



An
Bord
Pleanála

Inspector's Report ABP-303191-18.

Development	Removal of existing derelict structures and construction of 3 retail units, 5 apartments and 15 houses and all associated site works.
Location	Land adjacent to Mace Service Station, Lodge Park, Station Road, Straffan, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	17/1299.
Applicant(s)	Gerard Gannon Properties.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	David & Carol McCarton
Observer(s)	None
Date of Site Inspection	20/02/2019
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located to the southern end of Straffan village in Co. Kildare. Straffan is located to the north east of the County and the K Club Golf resort lies within meters of the site. The River Liffey is located approximately 600m to the south and east of the site and the lands to the south and east of the site are green fields. The Straffan GAA club is located to the north east of the site with two residential properties to the south west. There is a service station located to the north of the site and the Straffan Church of Ireland church, a protected structure, to the west, and across the public road.
- 1.2. The proposed development site is currently undeveloped, other than the existing derelict structure, floor area of 50.3m², to be removed to accommodate the development, and has a frontage of approximately 65m onto Lodge Park, Station Road. The northern roadside boundary comprises a stone wall, extending to 24m while other boundaries include hedgerows and fencing. To the front of the stone wall, there is a low stone planter constructed to the public footpath and there is a lamp post located adjacent to the wall. The site has a stated area of 0.69ha and comprises part of a wider landholding.

2.0 Proposed Development

- 2.1. Permission is sought for the removal of existing derelict structures and construction of 3 retail units, 5 apartments and 15 houses. The overall development will consist of 1 no. 4 bedroom 2 storey detached house, 10 no 2 storey 3 bedroom semi-detached houses all with sheds in the rear gardens, 4 no. 2 bedroom 2 storey terraced houses and 4 no. 1 bedroom apartments and 1 no 2 bedroom apartment with terraces to the east and over 3 retail units, provision of 16 car parking spaces and bin store, new vehicular / pedestrian entrances from Station Road and all associated site works on land adjacent to Mace Service Station, Lodge Park, Station Road, Straffan, Co. Kildare.

2.2. The application was accompanied by the following documents:

- Plans, particulars and site notices including completed planning application form and Planning Report
- Part V proposal
- Schedule of accommodation
- Commentary on Lodge Park and Existing Field Wall
- Flood Risk Assessment Report
- Engineering Assessment Report
- Construction Management Plan

2.3. Following a request for further information, the development was amended to omit the retail units and apartments. The development as amended proposed the construction of 22 houses.

2.4. Following clarification, the development proposed the construction of 22 residential units, 2 of which are work/live units, and a doctors surgery with 1 apartment.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development for 23 conditions, including the following:

- 2(a) This grant of permission permits the construction of 22 no. residential units (21 houses and 1 apartment) in total and 1 no. doctor/dentist surgery (at ground floor level of Unit B1)
- (b) The ground floor of Unit B1 shall be used as a doctor/dentist surgery as indicated in the clarification of further information received 19/10/2018. Any other proposed use for this unit shall be the subject of a separate planning application.

- (c) The 2 no Type C units in Block 1 may contain a home office, as per clarification of further information received on 19/10/2019, to constitute work / live units.

Prior to the commencement of development, the Developer shall submit to the Planning Authority an amended site layout plan having regard to the above.

Reason: In the interest of clarity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report from the Planning Authority formed the basis of the decision of the PA to grant permission for the proposed development. The initial report considered that a number of issues required further information including the potential visual impact of the proposed scheme given its location at the entrance to the village and the potential impact on the Protected Structure, design statement required, inadequate open space and car parking, viability of the commercial units, roads and traffic issues including compliance with DMURS, boundary treatments, surface water drainage and attenuation, flood risk, water services, bin storage and future proposals for the remaining landholding.

In terms of appropriate assessment, the report notes that the applicant did not submit an AA screening report. The planning officer prepared an AA screening report and concluded that the development was acceptable in this regard.

Following receipt of the response to the further information request, the development was amended to exclude the retail units and the apartments with the proposed development comprising the construction of 22 housing units. The Planning Report considered that clarification was required

Following receipt of the response to the clarification request, the proposed development was considered acceptable. The amended development proposed 22 residential units, of which 2 are work/live units, and a doctors surgery. The report concludes recommending that planning permission be granted.

3.2.2. Other Technical Reports:

Building Control: No report required.

Environmental Health Officer: Further information required in relation to bin storage area proposed, toilet facilities and uses of proposed retail units.

Housing Section: Part V submission noted and accepted.

