



An  
Bord  
Pleanála

## Inspector's Report ABP-304777-19.

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<b>Development</b>	Proposed Amendment to part of a residential development previously permitted by Kildare County Council Ref 10/673 increasing permitted residential units from 65 to 82.
<b>Location</b>	Barberstown/Maynooth Road, STraffan County Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	19/376.
<b>Applicant(s)</b>	Lagan Homes Ireland Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Lagan Homes Ireland Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> August, 2019.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The village of Straffan lies approximately 5km from the town of Cellbridge, 13km from Naas and approximately 30km from Dublin. The village lies between two strategic transport routes, the M4 to the north and the M7 to the south and is also home to the K-Club, which lies to the south of the village centre. There are two churches, one Catholic and one Church of Ireland in the village together with a national school, GAA club and a number of local shops and businesses. The village is also home to a number of residential estates.
- 1.2. The subject site lies to the north west of the centre of Straffan and to the north east of the primary school, approximately 250m from the village. The residential development of Coarse Moor lies to the south of the subject site and comprises a mix of two storey terraced houses and single storey houses immediately adjacent to the boundary with the subject appeal site. The residential estate of Straffan Gate / Grove, lies to the east of the site and across the Maynooth/Barberstown Road and include a mix of two storey semi-detached houses and detached houses.
- 1.3. The subject comprises part of a residential estate which is currently under construction and extends to a stated area of 2.85ha. The site is generally rectangular in shape and is bound to the north and north west by open fields.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for an amendment to part (approximately 2.85ha) of a residential development permitted under Kildare County Council Reg. Ref. 10/673 (as extended under Reg. Ref. 16/6), and as amended under Reg. Ref. 17/565. The proposed amendments would result in an increase in the number of permitted residential units from 65 no. units to 82 no. units (an additional 17 no. units) by replacing 51 no. permitted units (comprising 2 no. 5-bed detached dormer bungalows (Type D); 1 no. 5-bed detached house (Type C1); 18 no. 3-bed semi-detached houses (Type A2); 23 no 4-bed semi-detached houses (Type B1); 5 no. 4 bed semi-detached corner houses (Type B2); and, 2 no. 4-bed detached houses (Type B3)), with 68 no. revised dwellings consisting of: 28 no. 3 bed-semi-detached houses (Type A2); 33 no. 4 bed semi-detached houses (Type B1); and, 7 no. 4 bed semi-detached corner houses (Type B2).

The proposed development also includes modifications to the permitted site layout, including reconfiguration of the internal road and drainage layout, revised car parking provision, reorientation and consolidation of the public open space (increase of 0.11 ha), together with a revised culvert location and design, an ESB substation and all associated site and development works all at Barberstown / Maynooth Road, Straffan County Kildare.

- 2.2. The proposed development will employ a number of materials including brick, wet-dash finishes and concrete tiles to the pitched roofs together with standing seam finishes to the ground floor extensions to house types A2. The design provides for Aluclad windows and soffit and fascia will be black uPVC as will gutters and downpipes. House type B2, 7 no., provides for double fronted corner units which will address two street elevations. Two car parking spaces will be provided per house.
- 2.3. The layout proposes to increase the previously permitted area of public open space from 0.33ha to 0.44ha and it is to be located almost centrally in the site when the full development area – including the 14 houses currently under construction – is taken into account. The proposed development proposes to provide 68 residential units, in addition to the 14 currently under construction, and will result in a density of 22 houses per hectare – up from 19 units p/ha - as follows:

Type	Unit Type	Floor Area	No
A2	2 storey semi-detached 3-bed	129.5m <sup>2</sup>	28
B1	2 storey semi-detached 4-bed	154.2m <sup>2</sup>	33
B2	2 storey semi-detached 4-bed	155.5m <sup>2</sup>	7

If permitted the development will result in the overall provision of 82 houses with the following mix:

