urban design feature. Neither do I agree with the observers contention that the houses facing the M7 will have poor residential amenity given they have no front gardens and do not overlook open space as they overlook the ring road. I recommend that the current proposal requires considerable revision in this regard.

There are a number of features within the proposed layout, particularly those related to DMURS, which are commendable within the scheme. Many of these features are criticised by one of the observers however they are features which facilitate a more pedestrian friendly environment and which permeate quality housing developments. These include creating street fronting houses, creative car parking and homezones and shared spaces and creating urban streets rather than the traditional front garden overlooking a green. However, despite the positive elements the layout requires considerable refinement to create shorter blocks of development and a greater distribution of open space within the scheme including an area of open space to serve the proposed apartment development, if the Board consider same is an appropriate design response for the site.

The observers are also objecting to connecting one of the proposed streets into Ballymany Manor given that it will increase traffic and overspill parking. The traffic concern firstly, is unfounded as it would provide a more circuitous route onto the public road than travelling within the proposed estate. In relation to overspill parking, I address this matter in relation to traffic below. Most significantly, the proposal complies with both DMURS and the Urban Design Manual in respect of creating and improving connections. This also applies to the proposal to connect the existing and proposed open spaces and while I would agree it is not clear if it is proposed to remove the existing wall and physically connect the spaces I would suggest that if the Board are minded to grant permission for the proposal that a condition should be attached requiring the removal of this wall.

11.3.5. **Unit mix**

The housing mix proposed provides that 19.5% of the units as proposed are 1 and 2 bed units (15 one-bed and 20 two-beds). The applicants justification for the proposed housing mix of units is that the 2011 CSO Census data shows Newbridge has a higher than average population of children between 0-14 and adults between 25-44 indicating that the area is sought after by families which supports the provision of high percentage of family homes. While this may a fair interpretation of the data, what could also be interpreted is that Newbridge has a poor provision of smaller units particularly within larger housing developments and therefore if smaller units are not available to purchase or rent then the population profile will be representative of the prevalent house type which is available. Furthermore, 18 of the proposed 180 units are proposed as Part V. Out of the 15 one-beds 9 are proposed for Part V and of the 20 two-beds 7 are proposed for Part V with 2 three-bed units proposed. This therefore limits the amount of one and two bed units open to purchase or rent on the private market. Therefore excluding the Part V requirement of 18 from 180 provides that 162 of the proposed units would be available for purchase/rental. The unit mix of the 162 units would therefore be 6 one-beds (4%), 13 two-beds (8%), 94 three-beds (58%) and 49 four-beds (30%) which clearly outlines how heavily weighted 3 & 4 bed units are within the scheme and which I consider requires further consideration particularly in respect of two-bed units.

In relation to the concerns at the over concentration of Part V units in the Apartment building, I would tend to agree however as the scheme is proposed the Part V

requirements of the Local Authority can only be met within this block as the vast majority of the smaller units are within this block. This I would suggest further outlines the inappropriate layout and unit mix proposed.

11.3.6. **Crèche**

No crèche is provided for the proposed development as would be required given there are 180 units proposed. I note that one of the observers contend that the analysis of childcare facilities in Newbridge in the Social Impact Assessment is flawed as a number of facilities which are stated to be in Newbridge are in fact a considerable distance from the town with many of the others at capacity. I would consider that it would be useful to provide more locational detail such as a detailed map of the location of the facilities and also consider availability of spaces given that the applicants use the high proportion of families to support their unit mix but fail to provide a childcare facility on site.

11.3.7. **Life cycle report**

One of the observations received notes that the applicant has not submitted a life cycle report. I would note that the requirement for a life cycle report was introduced with the Design Standards for New Apartments which were published in March 2018. This post-dated the issuing of the Opinion from An Bord Pleanála and therefore such a report was not specifically included as a specific requirement. However such reports have become a standard requirement of applications which include apartments and I would consider it should have been included with the application. Notwithstanding, if the Board are minded to grant permission for the proposed development a condition should be included to seek the submission of same.