Chief Fire Officer: No objection subject to conditions.

Transportation Department: Further information required in relation to car park levels. Concern is raised in relation to potential conflict of traffic movements between the adjacent service station and compliance with DMURS. A swept path analysis and a Road Safety Audit is required.

Following receipt of amended proposals, the Transportation Department advised no objection to the development subject to conditions.

Environment Section: No objection subject to conditions.

Area Engineer: Only one vehicular access point to the public road to be permitted.

Water Services: Further information required with regard to possible future development of the balance of the applicants landholding in terms of allowances for surface water run-off. Further information required in relation to discharge outfall and the use of existing ditches which runs through third party lands. Other issues raised relate to flood risk and emergency access during flood events.

Following receipt of the response to the FI request, clarification was required.

Following receipt of the response to the clarification request, the Water Services Section of Kildare County Council advised no objection subject to conditions. The report also advised that the formal Irish Water submission is received and placed on the official planning file.

Architectural Conservation Officer: No objection to amended plans subject to conditions.

3.2.3. Prescribed Bodies

Irish Water: Further information required.

Following receipt of the response to the FI request, clarification was required.

Following receipt of the response to the clarification request, IW advised no objection to the proposed development subject to compliance with conditions.

Inland Fisheries Ireland: The submission notes that the site is located within the catchment of the River Liffey and requests that if permission is granted, all works should be completed in line with a Construction Management Plan.

3.2.4. Third Party Submissions

There are 2 submissions in relation to the proposed development, and the issues raised reflect those submitted in the third party appeal. The submissions note no objection in principle to the proposed development. The issues raised are summarised as follows:

- Concerns raised in relation to 'Drainage Layout Drgs P020 / P021 where it details a proposed surface water outfall to existing SW ditch'. It is submitted that there is no existing ditch and such plans will cause flooding on lower parts of third party land.
- The proposed 2m high wall should be 2.5m high and of natural limestone, in keeping with other walls in the village.
- The layout of the development will result in overlooking of existing properties and will impact on the existing privacy of houses. The proposed houses do not achieve the 22m separation distance required in the Kildare CDP.
- Any building adjacent to existing residential boundaries will impact on light in the north eastern area of the house.
- The impacts could be reduced by relocating the proposed public open space beside the common boundary. It is also noted that the applicant owns the adjacent land which is also likely to be residential at some point. The repositioning of the open space would allow the common space area to join with another recreational area in the site.
- The need for additional retail units when there are existing vacant units in Straffan is queried.

- The development will result in overshadowing and no shadow protection diagrams were submitted.
- The proposed density is considered high given the location of the site on the edge of a village.
- Inadequate car parking proposed with 46 proposed and the development requiring 57.
- The open space provision is below the 15% required by the CDP.
- The development if permitted will devalue existing properties adjacent.
- No design statement was submitted.

Following the submission of the response to the FI request, the third parties considered that their concerns had not been adequately addressed.

4.0 **Planning History**

There is no relevant planning history associated with the subject site.

Sites in the vicinity:

PA ref 09/1279: Planning permission granted for a house on the adjacent site to the south of the site.

PA ref 11/1230: Permission granted to Straffan GAA for the construction of a two storey sports hall, dressing rooms, meeting rooms etc.

PA ref 17/159: Permission granted to Straffan GAA for the replacement of juvenile pitch to all weather pitch.

5.0 **Policy Context**

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

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

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

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

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

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2. **Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):**

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with

children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.3. Development Plan

The Kildare County Development Plan 2017-2023 is the relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures.

The site is located within the settlement boundary of Straffan and is zoned Village Centre.

5.4. Natural Heritage Designations

The site is not located within any designated site. The closest European Site is the Ballynafagh Bog and Ballynafagh Lake SAC (site code 000391) located approximately 10km to the west. The River Liffey flows approximately 600m from the site, and the Grand Canal pNHA (site code 002104) approximately 5km to the east.

5.5. Environmental Impact Assessment

Having regard to the nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal submitted on behalf of David & Carol McCartan, against the decision of the Planning Authority to grant permission for the residential development. The grounds of appeal are similar to those issues raised during the Planning Authority's assessment of the proposed development and are summarised as follows:

- The green area could be moved adjacent to their house which would resolve issues and remove the 10 proposed houses which will overlook and overshadow the appellants property.
- The fence boundary proposed should be replaced by a stone wall between the appellants house and the development.
- A mature tree boundary in addition to the wall would shield both the appellants home and the proposed new residents and would reduce overlooking.
- Issues raised in relation to road safety and car parking.
- The development will devalue existing property in the estimated amount of €100,000.
- Issues raised that the site notice does not adequately describe the revised development and suggests that this invalidates the application.