- 30 x 3 bed semi-detached = 36.6%
- 50 x 4 bed semi-detached = 61%
- 2 x 5 bed detached = 2.4%

2.4. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Planning Report
- Drainage Design Report
- Flood Risk Assessment
- Initial Construction Environmental Management Plan
- Appropriate Assessment Screening Report
- Schedule of Garden Areas
- Schedule of Accommodation
- Design Statement
- Landscape Rationale

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following 3 reasons:

1. Having regard to the status of Straffan as a Village in the Kildare County Development Plan 2017-2023, it is considered that the scale of the development, taken in conjunction with the existing level of development permitted at this location, is excessive and contrary to the provisions of Policy VRS 6 of the Plan which seeks to control the scale of individual development proposals and to Table 4.1 of the Plan which seeks to provide for the expansion of settlements by ensuring that individual housing schemes shall contain no more than 26-40 units. The proposed development would materially contravene Policy VR 6 of the Kildare County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. Policy VRS 7 of the Kildare County Development Plan 2017-2023 seeks 'to ensure an appropriate mix of dwelling units including serviced sites are provided in the village to cater for a range of household sizes'. It is considered that the proposed development of 61 semi-detached houses and 7 corner units on the subject site would not provide for an appropriate mix of dwelling units in this village context and would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the proposed layout and design, lacking appropriate levels of overlooking and supervision of areas of public open space, it is considered that the proposed development would be contrary to the provisions of Section 17.4.7 (Public Open Space for Residential Development) of the Kildare County Development Plan 2017-2023, which seeks to ensure that 'Public open space should be overlooked by as many dwellings as possible.' Therefore, it is considered that the proposal represents a substandard form of development, which would be out of character with existing developments in the area and would seriously injure the residential amenities of this area and would therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### **Planning Reports**

The Planning report considered the proposed development in the context of the details submitted with the application, the third party submissions, internal technical and prescribed bodies reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The Planning Report concludes that the proposed development is not acceptable and recommends that permission be refused for the reasons as stated. This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

## Other Technical Reports

**Housing Section:** Satisfied with the proposal in respect of Part V obligation. Requests that a condition be included in a grant of planning permission.

**Water Services:** Further information is required in relation to drains and flooding, as conditioned in the previous planning permission which have not been addressed properly.

**Kildare Fire Services:** No objection subject to compliance with conditions.

**EHO:** No objections

**Roads & Transportation Department:** No objection subject to compliance with conditions.

## Prescribed Bodies

**Irish Water:** No objection subject to compliance with conditions.

## Third Party Submissions

There are 3 no. third party objections/submissions, including one with multiple signatories, noted on the planning authority file. The issues raised are summarised as follows:

- Non-compliance with the development plan in terms of density, scale, lack of community facilities and impact on water services.
- The development, together with the imminent phase 2 development, will almost double the population of Straffan Village causing additional congestion at the school and parking in the village centre.
- The development will landlock phase 2 other than the access adjacent to the school which is not suitable.
- Concern is raised that KCC will not enforce an adequate traffic management plan.
- The CDP notes the lack of community facilities in the village of Straffan and states that new community facilities should be provided in tandem with further development. Clarity is required.

- The landscaping provides for trees to be planted randomly not allowing the green to be used as a play area for children. The scale of the green area should be reviewed.
- Boundary treatments are inadequate to give adjacent residents security and privacy.
- Density is inappropriate.
- No childcare facilities proposed.
- While not objecting to the proposed development, it is submitted that it would add significant pressure on the existing GAA facilities, which currently facilitate the local national school, local camogie and ladies football clubs, the Foirioige Club and the local soccer club. The club would need to provide new changing facilities and clubrooms to accommodate the additional population.

#### 4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

**PA ref: 06/135:** Planning permission granted for the development of 61 houses together with all associated drainage, boundary wall treatment, landscaping and site works.