11.4. **Transport Related matters**

11.4.1. There are a number of transport related matters which I will address in turn the first of which relates to the proposed link street/road through the site.

Link Road/Street

11.4.2. The Newbridge LAP contains an objective to provide a road through this site which is outlined as follows: SRO5 (b) - link road from L7042 Green Road (c) to the L7037 Standhouse Road including new junction with the R445 Ballymany Road (d). Following the submission of the pre-application documents relating to the proposed

development Item 1 of the Board Opinion which issued sought further consideration of the documents as they related to the proposed development in light of the identified Road Objective SRO 5 in the Newbridge LAP regarding the provision of a link road along the extent of the proposed site boundary. This, I would note, related to the proposed provision of only part, less than half of what is now proposed, of the road in the pre-application documentation. The Board Opinion continued by requesting the delivery of this infrastructural upgrade relative to the delivery of the proposed dwelling units on site.

- 11.4.3. In response the applicants state that the proposal now provides the link street for the full extent of the lands in the control of the applicant facilitating higher density and better connectivity. They state that the Link Street has been designed in a holistic manner, taking full account of the guidance provided in DMURS, and of the connectivity, place making, movement and aesthetic functions of this piece of infrastructure with a revised strategy for the overall development and in particular for the link street from the R445 to the Rathcurragh Public Open Space. They continue by stating that the link street constitutes a significant component of Objective SRO5 of the Newbridge Local Area Plan 2013 – 2019 to form a strategic infrastructure link from Standhouse Road to Green Road. The revised design provides for a tree – lined avenue style Link Street providing an active street, in accordance with the Design Manual for Urban Roads and Streets 2013 with sufficient land maintained free of development in front of the apartment building to facilitate a more significant four armed junction to complete the objective of SRO5 for a four armed junction with the R445, and as requested by Kildare County Council at pre-planning stage.
- 11.4.4. In response to the application documentation the Transportation Department of Kildare County Council have stated that the applicant has proposed to deliver the extent of the access road within the curtilage of their site but that the road is proposed as a link street with multiple entrances onto it in form of estate roads and driveways with a link street in this form required to be designed in accordance with the principles of DMURS which, they state, is not the case. They state that the design does little to reduce the vehicular speeds and the proposed traffic calming would have minimal effect with the design creating a road safety hazard due to creation of poor visibility.

- 11.4.5. They further state that Objective SRO 5(b) requires delivery of a link road between the R445 and Green Road and should see a limited number of direct accesses onto the road and be of sufficient width to carry HGV traffic with road to be linked with a new junction on Green Road in future and in its present form the road cannot be delivered to meet the requirements of the road objective.
- 11.4.6. I would also note that an observer submission considers that the link road is ill thought, ends abruptly with no turning area and the potential for future connection is questionable requiring continuation through an established green area adjoining an established estate and may never be developed with the road dominating the layout.
- 11.4.7. Therefore I consider that there are two issues, firstly the design of the road as a link street and secondly the delivery of the remaining link to the Green Road.
- 11.4.8. Firstly, the design of the road itself. The objective seeks a link road and what is proposed is a link street. I note the concerns of the PA as outlined above. They state that the design does little to reduce the vehicular speeds and proposed traffic calming which would have minimal effect and is a road safety hazard due to creation of poor visibility. I would note that the applicant's agent states that the street is in compliance with DMURS and the Council state that it is not but I note the PA in particular do not detail the matters of non-compliance with DMURS. I consider that one of the main issues is the role and function of this thoroughfare. The Transportation Department while considering what is proposed does not comply with DMURS appear to want the road to function as a traditional distributor road. What is proposed is effectively a street with multiple accesses from private dwellings onto same. While I have recommended refusal for visual and design reasons above in relation to the proposed layout of housing onto this street, I consider that determining the role and function of this roadway is a central consideration.
- 11.4.9. I have reviewed the drawings received by the Board in response to a Section 137 request on the site to the north (Ref. 16/658 - PL09.249038) which proposes to provide a section of the SRO5 link from the Ballymany Road to the Standhouse Road. This proposed link road section has multiple accesses permitted along its length having large detached dwellings fronting the road at this location. Therefore, the role and function of the only part of this road objective that has been permitted provides that it will function as a street with multiple accesses onto same. In this

regard the role and function of this link road/street has been established.