It is requested that permission be refused.

6.2. Applicant Response

The first party has responded to the third party appeal as follows:

- The current scheme is a result of extensive consultation with the PA.
- In terms of the appellants house, it is noted that the permission did not provide for first floor windows to overlook the applicants property. It is also noted that the drawings submitted in support of that application (appellants property) provided for the retention of the existing boundary hedge at a stated height of 3.145m.

- In terms of overlooking, the proposed houses are set back between 11.09-14.41m from the boundaries while the appellants property is less than the recommended 11m. The distances between the roof lights in the appellants property and the proposed windows vary between 20.3-23.4m which should be acceptable between a window and a rooflight.
- Overlooking potential arises from the appellants property through, potentially unauthorised, roof lights.
- Overshadowing is not considered an issue.
- In terms of devaluation, the site is located within the village of Straffan on zoned land. The layout of the open space is such to compliment the protected structure and to provide a 'village green'. It is neither feasible nor desirable to re-locate to provide a buffer to the house for the purposes of valuation.
- In relation to the boundary treatment issues, it is submitted that when the scheme was designed, it was considered that the appellants would retain the 3.145m hedge as the boundary. It is proposed to erect a 2m post and panel fence on the application site in order to secure both properties and not interfere with the roots of the hedge. The applicant is happy to comply with a condition to plant trees should the Board require.
- In terms of the site notice it is submitted that there are no 3 store houses. Houses 21 and 22 are proposed to be 2 storey with attic accommodation for one bedroom. However, should the Board require, the units can be re-designed as two storey three bed houses without attic room or two storey two bedroom houses to the same footprint.
- In relation to the roads and traffic issues noted in the appeal, a separate report from Waterman Moylan is submitted to address the concerns raised.

There are a number of enclosures with the First party response to the Third Party appeal. It is requested that the Councils decision be upheld.

6.3. Planning Authority Response

The Planning Authority responded to the first party appeal advising as follows:

- With regard to overlooking, it is submitted that Block 4 of the proposed development is perpendicular to the appellants site. There are no rear windows that directly oppose the proposed development.
- In relation to Block 3, the windows at first floor level address the front and not the rear. It is therefore considered that the development will not result in undue overlooking.
- It is considered that the proposed development is not significant in height, is located 11m from the appellants boundary and therefore will have no impact in terms of overshadowing.
- The Transportation Section of Kildare County Council have no objections to the proposed development.
- The changes in boundary treatments are considered acceptable.

It is requested that the Board uphold the decision of the Council to grant permission for the proposed development.

6.4. **Observations**

None

6.5. **Further Responses**

6.5.1. The Planning Authority submitted a further response following the submission of the First Party Response to the Third Party appeal. The submission notes the following:

- Notes the revised proposals regarding of location of external stores, tree planting and rendered and capped block walls which are considered reasonable.
- Notes the 2 options presented and considers that the front dormer is considered acceptable.

6.5.2. **Third Party Response to First Party Response to Third Party Appeal**

The Third Party submission does not agree that any issues raised in the third party appeal have been addressed. The submission restates that the green area could be moved from adjacent to their home which would resolve all issues highlighted in the

original appeal. It is requested that a stone wall be constructed between the subject site and the appellants property, with the appellants maintaining the existing hedge and that a mature tree boundary should be planted within the applicants property. It is submitted that no considerable effort was required to take the submitted photographs showing the potential impact of the development on the existing residential property and issues of overlooking and devaluation remain a concern.

7.0 **Assessment**

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

1. General Compliance with National Guidelines & Standards and the Kildare County Development Plan
2. Visual & Residential Amenity issues
3. Roads & Traffic
4. Water Services
5. Appropriate Assessment

The Board will note that the development was altered during the course of the PAs assessment. Of particular note is the omission of the retail elements and the multiple apartment units. As the Board is considering this proposal *de novo*, I have considered all variations of the development.

7.1. **Compliance with National Guidelines & Standards and the Kildare County Development Plan:**

- 7.1.1. The subject site is located within the village of Straffan, and on lands zoned 'Village Centre'. The zoning objective afforded to the site seeks 'to provide for the development and improvement of appropriate village centre uses including residential, commercial, office and civic use'. In this regard, the principle of

development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The Sustainable Residential Development in Urban Areas (DoEHLG, 2009) guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines.