**PA ref: 10/673:** Permission granted for the development of 69 houses (Parent Permission).

**PA ref: 16/6:** Permission granted for an extension of duration of permission PA ref 10/673. The permission now expires on the 9<sup>th</sup> of January, 2021.

**PA ref: 17/565:** Permission granted for amendments to the parent permission to include a revised mix of housing mix and a total of 65 units.

**PA ref: 19/139:** Permission granted for changes to 3 no. house types.

The Board will note that the permission affects the proposed site of house no 25 and 26 where permission is granted for the provision of a detached house on this site.

## 5.0 Policy and Context

### National Policy / Guidelines

#### 5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework – Project Ireland 2040 is a high level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

#### 5.2. 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.

### 5.3. 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.

Volume 2 of the CDP deals with Villages and Rural Settlements where Section 2.5.13 deals with Straffan. The site is located within the settlement boundary of Straffan and is zoned C1 New Residential where it is the stated objective 'to provide for new residential development.' Section 2.5.13.13 deals with Development Objectives and for Residential Development, the Plan provides that future residential development should be undertaken in conjunction with social / community and appropriate commercial development.

### 5.4. Natural Heritage Designations

The site is not located within any designated site. The closest European Site is the Ballynafagh Bog SAC (pNHA) (site code 000391) and Ballynafagh Lake SAC (pNHA) (site code 001387) located approximately 11.2km to the west. The River Liffey flows approximately 900m from the site, and the Grand Canal pNHA (site code 002104) approximately 3.4km to the east.

## 5.5. EIA Screening

Having regard to nature and scale of the development, together with the planning history and nature of the site, 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 first party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal provides an overview of the appeal noting the location of the site within 240m of the centre of Straffan, representing a logical and sequential expansion of the village. In addition, it is submitted that the site forms part of an indicative masterplan, currently being prepared in conjunction with Straffan National School, for the applicants overall landholding, incorporating residential, community and educational zoned lands to the west of the site. It is advised that the land zoned for community and educational use is intended to be transferred to the school to accommodate its expansion, contributing to the delivery of community infrastructure to serve the expanding population.

█ It is submitted that the proposed increase of 17 units is modest and in line with national and regional planning policy. A revised layout also provides for the provision of 2 bed terraced houses and an additional area of public open space in the north-west area of the site, thereby improving the mix of unit types proposed and the number of units which overlook an open space area. The appeal provides information relating to the site location and context, relevant planning history, the proposed development, the reasons for refusal and the response to the reasons for refusal.

██████████ The appeal seeks to address the reasons for refusal and is summarised as follows:

#### Reason 1: Scale of Development

- The proposed development seeks to amend a previously permitted development resulting in a modest increase of 17 units.
- The first reason for refusal is not consistent with the previous decision relating to the parent permission and there have been no changes in material circumstances.
- Policy VRS 6 is derived from Section 6.3 of the Sustainable Residential Development in Urban Areas Guidelines, 2009. It is the principle objective of the policy to consider design to protect the character, pattern and grain of the settlement. The policy facilitates the consideration of larger schemes on important strategic sites in villages.
- The subject site is strategically located in the village and is zoned Objective C1 New Residential in the CDP and represents the sequential expansion of the village in accordance with VRS 5.
- The proposed development complies with National, Regional and County Planning Policy.
- The appeal refers to Table 4.1 of the Plan and suggests that given the location and accessibility of the site to the centre of Straffan, it should be considered an 'edge of centre site', with an appropriate density range of 20-35 units per hectare, rather than the 'edge of village' site with density range of 15-20 units. The proposed density is 22 units per/ha.
- The proposed development improves the permitted scheme in terms of public open space and privacy and amenity of existing residents, and notes that there will be negligible impacts in terms of traffic and flood risk.
- In relation to the reference to Material Contravention of the Development Plan, it is submitted that the development is of strategic importance given its location within Straffan and that the increase in unit numbers is modest. The development as proposed will improve the design and relationship of the permitted scheme and will better integrate with the pattern of development and character of the village.