Furthermore, if this link street is going to comprise a cul-de-sac, given the absence of the link to Green Road, then arguably a street design with multiple access points would be more appropriate. I would also note in relation to the design and house type addressing the link road that the site to the north does not have the same visibility as the subject site especially in its role as providing the urban edge to the town when viewed from the Curragh and the M7.

11.4.10. In relation to the remainder of the link to Green Street, firstly, the Council consider that the design, particularly the proposed width, would be insufficient to carry HGV traffic with the road to be linked with a new junction on Green Road in future and in its present form the road cannot be delivered to meet the requirements of the road objective. This would suggest that the Transportation Section want a more traditional relief road design which has limited access points. As I outline above, this is central to that principle of the road itself and whether it serves as a street or a road and which has arguably been determined by the permission granted on the site to the north. Secondly the remainder of the road/street up to the junction with the Green Road is located within a green area within the Rathcurragh housing development. Clearly given that this housing development already exists the remainder of this road will not be delivered as part of a new residential development. Therefore it is not clear whether the Local Authority itself intend to deliver the remaining section of this road/street. I consider that clarification on this matter should be provided by the Local Authority given that the lands are outside the applicant's control.

11.4.11. **Parking and Overspill Parking**

Concern has been expressed at both the shortfall in parking of c.15 spaces for the proposed apartment units and secondly the potential for overspill parking on both the new link street and into Ballymany Manor. The proposed car parking at the apartments given it is at surface dominates the layout and amenity of the block with the addition of more spaces exacerbating the block. I would suggest that parking below a podium level which could potentially provide some much needed open space would assist in addressing this matter however would cause material amendments to the proposal. Control of parking within adjoining areas or on roads

can only be provided by measures such as yellow lines or clamping and these are matters for the Local Authority to address.

11.4.12. **Traffic Impact on Adjoining Roads**

The observers from the adjoining Ballymany Manor residential development refute the findings of the TIA considering that they do not reflect local knowledge and do not believe the claim that the proposal to include what they state to be a significant link road with a high density development can have a negligible traffic impact. They also state that this area of the R445 is a well-known point for speed vans, the locations of which are determined by historic dangers with a continuous white line on the road. The observers have undertaken their own traffic count and include the results of same. The subject site is zoned for residential development. The site is located within the urban area of Newbridge which is a busy urban environment with traffic a feature of same. I do not consider that any technical evidence has been provided by the observers to suggest that the proposed traffic impact is adverse with the design of the junction onto the regional road providing for a right hand turning lane coming from the Curragh such that queuing to enter the proposed development would not impact on the flow of traffic on the carriageway. I do not consider that the proposed development in principle would impact significantly on the local road network.

11.5. **Residential Amenity**

11.5.1. There are three principle matters arising in respect of residential amenity, impact of proposed 2.5 storey houses, and impact of proposed apartment block and thirdly the residential amenity of future occupants by reason of proximity to the M7 motorway. I will address each in turn.

Impact of Proposed Houses

11.5.2. Much concern is expressed by both the PA and one of the observers about the height of the 2.5 storey residential units proposed and their impact on the residential amenity of properties in the adjoining development of Ballymany Manor. Designing taller dwelling units on smaller footprints is a measure to provide higher density can be achieved in the delivery of housing units. The units are only marginally higher than more conventional 2-storey units and I do not consider that there is any justification to require daylight and sunlight assessments of the proposed houses

particularly as most of the existing residential development is at a higher level than that proposed. This is a modern house typology and in principle should be supported. In particular reference is made to Unit no. 131 which is house type A being only 15m from 83/84 Ballymany Manor where I would note it is stated that there is a similar ridge height. Reference is made to the potential to shadow rear gardens with no shadow analysis with houses on sites 131 and 132 potentially impacting on 83/84 BM and suggest a redesign of this area is required to take cognisance of existing mature trees and buildings. I would note that it is the side elevation of Unit 131 as proposed that addresses the rear boundary of No. 83/84 with both having triangular shaped sites and while there may be some overshadowing from the proposed unit it is not detrimental to the amenity of the properties given the extent of the rear gardens.