7.1.2. The development initially proposed the construction of 3 retail units, 5 apartments and 15 houses on a site covering 0.69ha. Amendments to the development resulted in planning permission being granted for the construction of 22 residential units, including 1 no apartment, 2 potential work/live units and a doctors surgery. In terms of the recommendations of the Guidelines in relation to density, it may be considered that the development proposed falls short, however, given the location of the site in the context of the village of Straffan, I have no objection to the proposed density in principle.

7.1.3. In terms of the proposed apartment, the Sustainable Urban Housing: Design Standards for New Apartments, DoECLG December, 2015 are relevant. These guidelines update the guidelines from 2007 and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to uphold proper standards for apartment designs and to ensure that new apartment developments will be affordable to construct. The final proposed, and permitted, development provides for 1 apartment at first floor level above the proposed ground floor doctors surgery. Two 'live/work' units are also proposed.

7.1.4. Chapter 3 of the Guidelines provide Design Standards and in terms of the proposed apartment, the following is considered relevant:

a) *Apartment floor area:*

The Guidelines require that one bedroom apartments have a minimum overall floor area of 45m². The proposed development provides for a one bedroom apartment with a floor are of 62m². In addition, I am satisfied that the proposed apartment provides adequate room sizes to ensure appropriate levels of residential amenity.

b) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartment. The proposed development provides for the living space to be orientated in a south/south easterly direction which is acceptable.

c) *Floor to Ceiling Height:*

The first floor apartment will have a floor to ceiling height of 2.4m which is acceptable.

d) *Lift & Stair Cores:*

Not applicable.

e) *Internal Storage:*

The proposed development provides for storage in the apartment. The design standards require a minimum of 3m². The proposed development is considered acceptable.

f) *Private Amenity Space:*

5m² of private amenity space is required to serve a one bedroom apartment. The development proposes a terrace of 5.6m² which is south/south east facing and is acceptable.

7.1.5. In terms of public open spaces, bin storage and parking issues, given that the overall development proposes only one apartment, I am satisfied that these issues can be addressed further in the context of the wider development. Having regard to my assessment of the proposed development against the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, DoECLG December, 2015, I conclude that the development is acceptable in relation to the proposed apartment.

Kildare County Development Plan 2017-2023

7.1.6. I consider that the principle of a mixed use / residential development is acceptable, given the location of the subject site within the village of Straffan and the 'Village Centre' zoning of the site as provided for in the Kildare County Development Plan, 2017-2023. The subject site is located on lands zoned for development and the

development proposes a mix of uses, albeit with a small commercial extent permitted. The lands can connect to public services and is located within the built up area of the village. The Board will note the proposal to use proposed units 5 and 6 as 'live/work' / home office units. In terms of compliance with the zoning objective for the site, I recommend that the use of the units for 'live/work' / 'office' be a condition of permission.

7.1.7. Chapter 17 of the Kildare County Development Plan deals with Development Management Standards and Section 17.4 deals with residential development. In terms of the proposed houses, the Plan provides guidance in terms of qualitative standards with regard to minimum floor areas and storage requirements, Table 17.4 of the Plan, as well as minimum open space requirements, Table 17.5. I am satisfied that the development as proposed adequately complies with the cited minimum standards.

7.1.8. In terms of the provision of private and public open space, I am generally satisfied that the proposed development complies with the minimum requirements cited in the County Development Plan. The majority of the private open spaces for the houses have a south, west or eastern orientation, with a large area of public open space proposed at the entrance to the estate. The proposal seeks to retain the existing limestone front boundary wall and other proposed boundary walls include block walls with limestone cladding, concrete posts with timber panel fencing and post and rail steel fencing.

7.1.9. The County Development Plan notes that 1.8m-2m high block wall, capped and plastered on both sides is generally acceptable and that concrete posts and base with timber panel fencing will be considered for the side boundaries between rear gardens. The Board will note the concerns of the third party appellants in relation to the proposed boundary treatment adjacent to their property. I note from the submitted drawings that the boundary treatment proposed with the appellants property includes wall type B from the road for a distance of approximately 20m. Wall type B is described as 'Proposed 2m high block wall with limestone cladding on the outer face of the boundary wall'. From the end point of the type B wall, and for the remaining length of the boundary with the appellants property, Wall type C is proposed, being 'Proposed 2m high wall; Concrete posts with timber panel fencing; existing hedge to be retained'. I would agree with the third party that in the event of

planning permission issuing, wall type B should be extended along the length of the western / southern boundary of the site where it adjoins the adjacent residential property. In addition, I note the request in terms of landscaping, and the planting of trees, along this boundary. Should the Board be minded to grant permission in this instance, I would consider the inclusion of landscaping conditions appropriate.

