



An
Bord
Pleanála

Inspector's Report ABP-305244-19.

Development	Demolish existing house and the construction of 12 no. residential units and all associated ancillary development works.
Location	Naas Road, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	18/1367.
Applicant(s)	Epicridge Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v decision to refuse
Appellant	Epicridge Developments Ltd..
Observer	None.
Date of Site Inspection	13 th November, 2019.
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The site is located to the north east of Newbridge town centre, and to the south of the R445, Naas Road. The primary uses in the vicinity of the site include two storey detached and semi-detached residential, with sports and recreational lands to the north, educational to the west and commercial to the east. There is an existing petrol station and car sales garage immediately to the west of the site.
- 1.2. The site has a stated site area of 0.42ha¹ and is rectangular in shape. There is an existing house, with a stated floor are of 270m², on the site. The house is a bungalow, with a low pitched roof, which is set back from the public road, with a large front garden and drive area. It is unclear if the building is used as a house as on the date of my inspection, the front of the house was occupied by a large number of cars

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of existing detached single storey house, construction of a residential development consisting of 12 houses. The development will consist of 2 no. two storey blocks of two bedroom town houses, Block A will have 6 units and Block B will have 5 units, and 1 no. three bedroom, one and a half storey detached dormer bungalow. The development includes the upgrade of existing entrance, landscaping, detached bin storage and bicycle store, access road, connections to public watermains and foul sewer and all associated site works, all at Naas Road, Newbridge, Co. Kildare.
- 2.2. The development proposes two terraces of two storey, two bed houses and a detached dormer bungalow on the site. The detached dormer will be located to the front of the site with a terrace of 6 houses backing onto the south western boundary and the second terrace of 5 houses backing onto the eastern boundary. The houses, other than the detached house, are laid out in such a manner as to all front onto the proposed access road. The site layout proposes an area of public open space to be located between the two terraces, with a further smaller area to be located at the entrance to the site, and across the proposed road from the detached house.

¹ The Board will note that the application form indicates a site area of 0.42ha while the Planning & Design Statement indicates a site area of 0.396ha.

2.3. Each house will have an area of private open space in the form of rear gardens, with car parking provided to the front of each house. The floor area of the houses is indicated at 100m² each with a hall, sitting room, kitchen / dining room, separate utility room, WC and store provided on the ground floor and two large double bedrooms, one en-suite, family bathroom, a hot press and storage area on the first floor. The house designs provide for two storey dwellings, with a ridge height of 7.98m, with a variety of materials to include nap plaster finishes, rubble stone finishes if necessary, with natural slate roofs and uPVC doors, windows, soffits and fascia.

2.4. A number of reports and documents were submitted in support of the proposed development including:

- Relevant Plans and Particulars
- Planning & Design Statement
- Design Statement
- Shadow Survey
- Landscape Plan
- Part V Proposal
- 3D images

2.5. Following the submission of the response to the FI request, the design of the houses was amended to provide for a more modern design and includes the use of flat roofed projections which will be finished in a metal cladding. The overall layout and scale of the development was not altered significantly other than to address the roads and parking issues raised in the further information request.

The amendments to the house design provide for two ensuite bedrooms and the omission of the family bathroom at first floor level of the terraced houses.

In addition, the applicant sought to address the issues raised and submitted the following documents relating to:

- Servicing issues
- Attenuation and Storage Calculations.

- Pre-Connection Enquiry to Irish Water – form signed but not filled in
- Updated 3D images depicting the proposed finishes.
- Revised landscaping plan

3.0 **Planning Authority Decision**

3.1. **Decision**

Following the submission of response to the further information request, the Planning Authority decided to refuse planning permission for the proposed development for the following reason:

It is considered that the location of two large underground surface water attenuation areas under a proposed residential access road, one of the which would be located at the only point of vehicular access to the proposed development from the public road network, which may have to be accessed and/or excavated for future maintenance purposes would be likely to endanger public safety by reason of traffic hazard or obstruction of road users, would be likely to seriously injure the residential amenities of future residents of the proposed development, and would therefore, be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning Officers initial report considered the proposed development in terms of the requirements of the Development Plan, planning history, the site layout, dwelling mix and density, landscaping, Part V, water services and transportation issues, as well as the comments and submissions from internal departments and external bodies, including third party objectors. The report also includes AA Screening.