Impact of Proposed Apartment Block

11.5.3. Equally much concern is expressed at the impact of the proposed apartment block on the residential amenity of properties in Ballymany Manor by reason of privacy and overshadowing. The nearest part of the 6-storey element is 40 metres from the rear boundary of No's 87 and 88 Ballymany Manor both of which are irregular in shape such that the boundary of No. 87 addresses an open area of the car parking area for the apartments and is not directly addressed by the Apartment Block. The nearest part of the 4-storey element is c.26 metres from the rear boundary. While as it is outlined above I have considerable reservations about the proposed apartment block I would suggest that it has been designed to limit direct overlooking but I would consider that the documents presented fail to outline residential adjacencies in any great detail such that it is apparent why concerns would arise. The elevations which address the adjoining development while including bedroom windows along these elevations also include door openings and a walkway along the elevations. I would note the requirement for sunlight and daylight analysis as per the tests contained in the BRE guidelines and this has not been addressed in the documents submitted so in the absence of a defence for not including an analysis of same it would be reasonable to conclude that such an impact cannot be excluded.

Noise Impact

11.5.4. The application is accompanied by an Inward Noise Assessment and a report entitled review of benefits of traffic noise barrier and other issues at Ballymany. It is contended by one of the observers that the houses facing the M7 will have poor residential amenity with noise levels not leading to a high quality environment. They also state that the conclusion reached that motorway barriers were unjustified as being confusing and no other noise attenuation explored with other options available and ample room available. I would also note the concerns expressed by the Transport Section of Kildare County Council and their recommended refusal reason relating to noise from the M7 and the nuisance which would be caused particularly on the future residents of the units particularly in the south east portion of the development.

11.5.5. The noise report at section 6.4 divides the site into noise zones with the areas closest to the M7 within Zone A where daytime noise levels are estimated at 65-70 and night time 60-65. Mitigation measures are proposed in Section 7 of the report which include enhanced glazing specifications and ventilation with the glazing providing that an appropriate environment can be achieved. I note that the assessment of noise barriers provides that noise barriers would do little to mitigate noise with a reduction in noise of c. 1dB which is limited. Therefore while I note the concerns, I consider that, notwithstanding my recommendation to refuse permission based on the design of the proposal that the noise environment would be satisfactory subject to the glazing proposed. If the Board are minded to grant permission I would suggest that it might be appropriate to condition that the glazing specification is agreed in writing with the PA prior to commencement of development.

11.6. Infrastructure

11.6.1. The Board opinion which issued following the submission of the pre-application request sought further consideration/clarification of the documents as they related to the wastewater infrastructure constraints in the network serving the proposed development and the necessity to indicate the nature of such constraints and timelines involved relative to the construction and completion of the development. In response the applicant refers to a letter issued from Irish Water dated 21st December 2017 which indicates that the proposal can be accommodated in the existing drainage infrastructure and refers to the Engineering Services Report from Donnelly

Troy Consulting Engineers in references details of the proposals in relation to infrastructure for the proposed development.

11.6.2. As outlined in Section 9.2 above, Irish Water have responded to the proposal by stating that based upon details provided by the developer and the confirmation of feasibility issued by IW, IW confirms that subject to a valid connection agreement being put in place between IW and the developer the proposal connections to IW networks can be facilitated. I consider that this matter has been satisfactorily addressed.

11.7. **Surface water and flood risk**

The surface water management strategy for the site is set out in section 4 of the Site Services Report prepared by Donnelly Troy and Associates and provides that it is proposed to use a SuDS approach to stormwater management. It is stated that based on the extremely poor soakage on the site and the limited open space that it is proposed to collect all surface water from the site by gravity and direct it to an attenuation pond located on lands to the south of the site. The pond is proposed to have a flow control device to limit outfall and a capacity to attenuate a 1 in 100 year storm event plus 20% increase for climate change. It is noted that the attenuation pond is within a wayleave designated for this purpose under a Deed of Easement and that the proposal is similar to that previously permitted.