7.1.10. In conclusion, I consider that the principle of a residential development is acceptable, given the location of the subject site within the development boundary of the village of Strafan and the current zoning objective afforded to the site. I have no objections in principle to the final uses proposed, the design and layout presented, and would be satisfied that the development, if permitted would offer a high amenity value to potential residents, while protecting the residential amenity of existing properties in the area. Overall, I consider that the development as proposed is appropriate in the context of the subject site and would accord with the proper planning and sustainable development of the area.

7.2. Visual & Residential Amenity issues

7.2.1. The proposed development provides for the construction of 22 residential units comprising 21 houses and 1 apartment, all of which will rise to two storeys, 2 of which will include attic accommodation, and with maximum heights of 9.5m. The development proposes a mixture of one, two, three and four bedrooms. The development will provide for 4 blocks of houses of between 5 and 6 units in each block. Open space is proposed in the vicinity of the proposed entrance to the estate and close to the public road.

7.2.2. A number of the houses will back onto the existing house to the south and I would note concerns raised by third parties with regard to the potential for overlooking arising from a number of the proposed houses. I also note the concerns raised in relation to devaluation of the property. In this regard, I would note that the site is located within the settlement boundary of Straffan, on lands which are serviced and therefore, I would consider it wholly inappropriate to refuse planning permission for development on the grounds of devaluation.

7.2.3. I also note the request to consider the relocation of the public open space adjacent to the third party property in order to address the concerns raised in relation

to overlooking. While I acknowledge the fact that the separation distance between the existing house and the proposed houses falls below the recommended 22m, I would also note that this distance is recommended in the cases of opposing windows. Having regard to the design of the existing house, there are roof lights facing the proposed site. In this context, together with appropriate boundary treatments and landscaping, I am satisfied that the proposed development is acceptable. In terms of the request to relocate the public open space, I note that no such proposal has been put forward for consideration.

7.2.4. In relation to the overall design of the development I have no objection and consider that the contemporary design has been adequately considered in terms of the context of the site. I would also have no objections to the proposed height and scale of the houses. Overall, I am satisfied that the proposed development is acceptable in principle and if permitted, would be acceptable in terms of visual and residential amenity.

7.3. Roads & Traffic

7.3.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The proposed development site accesses a public road, which has a speed limit of 50kph, being within the limits of the village. Sight distances of 70m are available at the proposed entrance.

7.3.2. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

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

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

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

The key design principles for roads include –

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

7.3.4. DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design - omit left turn slips and staggered crossings etc., and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, the Board will note that the applicant

has sought to design the development to ensure compliance with the width of the road at 6m. Pedestrian crossings and footpaths are also proposed.

7.3.5. The proposed development proposes a vehicular entrance in a position which provides for adequate sight distances in both directions. The Board will note that, following the submission of a response to the further information request, the Roads section of Kildare County Council raised no objections to the proposed development. 2 car parking spaces are proposed to serve each dwelling and the layout of the road provides potential access to adjacent lands to the south east. Given the nominal scale of the proposed development, together with its location and context, I am satisfied that there is no requirement to provide connectivity to adjacent lands or developments for pedestrians and cyclists as encouraged by DMURS.

7.3.6. In terms of roads and traffic issues, and subject to compliance with conditions, I am generally satisfied, based on the information submitted, that the requirements of the Design Manual for Urban Roads and Streets, have and can be met. The land is zoned for development and as such, I am satisfied that the proposals is acceptable.

7.4. Water Services

7.4.1. With regard to water services for the proposed development, the Board will note that both Irish Water and Kildare County Council Water Services section required the submission of further information, with clarification also considered necessary in relation to surface water drainage as well as waste water issues. Ultimately, the first party was considered to have addressed all of the concerns raised following the submission of engineering solutions and site investigations.

7.4.2. The Board will note that the Water Services Section of the Council recommended that a number of conditions be attached to any grant of planning permission and that all works relating to the drainage system, including the detention basis proposed in the open space, shall be designed and constructed in full accordance with the requirements of the Greater Dublin Strategic Drainage Study, Greater Dublin Region Code of Practice for Drainage Works and CIRIA SuDS design manual. Should the Board be minded to grant permission in this instance, I would consider the inclusion of such conditions appropriate.