The report recommends that FI is sought with regard to a number of issues including as follows:

- Design and layout

- Traffic and Traffic issues
- Water service issues, including surface water, layout of services, drainage design calculations, SuDS and soakways.
- Part V

Following receipt of the response to the FI request, the final planners report notes that most of the issues raised have been dealt with or can be dealt with by condition. The recommendations of the Water Services Section are noted, and it is concluded that the omission of the detached house would be inappropriate as it creates a streetscape along the Naas Road. Its omission would disrupt the established building line and streetscape and its loss would be detrimental to the scheme layout. The report recommends that permission be refused.

3.2.2. Other Technical Reports

Heritage Officer: No objection

EHO: No objections to the proposed development, subject to conditions.

Housing Section: The development is subject to Part V requirements. The design needs to be less suburban with a stronger architectural emphasis. Bin storage to be at the front of the mid-terrace units rather than offering communal bin storage.

Following the submission of the response to the FI request, a further report was submitted by the Housing Section advising no objections to the development subject to compliance with conditions.

Water Services: Further information required.

Following the submission of the response to the FI request, a further report was submitted by the Water Services Engineer advising that clarification is required and that the proposed development is not satisfactory from a surface water point of view. Issues centre around the fact that two areas of attenuation are proposed to be located under the roadway which is not permitted. On the basis of the lack of time available to request the clarification, it is recommended that permission be refused.

The report notes that as planning permission has previously been permitted on the site, the detached house should be omitted, and the layout amended to provide for open space to the front of the site for the proposed attenuation. Conditions are recommended.

Building Control: No objections subject to conditions.

Newbridge Municipal District Engineer: Further information required.

Following the submission of the response to the FI request, a further report was submitted by the Municipal District Engineer advising no objections to the proposed development subject to compliance with conditions.

Environment Section: No objection subject to conditions

Chief Fire Officer: No objection subject to conditions

Transportation Department: Further information required.

Following the submission of the response to the FI request, a further report was submitted by the SEE. The report noted that issues raised have been addressed and concludes that the Roads and Transportation Section has no objections to the proposed development, subject to compliance with conditions.

3.2.3. Prescribed Bodies

Irish Water: Further information required.

Following the submission of the response to the FI request, a further report was submitted recommending conditions.

3.2.4. Third Party Observations

There are 6 third party submissions in relation to the proposed development, including one with multiple signatories. Issues raised are summarised as follows:

- Roads and traffic issues, including parking
- Existing congestion issues in the area by reason of the location of 5 schools and a creche. There is limited parking in the area.
- Overlooking and impact on privacy including proximity to site boundaries
- Overshadowing of existing gardens
- High density is not in keeping with existing character of the area.

- Impact on existing boundaries and security of existing properties
- Noise issues
- Inappropriate infill development which proposes the demolition of an existing habitable house will give rise to inappropriate precedent

4.0 Planning History

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

ABP ref PL09.218069 (PA Ref 05/154): Permission granted to Mr. & Mrs Finlay for the demolition of existing bungalow and to replace with a 3 bed two storey detached dwelling, construction of 11 town houses, connections to public mains and all associated site works and services in place of previously sought permission for construction etc. Decision to grant upheld on appeal.

ED/00689: Enforcement issue relating to the material alterations and change of use of existing residential dwelling for use as a residence for 11-17 year olds under supervision.

5.0 Policy Context

National Policy / Guidelines

5.1. Project Ireland 2040 – National Planning Framework

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

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

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

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

5.2.1. 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.

5.2.2. 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.