I note the very detailed response from the Water Services Department of Kildare County Council where refusal is recommended as it is contended that the proposed surface water strategy does not demonstrate adequate compliance with the GDSDS or the recommendations outlined in the report provided for the pre-application stage of this process. The issues include separating the link road drainage from the residential development drainage system. They state that while the proposed strategy may have been as per the previous application in 2005 that the proposed arrangement confuses the maintenance situation. Details regarding the Deed of Easement are questioned, infiltration to ground is outlined and the possibility of same at some locations which has been completely discounted by the author of the report on the basis of the impermeable site conditions across the site. Anomalies in the drainage design are also outlined. While it may be possible to condition many of the changes required to improve the strategy proposed, on the basis of my concerns

with the development strategy for the site I consider that permission should be refused on the basis of the inadequate information provided and that the applicant should be required to address the matters raised in the detailed report received from Water Services.

A flood risk report has been submitted where it is stated that from an examination of the preliminary flood risk assessment (PFRA) mapping for Ireland produced by the OPW that the site is located well away from the River Liffey where the more extreme fluvial events occur and that in the opinion of the author that the site is located in a zone with low probability of flooding which would be Zone C in accordance with the Guidelines. The Water Services Report provides advice on same stating that the flood risk including the proposed link road has not been adequately assessed with the report not in compliance with the Flood Risk Guidelines. I would tend to agree with the PA in this regard. The Flood Risk report is sketchy at best and rely on opinion to interpret the flood risk zone for the site. I consider it requires revision and as per my comments on the surface water strategy for the site permission should be refused on the basis of inadequate information.

I also note that concern has been expressed regarding subsidence along the boundary wall between the site and No's 83-88 Ballymany Manor. This has not been addressed in the documentation but it is recommended that the matter should be reviewed by way of condition if the Board are minded to grant permission or in any revised proposal for the site should the Board decide to refuse permission.

11.8. Ecology

11.8.1. Trees

The observers state that the LAP protects the mature lime trees that front the site onto the R445 with the Arboricultural report not recommending any trees are removed with the rationale for same to facilitate the development with the considerable mature trees on site worthy of retention. They also outline examples of what they consider to be the successful incorporation of mature trees into developments. I note the comprehensive Arboricultural Assessment which has been submitted which I consider provides a rationale and fair assessment of the existing trees. Four category A trees are proposed to be removed at the Ballymany Road entrance. The site is zoned for both residential development and the provision of a

link road/street with a junction to be developed. In the interest of traffic safety the removal of these trees, while regrettable is necessary.

11.8.2. Bats

In relation to bats and the concerns expressed by the observers that the bat report centres on mitigation measures to remove bats with caution required to protect these protected species. I consider that the report is appropriate and satisfactory.

11.9. **Archaeology and Heritage**

11.9.1. There is considerable encouragement expressed in the reports included with the Chief Executive Report from the Planning Authority and indeed the observation from the adjoining residents for retaining the house and outbuildings on site which are referred to as vernacular farm buildings. The PA consider that the former farmhouse may comprise a potential crèche however there are no tangible proposals presented by either the applicant or the PA to suggest that a crèche could be accommodated in this almost ruinous and relatively modest building and if it were to be proposed as same I would suggest that it would require such amendment and extension as to be unrecognisable questioning the rationale for it being retained in the first place. An archaeological impact assessment report assesses the vernacular farm buildings on site which it concludes are of no architectural or historic significance and were not on the 1st edition OS map c.1838. In the absence of any historical or architectural significance or merit I consider that it is reasonable to facilitate their demolition particularly if it facilitates the provision of a high quality residential development of sustainable density.