7.4.3. In relation to the potential for flooding, the Board will note that the site is located within an area identified in the County Development Plan as an area which shall be subject to a site specific flood risk assessment. The site is located within the River Liffey catchment and the river flows approximately 600m from the subject site. A flood risk assessment has been submitted as part of the planning application which identified that the risk of tidal, fluvial and ground water flooding is very low and therefore, no flood mitigation measures are needed.

7.4.4. With regard to pluvial risk, the issue was raised as a concern with the likelihood of risk noted as moderate to high. While the site is not located within a flood risk zone, there was an historical flood event in Straffan Village in 2002, to the north of the current site. This localised flood event arose due to blocked gullies. In terms of management, the FRA identifies a number of strategies to minimise the risk of pluvial flooding including adequate sizing of the surface water network and SuDS devices, finished floor levels generally 200mm above the road channel and limited maximum discharge rate from the site at 2l/s.

7.4.5. In the course of the PAs assessment, the applicant sought to address the concerns of the Water Services section with regard to the drainage pipe network design and attenuation. The network was redesigned from a 100 year return period to a 5 year return period, with a sensitivity analysis for both 30 and 100 year storm events. The applicant submitted that during larger storm events, excess storm water will be attenuated in the underground storage tank located in the public open space, which has been designed to accommodate for the 100 year storm event. It is noted that this tank will normally be dry other than during storm events. Subject to compliance with conditions, I am generally satisfied that the proposed development is acceptable.

7.5. **Appropriate Assessment**

The site is not located within any designated site. The closest European Site is the Ballynafagh Bog and Ballynafagh Lake SAC (site code 000391) located approximately 10km to the west. The River Liffey flows approximately 600m from the site, and the Grand Canal pNHA (site code 002104) approximately 5km to the east.

Having regard to the location of the subject site within the village boundary of Straffan, together with the nature and scale of the proposed development on zoned lands, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

8.0 Recommendation

I recommend that planning permission be permitted for the proposed development for the following stated reasons and considerations, and subject to the stated conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Kildare County Development Plan, 2017-2023, the zoning objective afforded to the site, given its central location in the village of Straffan, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development generally accords with the policy requirements of the relevant plans as it relates to residential developments, would be acceptable in terms of servicing, traffic safety and would not injure the existing visual and residential amenities of properties in the vicinity of the site. It is further considered that the development would be acceptable in terms of the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 21st day of November 2017, as amended by further information submitted to the Planning Authority on the 23rd day of August, 2018, and clarification of further information submitted on the 19th day of October, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Units 5 and 6 as proposed (Unit Type C) shall be occupied as 'live/work' units and/or 'office' units to the front at ground floor level with residential to the rear and at 1st floor level.

Unit B1 shall be occupied as a doctor/dental surgery at ground floor level with an apartment overhead.
 - (b) Proposed 'Wall Type C' along the western boundary shall be replaced with 'Wall Type B', with limestone cladding / smooth plaster finish on the outer face – towards the adjacent residential property.
 - (c) The existing limestone road side boundary shall be retained as indicated.

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

Reason: In the interests of visual and residential amenity.

3. No development shall commence on the site until such time as the following have been agreed and complied with:
 - (a) Requirements of Kildare County Council in relation to the roads and footpath, public lighting, open spaces and water services to be taken in charge;
 - (b) The drainage system, including the attenuation tanks in the open space, shall be designed and constructed in full accordance with the requirements of the Greater Dublin Strategic Drainage Study, Greater Dublin Region Code of Practice for Drainage Works and CIRIA SuDS design manual.

Full details shall be agreed with the Planning Authority prior to commencement of development and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.

4. The landscaping scheme as submitted to the planning on the 23rd day of August, 2018 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. The open spaces shall be developed for, and devoted to, public use, in accordance with the details submitted to the Planning Authority on the 23rd day of August, 2018. Full details of the proposed playground and play equipment shall be submitted for the written agreement of the Planning Authority prior to the commencement of any work on site. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

6. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

9. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

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

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

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94 (Part V) of the Planning and Development Act 2000, as amended by the Urban Regeneration and Housing Act, 2015, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

12. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The bond shall include provision for the protection of trees during the course of development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in an amount to be agreed with the Planning Authority prior to the commencement of any development on site

- (b) a cash sum, amount to be agreed with the Planning Authority prior to the commencement of any development on site, to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall include a sum to be paid in lieu of open space provision towards the cost of amenity works in the area based on a shortfall in the proposed development.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

A. Considine
Planning Inspector
14th March, 2019