- It is further submitted that there are conflicting policies in the Plan and that the proposed development will represent an efficient use of the land.

#### Reason 2: Housing Mix

- Recent residential developments in Straffan are primarily characterised by the provision of large single and two storey detached and semi-detached houses, ranging from 3-bed units to 6-bed units and ranging in densities from 9.5 units/ha to 20 units/ha.
- It is submitted that the proposed mix of dwelling units and the variety of types proposed complies with the Development Plan requirements and will ensure the delivery of a wide choice of houses within Straffan.
- A revised mix of units has been submitted with the appeal to include 8 no 2-bed terraced houses which will result in the overall unit mix for the wider development as follows:

<b>Unit Type</b>	<b>Permitted Mix (%)</b>	<b>Proposed Mix (%)</b>
2 bed dwelling	0	9.8
3 bed dwelling	30.8	36.6
4 bed dwelling	61.5	51.2
5 bed dwelling	7.7	2.4
<b>Total</b>	<b>100</b>	<b>100</b>

#### Reason 3: Overlooking of Public Open Space

- The PAs assessment of public open space related only to the number of units that have direct frontage onto the area.
- The proposed open space is overlooked by houses without blank boundary walls.
- Overall, the wider residential development of the 82 houses, if permitted, will have 48% fronting onto and directly overlooking public open space.

- The proposed revised proposal, submitted with the appeal, represents an additional public open space area, equating to 18% of the overall site area and will be overlooked by 57% of the dwellings in the overall development.

It is requested that the Board recognise the merits and positive characteristics of the planning application for amendments and grant permission.

The submission includes a number of documents, revised site layout plan and plans for proposed house type E.

## 6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first party appeal advising no further comments.

## 6.3. **Observations**

2 observations were submitted to the Board but were deemed invalid due to being submitted outside the appropriate period.

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

At the outset, the Board will note that the applicant has submitted, as part of the first party appeal, proposals to address the mix of house types to be provided within the development. In addition, the provision of additional open space is proposed. I will address these elements further as part of my overall assessment. The Board will also note that the proposed development seeks amendments, and an increase of 17 residential units, to a previously permitted development on the site.

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main

issues pertaining to the proposed development can be assessed under the following headings:

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

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

Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

The site the subject of this appeal is located within the development boundaries of the village of Straffan, Co. Kildare and on lands zoned for residential development. The wider site is currently being developed following the grant of planning permission for a residential development comprising 65 houses and is located on zoned lands which can connect to public services. As such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 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.

The development proposes amendments to the previously permitted residential development which will result in an additional 17 houses in the overall development which will comprise 82 units in total on a site covering approximately 3.8ha and in terms of the recommendations of the Guidelines, the density at 22 units per hectare is considered to be at the lower levels permissible on such zoned lands. In the context of the subject site, which covers 2.85ha, the proposed density amounts to 24 units per hectare.

In terms of the mix of residential units proposed, and having regard to the information submitted as part of the first party appeal, the development proposes 2 detached and 66 semi-detached houses. The unit types proposed are as follows:

<b>Unit type</b>	<b>Number</b>	<b>%</b>
2 bed	8	11.8%
3 bed	28	41.2%
4 bed	32	47%

In the context of the wider residential development, the unit mix will be as follows:

<b>Unit Type</b>	<b>Number</b>	<b>%</b>
2 bed dwelling	8	9.8
3 bed dwelling	30	36.6
4 bed dwelling	42	51.2
5 bed dwelling	2	2.4
<b>Total</b>	<b>82</b>	<b>100%</b>

In general, I would have concerns in terms of the proposed mix of house types initially proposed and would consider that the proposed revisions, and provision of a number of 2 bed houses, would constitute a more appropriate residential development in accordance with the guidelines. However, I would also consider that the development should provide for additional detached houses to improve the mix within the proposed estate. In the context of the wider residential offer in Straffan, which includes a large number of large detached properties, I am satisfied that the proposed mix of house types is acceptable.