11.10. **Other Matters**

11.10.1. The proposal before the Board provides for the transfer of 18 units under Part V of the Act. Fourteen of the units are located within the apartment block with 4 houses within the scheme. The fourteen units within the apartment block are also concentrated within the two sides of the 6-storey element. I would agree with the PA that the concentration of the units within the apartment block would not reflect the spirit of the Act. I would also note that the Council's requirement for smaller units would be difficult to satisfy within the remainder of the proposed scheme. I have addressed the matter of Unit Mix in Section 10.3 above. I do not necessarily agree with one of the observer's consideration that the location of the Part V units is

located in the area of least residential amenity. Notwithstanding, if the Board is minded to grant permission I would recommend a revised phasing scheme is conditioned.

11.10.2. I would also note that the apartment block is proposed as Phase 2 of the scheme and I would agree with the PA that the provision of the Part V units within the second phase is not appropriate and should be delivered pro-rata within the scheme and if the Board is minded to grant permission I would recommend a revised phasing scheme is conditioned.

11.11. Appropriate Assessment

Introduction

11.11.1. I would note that a Natura Impact Statement accompanied the application documentation received by the Board. The NIS submitted provides an informative description of the site including the vegetation and fauna and states in respect of an evaluation (section 3) that the site itself has nothing of significant ecological value and contains organisms which are frequent in any countryside area. It is stated that there is no likelihood of protected plants being present on the site.

Stage 1 Screening

11.11.2. The subject site is not located within any Designated European site, however the following Natura 2000 sites are located within 15km of it:

Site Name & Code	Approx. Distance from Site
Pollardstown Fen SAC (site code 000396)	Nearest part of Natura site is c. 1.4 km to the NW of the site
Mouds Bog cSAC (site code 002331)	Nearest part of Natura site is c.4.5km to the N
River Nore and River Barrow SAC (site code 002162)	Nearest part of Natura site is c.10km to the SW
Ballynafagh Lake SAC (site code 001387)	Nearest part of Natura site is c.12.3 km to the N
Ballynafagh Bog SAC (site code 000391)	Nearest part of Natura site is c.13.85

	km to the N
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11.11.3. The NIS provides a brief screening within Section 4.1-4.3 of the report which states that the main site in this instance is the Pollardstown Fen, a spring and fen system of European interest. It also references another Natura 2000 site, Mouds Bog which is located, it is stated about 4.5km to the north of the site and notes that the proposed NHA at the Curragh is located to the west of the site. I have outlined in the Table above the sites within c.15km of the subject site to provide the Board with information on the sites within the area. However I would note that only one of the sites has a potential hydrogeological connection, Pollardstown Fen, to the site and are at such a distance such that any potential impact could not be considered to have a potential adverse effect.

11.11.4. The report then provides a screening matrix. This matrix outlines that a likely change to the Natura 2000 site may arise due to the potential for groundwater effect in respect of reduction and or pollution. The likely impact is a potential adverse effect and the change to the key element of the (Natura) site is small scale but a potential arises for same. I consider that this is reasonable. The surface water strategy for the site is to divert all of same to an attenuation pond to the south of the site and from there to direct into the stream under the M7 by way of a flow control device. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. While the document is brief, the information contained within the overall report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

11.11.5. **Pollardstown Fen SAC (site code 000396)**

The site synopsis for this site states that the site is situated on the northern margin of the Curragh approximately 3km west-north-west of Newbridge lying in a shallow depression. About 40 springs provide a continue supply of water to the fen with the continual inflow of calcium-rich water from the Curragh and from limestone ground creating waterlogged conditions leading to peat formation. Owing to its rarity and the number of rare organisms found there the site is of international importance.

The site is a Special Area of Conservation (SAC) and is listed for the following qualifying interests two of which are priority (*):

- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210]*
- Petrifying springs with tufa formation (Cratoneurion) [7220]*
- Alkaline fens [7230]
- *Vertigo geyeri* (Geyer's Whorl Snail) [1013]
- *Vertigo angustior* (Narrow-mouthed Whorl Snail) [1014]
- *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016]

The generic conservation objectives for this site seek to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Other Sites

11.11.6. Mouds Bog cSAC

Mouds Bog cSAC (site code 002331) is located c.4.5km to the north of the site and is a raised bog with the following qualifying interests:

- Active raised bogs [7110]
- Degraded raised bogs still capable of natural regeneration [7120]
- Depressions on peat substrates of the *Rhynchosporion* [7150]

There is no hydrological or ecological link to the subject site.