5.2.3. 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. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

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 (DEMURS), 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 implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.4. **Development Plan**

- 5.4.1. The Kildare County Development Plan, 2017-2023 is the relevant policy document pertaining to the subject site.
- 5.4.2. Chapter 2 of the plan contains the “Core Strategy” for the County. Newbridge is identified as a Large Growth Town II, being ‘towns which are smaller in scale to the Large Growth Towns but are strong active growth towns, economically vibrant with high quality transport links to larger towns/city’. The CDP identifies a Housing Unit Target for 2023 of 32,497 units of which 21,123 housing units are allocated for the Hinterland area. A minimum of the 60% of this hinterland allocation is to be directed towards Newbridge and the other designated hinterland towns.
- 5.4.3. Chapter 4 deals with Housing, where it is the aim to facilitate the provision of high-quality residential developments at appropriate locations in line with the settlement

strategy. Sections 4.3 and 4.4 and 4.5 include relevant policies relating to Sustainable Communities, Residential Urban design and Local and Density respectively.

5.4.4. Chapters 15 and 17 refer to Urban Design and Development Management Standards.

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

The subject site is zoned B: Existing Residential / Infill where it is the stated objective of the zoning 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'. This zoning principally covers existing residential areas. The zoning provides for infill development within these residential areas. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered appropriate to the area.

Section 7.2 of the LAP deals with Housing and Table 11 sets out Indicative Residential Densities which are sourced from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009. Brownfield sites and infill sites are to be considered on a site-specific basis.

Relevant policies and objectives include:

- **HL3:** To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area.
- **HPO 1:** To promote a high standard of architecture in the design of new housing developments and to encourage a variety of house types, sizes and tenure to cater for the needs of the population and facilitate the creation of balanced communities.
- **HPO 2:** To encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of residential amenity of adjoining properties.

5.6. **Natural Heritage Designations**

The subject site is not located within or immediately adjacent to any designated site. The nearest Natura 2000 site is Mouds Bog SAC (Site Code 002331) (pNHA Site Code 000395) located approximately 2.4km to the north of the site.

Pollardstown Fen SAC (& pNHA) (Site Code 000396) lies approximately 2.7km to the west, and the Grand Canal pNHA (Site Code 002104) lies approximately 3.3km to the east, and beyond the M7 Motorway.

5.7. **Environmental Impact Assessment**

Having regard to the brownfield 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**

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed development.

6.1. **Grounds of Appeal**

The grounds of appeal note that the application was viewed positively from all relevant departments right up to the very end when the area engineer decided to withdraw from the positive presumption to grant. Positive solutions were delivered for all concerns raised and engineering solutions are presented to appease the concerns of the area engineer.

The grounds of appeal are summarised as follows:

- The reason for refusal is unclear and illogical and no technical reason why the surface water attenuation tanks cannot be located under a road surface.
- There is no policy in any relevant statutory document precluding the location of attenuation tanks under road surface.

- The spurious reason for refusal based on the potential for future traffic impact and loss of residential amenity for the occupants of the houses is not reasonable or objective.
- Planning permission has previously been permitted for an extremely similar development.
- The development is an infill development on zoned land within 1km of the regional town of Newbridge.
- The engineer has over-engineered an attempt to re-design the development and tried to delete a much needed housing unit.
- The pertinent question is 'whether the development can be adequately serviced in terms of surface water disposal' and the answer is positive.
- Attenuation tanks are subject to maintenance issues just like foul sewers, gas mains, electricity lines and watermains. To claim that a potential maintenance issue would seriously injure the residential amenities of the proposed development is not reasonable, as the impact would be temporary.
- Should the Board consider it appropriate, the surface water design for the development has been re-designed amending the type of attenuation tanks proposed and allowing a greater depth in the tanks, necessitating the increase of the finished floor levels of the houses by 260mm. This re-design is not considered necessary.

The appeal includes a number of enclosures. It is requested that permission be granted.