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

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

In terms of private open space, the Board will note that proposed development layout, as revised by the plans submitted to the Board as part of the appeal, provides for rear gardens generally having a depth of between 10m and 11m, save for houses no. 30 and 81 which have a depth of approximately 9m and house no 82, 8m. Each of the houses have private open space in the form of rear gardens ranging in area from 67.8m<sup>2</sup> 225.1m<sup>2</sup>. The Board will note that the two houses with an open space area of 67.8m<sup>2</sup> are units 47 and 48, both of which are two bedroomed houses.

The Kildare County Development Plan provide minimum private open spaces requirements for houses as follows:

<b>Unit Type</b>	<b>Open Space Area</b>
1 bedroom	48m <sup>2</sup>
2 bedroom	55m <sup>2</sup>
3 bedroom	60m <sup>2</sup>
4 bedroom or more	75m <sup>2</sup>

I am satisfied that the private open space provision for the proposed units is appropriate and acceptable.

With regard to public open space, the development as previously permitted, provided for an east-west orientated central area of open space and two smaller areas to the south of the site, as well as an area to the east – roadside area – of the site. The permitted open space area amounted to 0.54ha and constituted 15.4% of the total site area. The proposed development, the subject of this appeal and as amended by proposals submitted with the appeal, the development proposes a large central open space area, running north to south and a further area to the north west of the site. The open space to the east of the site is also retained and overall, the public open space provision for the whole development amounts to 0.687ha and constituting 18% of the overall site area.



The Kildare County Development Plan requires that the minimum area of open space that is acceptable within a site is 15% of the total site area. In this regard, the proposed development is acceptable and I am generally satisfied that the open space proposed is acceptable.

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

The subject site is zoned for residential development, has an extant and live planning permission for a residential development and as such, the principle of the development is considered acceptable. I am satisfied, overall, that the residential amenities of future residents of the development have been considered.

- c) *Good internal space standards of development;*

The proposed development provides for houses only and no apartments. The house designs presented provide for large family homes all of which provide for good internal space standards.

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

Given the nature and scale of the proposed development, I am satisfied that the development might reasonably be considered as being acceptable in principle, given the zoning afforded to the subject site. I will discuss policy issues further below. I have no objection in principle to the development of residential development on this site.

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

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

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

The Kildare County Development Plan, Section 17.2.2 deals with Site Coverage while Section 17.2.3 deals with Plot Ratio. The Plan provides that

the maximum site coverage shall be 50% for residential development and plot ratio shall be 0.35-0.5 for outer suburban in close proximity to public transport. For outer suburban remote from public transport, the plot ratio is 0.25-0.35. Having regard to the nature of the subject site, I am satisfied that the proposed development is acceptable in terms of site coverage and plot ratio.

It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surrounding area and existing residential estates. Chapter 6 of the Guidelines relates to Small Towns and Villages and notes that 'In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.' It is required that development in smaller towns and villages be plan led, new development should contribute to compact towns and villages and that the scale of new residential schemes should be proportionate to the pattern and grain of existing development.

The Board will note that the Guidelines, in the context of small towns and villages, provide that densities of 20-35 dwellings per hectare will be appropriate on edge of centre sites. In terms of the edge of small towns / villages, densities of below 15-20 dwellings per hectare should be controlled, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village. These figures are reflected in the Kildare County Development Plan policies and objectives. In the context of the currently proposed development, the Board will note that if permitted, the development will result in an increase of 17 residential units. In this regard and acknowledging that the plan for the area zones the lands for residential use, I consider that the principle of the proposed development is acceptable and generally in accordance with the national guidelines.

## Kildare County Development Plan 2017-2023

I consider that the principle of residential development is acceptable, given the zoning afforded to the site, the planning history and the location of the subject site within the village of Straffan as provided for in the Kildare County Development Plan, 2017-2023. The proposed development, if permitted will result in an additional 17 residential units to the development currently under construction on the site.