11.11.7. River Nore and River Barrow SAC

River Nore and River Barrow SAC (site code 002162) is located c.10km to the southwest of the site with the following qualifying interests:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Reefs [1170]
- *Salicornia* and other annuals colonising mud and sand [1310]

- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- European dry heaths [4030]
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- Petrifying springs with tufa formation (*Cratoneurion*) [7220]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Vertigo moulinsiana* (Desmoulin's Whorl Snail) [1016]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Austropotamobius pallipes* (White-clawed Crayfish) [1092]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaité Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Trichomanes speciosum* (Killarney Fern) [1421]
- *Margaritifera durrovensis* (Nore Pearl Mussel) [1990]

I note the reference at section 4.5 of the NIS report which states that the barrow system in the form of the Boherbaun/Finnery River, could theoretically be influenced by development at Newbridge since there could be a groundwater connection through the Curragh gravels, however work by Misstear et al (2009) shows the subject site is well within the Pollardstown catchment and groundwater flow is most

unlikely to go south-west to the Tully Stream or south to the Boherbaun/Finnerly River. Any potential impact on this SAC is discounted on this basis and I consider that this is a reasonable conclusion to reach.

11.11.8. **Ballynafagh Lake SAC**

Ballynafagh Lake SAC (site code 001387) is located c.12.3 km to the north of the site with the following qualifying interests:

- Alkaline fens [7230]
- Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
- Euphydryas aurinia (Marsh Fritillary) [1065]

There are no hydrological or ecological links to the subject site.

11.11.9. **Ballynafagh Bog SAC**

Ballynafagh Bog SAC (site code 000391) is located c.13.85 km to the north of the site with the following qualifying interests:

- Active raised bogs [7110]
- Degraded raised bogs still capable of natural regeneration [7120]
- Depressions on peat substrates of the Rhynchosporion [7150]

There is no hydrological or ecological link to the subject site.

11.11.10. **Potential Impacts**

As noted in the AA screening section of the report, the potential impacts arise from the surface water discharge associated with the site and the potential for same to be carried to the Fen. I consider that given the nature of the proposed development that the potential impacts envisaged are reasonable.

11.11.11. **Conclusion on Screening**

It is reasonable to conclude that on the basis of the information on the file which I consider adequate that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Mouds Bog cSAC (site code 002331), River Nore and River

Barrow SAC (site code 002162), Ballynafagh Lake SAC (site code 001387), Ballynafagh Bog SAC (site code 000391).

The screening conclusion provided in the NIS states that since there is potential for some adverse impact on an SAC (Pollardstown Fen) that further information is provided to assess the likelihood and significance of effects on all nearby Natura 2000 sites. Therefore it would appear that without relevant mitigation measures then significant impacts on the aforementioned Natura 2000 site cannot be discounted and in that regard it is recommended that the assessment proceed to Stage 2. Given the mitigation measures outlined and considered necessary I agree with the conclusions of the NIS that a Stage 2 AA is required. I also concur that the Stage 2 AA can be confined to the Pollardstown Fen Site and that the other sites mentioned above do not need to be addressed in the Stage 2 assessment.

11.11.12. **Stage 2 Appropriate Assessment**

As outlined in the screening undertaken above, this AA relates to the following site:

- Pollardstown Fen SAC (site code 000396)

The features of interest and conservation objectives are outlined above. The NIS notes that the edge of the development is situated about 1.38km from Pollardstown Fen and is within its catchment but is only connected through groundwater with no overland flow. The flow from the ditch below the site disappears into the groundwater on the Curragh side of the valley beyond the M7 and does not escape to the Liffey system. It is further outlined that the proposals within the development are for surface water drainage to be discharged to an attenuation pond south of the development site within the same (Fen) catchment and therefore will mirror the current state of affairs with only a slight deviation with a fraction possible evaporated from hard surfaces before collection but none exported from the site and therefore there will be no significant effect on the watertable or flow into the fen.