6.2. **Planning Authority Response**

The Planning Authority submitted a response to the third party appeal advising no further observations.

6.3. **Observations**

None received.

7.0 Assessment

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

7.1. Principle of development

7.1.1. The proposed development site is located within the settlement boundary of the town of Newbridge in County Kildare. The site is zoned B: Existing Residential / Infill where it is the stated objective of the zoning 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'. The proposed development seeks planning permission for the demolition of an existing detached house and the construction of 12 houses on a site which covers 0.42ha. Having regard to the nature of the proposed development, together with the location of the subject site within the town, I am generally satisfied that in principle, there is no objection to a residential development at this site. Site issues in relation to design, layout, servicing and traffic are however required to be considered in advance of a positive decision issuing. These issues are discussed further below.

7.2. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards:

Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

7.2.1. The site the subject of this appeal is located within the development boundary of the town of Newbridge in County Kildare. The site can connect to public services and, 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 2009 guidelines 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.

7.2.2. The development proposes the demolition of an existing detached house and the construction of 12 houses on a site which covers 0.42ha and in terms of the recommendations of the Guidelines, the density at approximately 30 units per hectare is considered low. The Board will note that the Newbridge LAP advises that density on Brownfield sites and on inner sub-urban / infill site is site specific. While I acknowledge these requirements, the national guidelines recommend a density of between 35-50 houses per ha and that developments at net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5ha. Having regard to the context of the site, the proposal to increase the density of an existing residential site which is currently occupied by a single detached house and the nature of the existing residential development immediately adjoining the site, I consider that the development as proposed can reasonably be considered appropriate and would constitute sustainable development in principle.

7.2.3. The development comprises a development of two storey houses provided within two terraces, and a detached dormer bungalow. The housing mix is very restricted with the detached dormer bungalow having 3 bedrooms and the remaining 11 houses comprising 2 bedrooms.

Unit type	Number	%
2 bed	11	8.3%
3 bed	1	91.7%

It is advised that the housing mix came about following an analysis of the surrounding residential developments and the aim of the design of the small development was to be consistent with the adjacent developments, not to contrast. In this regard, I am satisfied that the proposed mix of house types is acceptable.

7.2.4. 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 amended following a request for further information, provides for rear gardens ranging in depth of between 8.7m and 10.9m in the context of the terraced houses, and 16.8m for the detached house, with each of the houses have private open space in the form of rear gardens.

Table 17.5 of the Kildare County Development Plan 2017-2023 requires a minimum of 55m² for two bedroomed houses. The plans provide for rear garden areas ranging from 55m² and 109m². The detached house has a proposed rear garden area of 317m². I would consider that the private open space provision is adequate.

- With regard to public open space, the proposal as permitted, provides for 2 areas of open space to be located throughout the development. The site layout proposes an area of public open space to be located between the two terraces, with a further smaller area to be located at the entrance to the site, and across the proposed road from the detached house. The total area of public open space proposed is advised as equating to 10% of the total site area. The Development Plan requires at least 15% public open space for greenfield sites, rising to 20% on institutional lands. In all other cases, the plan requires that

public open space should be provided at a rate of 10% of the total site area.

- Having regard to the brownfield nature of the subject site, I am generally satisfied that the proposed open space layout is an acceptable and the development has the potential to provide for a play area and small kickabout area which would be overlooked by the proposed houses. In addition, I note the proximity of recreational and sports facilities to the site. Overall, I am satisfied that the proposed open space provision is acceptable in principle.