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. 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. I am further satisfied that boundary treatments as proposed are acceptable.

The Board will note that the Planning Authority refused planning permission for 3 reasons including non-compliance with policies VRS 6, VRS 7, Table 4.1 and Section 17.4.7 of the Kildare County Development Plan, citing materially contravention of Policy VR 6. In the context of the proposed development, I note the PAs consideration that 85 houses have already been granted planning permission in the village and that the granting of an additional 17 units is contrary to Policy VRS 2 which seeks to facilitate growth levels of up to 25% over the Plan period. It is consider that a grant of permission would result in a minimum growth level of 102 residential units equating to a population increase of 33%. The report notes that this was not included as a reason for refusal at it would imply that no further permission for residential development would be permissible in Straffan under the lifetime of the current Development Plan. Of note, is the fact that in the 10 year period between 2006 and 2016, the population of Straffan increased from 332 to 853 people, an increase of 156%.

In terms of Policy VRS 6, the policy seeks to generally control the scale of individual development proposals to 10-15% of the existing housing stock, restricting housing

development to 26-40 units for villages with populations of 800 people. The reason for refusal suggests that the scale of the development is excessive and where Table 4.1 of the Plan seeks to control the scale of individual housing schemes to contain no more than 26-40 units. Given the planning history of the subject site, I would not be satisfied with the robustness of this reason for refusal. Planning permission exists for a larger residential development on this site and I would consider that the design principles and layout of the development should be considered. If such consideration, and an improved site layout, facilitates additional units and a wider mix of unit types, I consider it appropriate that it be considered. In the context of national guidelines, and indeed, Table 4.2 of the Kildare County Development Plan which provides for 'indicative density levels' rather than 'absolute density levels', of between 15-20 units per hectare, I do not consider the proposed density of 22 units per hectare to be overly excessive.

Policy VRS 7 seeks to ensure an appropriate mix of unit types, including serviced sites, are provided to cater for a range of household sizes. Having regard to the amended proposal, submitted in support of the first party appeal, I would consider that the mix of house types proposed is acceptable, ranging from 2 bed houses to 5 bed houses across the full development site. However, I would be concerned that the entire development proposes only 4 detached houses, notwithstanding the submission of the first party in this regard. As such, and should the Board be concerned regarding the density of the overall development, I would consider it appropriate to replace 3 pairs of semi-detached houses with either detached houses in the design of House Type C2 from the parent permission, or serviced sites. I am satisfied that this could be dealt with by way of a condition. The Board will note that planning permission has been recently permitted for the change of house type on the site which is currently proposed to construct houses nos 25 and 26. I recommend that houses no 25/26, 64/65 and 79/80 be replaced with detached houses / serviced sites. This would also serve to reduce the overall density of the development to 20.8 units/hectare.

In terms of reason for refusal no 3, which notes non-compliance with the provisions of Section 17.4.7 Public Open Space for Residential Development, of the Kildare County Development Plan, I refer the Board to the amended layout as submitted as part of the first party appeal. The original proposed layout provided for 25 houses

facing onto public open space, while the amended proposal provides for 32. Overall, and across the full residential development site, if permitted, the proposed development will result in 46 units fronting onto public open space, amounting to 57%. I consider this acceptable and in accordance with the requirements of the Kildare County Development Plan.

█ 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 Straffan and the current zoning objective afforded to the site. I have no objections in principle to the design and layout presented in support of the first party appeal, 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. Roads & Traffic

█ 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. The proposed entrance has been permitted under the parent permission associated with the wider residential development on the site and adequate sight distances available.

█ 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 sets out an integrated design approach to address street design. 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.

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.

DMURS provides detailed standards for appropriate road widths, junction geometry, junction design 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 5m and approximately 2m wide footpaths. Overall I am satisfied that the proposed site layout complies with the requirements of DMURS.