In respect of the potential impacts of the proposal which are outlined above in relation to Stage 1 screening, the potential effects arising is from pollution of groundwater but this can be prevented. During construction normal practices will minimise any input of solids to the ditch water which it is considered would be settled

and filtered before reaching the groundwater because there is no direct link. Any oil spills from roadways will be trapped in proposed interceptors before discharge. I consider that such normal construction and operational practices are appropriate.

11.11.13. **Stage 2 Conclusion**

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 000396, in view of their Conservation Objectives.

12.0 **Recommendation**

12.1. Having regard to the assessment outlined in the preceding sections, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

13.0 **Reasons and Considerations**

1. It is considered that the proposed design strategy as it relates to scale, mass and design of the apartment building at the entrance to the development and the design, layout and unit mix of the housing units proposed does not provide the optimal design solution having regard to the site's locational context along the R445. The design of the proposed apartment block is considered to be an inappropriate design response to the site, given its locational context, which requires a building of much greater architectural significance than that proposed. It is considered that the arrangement, height and overall design of the apartment scheme is monolithic with repetitive proportions and an unrefined palette of materials. In addition it is dominated by car parking and lacks any proximate usable open space. Furthermore, the "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government (2009), to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the housing element of the development as proposed results in a poor design concept and layout that is unimaginative and

substandard in its form, scale and layout and fails to provide a hierarchy of high quality usable open spaces. In addition, the proposal fails to establish a sense of place and includes a poor quality of architectural design and limited palette of materials to the proposed units and apartment block which would result in a substandard form of development lacking in variety and distinctiveness. In addition, the urban edge proposed to the south of the site lacks architectural quality, variety and sense of place. The proposed development would be contrary to the National Planning Framework and section 28 Ministerial Guidance which promote innovative and qualitative design solutions. The proposal would, therefore be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied on the basis of the information submitted in respect of surface water management on the site and flood risk that the information received, both drawings and accompanying reports, is sufficiently detailed, incorporates satisfactory SuDS measures to facilitate a comprehensive examination of the storm water proposals for the proposed development. Furthermore, it is considered that the flood risk report submitted is not sufficiently comprehensive nor does it comply with the requirements of the Flood Risk Guidelines entitled 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Una Crosse

Senior Planning Inspector

February 2019

Appendix One

List of Persons who made submissions appended to the Ballymany Residents Association Observation.

1. Patricia McDonagh
2. Adrian Dunne and Linda Naughton
3. Caterina Shelley
4. Daryl Flynn and Audrina Howe
5. Nicola Joyce-Boula
6. Megan and Ronald Fergus and D. Mulligan
7. Christine Bingham
8. Aisling Moran
9. Elaine Casserly & S. Smyth
10. Brian Mulvany
11. Niall Rice and Catherine Kennedy
12. Jeremy and Sinead Whitty
13. Frankie Anderson
14. John and Nuala Mather
15. Darren O'Brien
16. Doreen Oglesly
17. John Donnelly
18. Ciaran and Mafalda Brennan
19. Clodagh Cummins
20. Ger Byrne
21. M Williams? (Owner of No. 62)
22. Joe & Annmarie Gray
23. Orla Coughlan
24. Mark & Heather Kelly
25. Finian & Niamh Dempsey
26. Vinny & Pauline Cuddihy
27. Willie & Elaine Sheehan
28. Christopher & Magdalena Davies
29. Suzanne Switzer
30. Gordon Thompson
31. Caroline O'Reilly
32. Beatrice McGrath
33. James & Sinead Smyth
34. Deirdre and ? Nolan
35. Gemma & Darren Coogan
36. Christine Scanlon
37. Katarzya and Ian Coffey
38. Martin & Hillary Murray