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

- Having regard to the location and nature of the proposed development, the principle of the development is considered acceptable. I have discussed the open space provisions above, and overall, I would be satisfied that the residential amenities of future residents of the development have been considered.
- I note that the site has been zoned for residential purposes and therefore, the proposed residential use is considered acceptable at this location. Having regard to the nature of the site and its location within the development boundaries of the town of Newbridge, I am generally satisfied that the development is acceptable and will not have any significant adverse impacts on the amenities of future residents or adjoining neighbours and uses.
- The Board will note that a number of existing residents in the vicinity of the site have raised concerns regarding the potential impact of the development on their existing amenities. In particular, concerns were raised regarding the potential impacts on the existing hedgerow boundary and the proposed wall boundary. I am satisfied that a condition of permission requiring the retention of all boundary hedgerows would adequately address these concerns. I also note the proposal to plant native trees in the rear gardens of the proposed houses. In addition, I note the Boards previous conditions attached to

the grant of planning permission for development on this site, which can be included.

c) *Good internal space standards of development;*

The proposed development does not propose apartments.

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 of the proposed development, together with the zoning afforded to the subject site, I am satisfied that the development is considered as being acceptable in principle. In addition, I am satisfied that the density proposed is acceptable.
- I am generally satisfied that the height and massing of the houses proposed adequately reflect those of the existing residential developments in the vicinity and can be considered acceptable.

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 within the subject site.

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

The Newbridge Local Area Plan does not provide specific guidance in terms of plot ratio and site coverage. The Kildare County Development Plan, Section 17.2.2 deals with Site Coverage while Section 17.2.3 deals with Plot Ratio. The maximum site coverage recommended for residential development is 50% with a plot ratio of 1.0-2.0 indicated for brownfield sites. The proposed development provides for a site coverage of 15% and a plot ratio of 0.3. I am satisfied that the proposed development is acceptable in terms of site coverage, plot ratio and density.

7.2.5. 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 and other land uses. The development proposes the replacement of a single detached house with 12 residential units on zoned lands which are considered to be located in close proximity to the town centre and in the vicinity of existing residential estates. Overall and given the location of the subject site in proximity to the town centre of Newbridge, together with the existing context of the site, the density of 30 units per ha, which includes the proposed detached house to replace the existing detached house on the site, I consider that the principle of the proposed development is acceptable.

7.3. Water Services

- 7.3.1. The Board will note that the sole reason for refusal of permission for the proposed development relates to the location of the underground surface water attenuation areas under a residential access road. In particular, the concerns relate to the potential impacts on the residential amenity of future residents in the event of future maintenance requirements of the tanks. The proposed development will connect to existing services which serve the wider area. Irish Water advised no objection to the proposed development subject to compliance with standard conditions.
- 7.3.2. In terms of surface water management, the Board will note that the applicant has proposed the installation of two underground attenuation tanks to balance the runoff from the development to reflect pre-development flows. The system proposed is an un-lined Storm Tech system which also serves a number of secondary functions. The functions of the system are served irrespective of whether the storage system is located below roads or open space or a combination of both. While the primary concern of the PA as provided for in the reason for refusal relates to the potential impacts maintenance works will have on the amenity of residents, I would agree with the appellant that any impacts would be temporary in nature and would likely be similar to any dis-amenity arising from maintenance works to any and all other services which are located underground. I also note that the final report from the Area Engineer notes that conditions can be included, and therefore, refusal outright is not necessary or warranted.
- 7.3.3. I note the alternative proposals presented in the first party appeal documents relating to the provision of attenuation tanks. The proposals, while considered unnecessary,

would result in the tanks being fully located within the open space area, but will require an increase in the finished floor levels of the houses. I do not consider this to be necessary and am satisfied with the engineering solution submitted with regard to surface water management at the site. I consider that adequate information has been submitted in relation to water services, in order to facilitate a decision being made. Subject to compliance with conditions of planning permission, I consider that the proposed development is acceptable in principle in terms of water services.