The Board will note that the Roads section of Kildare County Council raised no objections to the proposed development. 2 car parking spaces are proposed to serve each dwelling with additional visitor parking provided throughout the site, and the layout of the road provides potential access to adjacent lands to the north west and north. 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.

### 7.3. Water Services

With regard to water services for the proposed development, the Board will note that neither Kildare County Council Water Services section nor Irish Water raised concerns in relation to the proposed development in terms of connections to public sewer and water supply. The public system appears to have adequate capacity to accommodate the proposed development. Kildare County Council Water Services did however, required the submission of further information in relation to an existing open drain on the site, flood risk assessment, attenuation system, the design of manholes and surface water drainage. As the Planning Authority refused planning permission, the FI request did not issue.

As part of the appeal, the first party has submitted a response to the issues raised in the Water Services Section report. The appeal also includes a Flood Risk Assessment which identifies that the site is located within a Flood Zone C and therefore, the residential development is acceptable. The development will not result in a change of course or reduction in the flow capacity in the culvert or drain located within and adjacent to the subject site. It is also noted that previous conditions attached to the parent grant of planning permission require maintenance of the existing surface water outfall (ditch) to minimise flooding. It is submitted that the applicant will comply with this condition with the support of the Council and the agreement of the relevant landowners.

It is also noted that the Council has undertaken upgrade and repair works on the storm network on the Barberstown Road and that a Special development Contribution under PA ref 17/565 specifically relates to the upgrade of the storm networks outside the Straffan Inn. Discharge of this specific condition has already

begun by the applicant. I am generally satisfied that the proposed development is acceptable.

I am satisfied that, subject to a valid connection agreement being put in place, the proposed connection to the IW networks can be facilitated. I am satisfied that such matters will be required to be agreed between Irish Water and the developer prior to the commencement of any development on the site and can be dealt with by way of condition.

#### 7.4. Other Issues

##### Part V

The Housing Section of Kildare County Council advised satisfaction with the proposal in respect of Part V obligation. In terms of compliance with Part V, the applicant proposes to transfer 8 houses across the full development of 82 units – if permission is granted for the 17 additional units proposed here - in order to satisfy their obligations with regard to Part V under Section 96(3)(b)(iv) of the Planning & Development Act, 2000 as amended. I have no objections in this regard, and an appropriate condition should be attached to any grant of planning permission.

##### Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

#### 7.5. Appropriate Assessment

The site is not located within any designated site. The closest European Site is the Ballynafagh Bog SAC (pNHA) (site code 000391) and Ballynafagh Lake SAC (pNHA) (site code 001387) located approximately 11.2km to the west. The River Liffey flows approximately 900m from the site, and the Grand Canal pNHA (site code 002104) approximately 3.4km to the east.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the



nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## 8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Kildare County Development Plan 2017-2023, to the planning history associated with the subject site and to the layout and design as submitted in support of the first party appeal, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 26<sup>th</sup> day of June, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - (a) Proposed house units 25/26, 64/65 and 79/80 shall be omitted and replaced with detached houses, house type C2, as permitted under Planning Authority Reference 19/139.

This permission therefore relates to the development of 79 houses overall across the full residential estate. 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 interest of clarity, public safety and residential amenity, and to ensure compliance with conditions of previous grant of planning permission, PA ref 19/139 refers.

3. All relevant conditions attached to previous grant of planning permission pertaining to the wider development of the site, Reg Ref 10/673, as extended under 16/6 and as amended by 17/565, shall be strictly adhered to. This grant of planning permission shall expire on the 09<sup>th</sup> day of January, 2021, in accordance with the parent permission.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

4. The open spaces shall be developed for, and devoted to, public use, in accordance with the details submitted to An Bord Pleanála on the 26<sup>th</sup> day of June, 2019. The public open space shall be completed and fully landscaped 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.

5. 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.

6. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

8. 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.

9. 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.

10. 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.

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A. Considine  
Planning Inspector  
2<sup>nd</sup> October 2019