7.4. Roads & Traffic:

- 7.4.1. Access to the subject site is proposed over the existing road network in the vicinity, and ultimately, off the Naas Road to the north west of the site. The Board will note that a primary concern of a third-parties relate to roads and traffic issues and the potential increase in congestion on the road network arising from the proposed development. Overall, and while I acknowledge the concerns raised, the site is located within an urban area, within the speed limit and from a site which already has an access onto the public road. I noted earlier in this report that on the date of my inspection, a large number of cars were parked to the front of the existing house on the site.
- 7.4.2. 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. DMURS sets out a road user priority hierarchy and identifies a number of key design principles for roads. DMURS also provides detailed standards for appropriate road widths depending on the nature of the road and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, I would accept that the applicant has sought to design the internal roads of the proposed estate to ensure compliance, with road widths of approximately 5m proposed. I consider that the design standards were applied in the layout of the development, with regard given to the priority hierarchy and pedestrian connectivity, and it is noted that the proposed footpaths, at 1.8-2m comply with DMURS.
- 7.4.3. I note that the Roads and Transportation Section of Kildare County Council initially raised a number of concerns and that following the submission of the response to the further information request, no objections were outstanding. In terms of parking,

the Board will note that the proposed development provides for 2 car parking spaces per residential unit, in accordance with the requirements of the Development Plan. In light of the above, I am satisfied that the development provides adequate car parking to service the proposed development in accordance with the Development Plan.

- 7.4.4. The proposed construction phase of the development has the potential to give rise to some impacts to existing road users. However, I am satisfied that these impacts are generally temporary in nature. In terms of general roads and traffic issues, and acknowledging the third-party submissions in this regard, I am satisfied, based on the information submitted to date, including reports from Kildare County Council departments, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing residents or businesses in the area. In addition, I am satisfied that the development, if permitted, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider area or the carrying capacity of the local road network by reason of the additional traffic resulting from the proposed development.

7.5. **Other Issues**

7.5.1. **Part V**

In terms of compliance with Part V, the applicant proposes to transfer 1 two bedroomed house 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.

7.5.2. **Development Contributions**

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

7.5.3. **Other**

Given the layout of the site in two terrace blocks, the Board will note that there does not appear to be provision made for access to the rear garden areas. In this regard and noting the request for further information to omit the bin and bike store originally proposed, I would consider the provision of same to be appropriate in this instance. The matter can be dealt with by way of condition.

7.6. Appropriate Assessment

The subject site is not located within or immediately adjacent to any designated site. The nearest Natura 2000 site is Mouds Bog SAC (Site Code 002331) (pNHA Site Code 000395) located approximately 2.4km to the north of the site.

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed 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 permission should be granted for the development for the following reasons and considerations and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the existing residential/infill zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 on the 4th day of July 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. Prior to the commencement of any development on site, the development shall be amended as follows:
 - (a) Bin and bike storage area(s) to serve the two bedroomed houses shall be provided within the site.

Prior to the commencement of any development on site proposals to comply with the above shall be submitted for the written agreement of the planning authority.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

3. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. Drainage arrangements, including the disposal of surface water and the attenuation of stormwater, shall comply with the details submitted to the planning authority on the 4th day of July 2019 and the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. With the exception of the boundary with the properties on Hawthorn Close, all rear garden boundaries, including party boundaries, shall consist of blockwork walls, two metres in height, capped and plastered or dashed on both sides.

The boundary with the properties on Hawthorn Close shall be of similar construction and finish but shall be 2.35 metres in height.

Reason: In the interest of residential amenity.

6. The site shall be landscaped in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This scheme shall include:

(a) A plan to a scale of not less than 1:500 showing -

(i) the species and setting of all new planting,

(ii) proposals for levelling, mounding and surface treatment of communal areas, including hardsurfaced areas of public open space, and

(iii) proposals for a landscaped strip along the north-east site boundary;

(b) a landscape management plan; and

(c) a timescale for the implementation of this scheme.

Reason: In the interest of visual and residential amenity.

7. The areas shown as public open space on the lodged plans shall be reserved for such use. 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 the interest of the amenities of the occupants of the proposed housing.

8. 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.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

10. The internal road serving the proposed development, including turning bays, parking areas, footpaths kerbs and cycle parking shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

11. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

13. Prior to commencement of development, proposals for an estate name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development.

14. 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.

15. 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.

16. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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
04th December 2019