



An
Bord
Pleanála

Inspector's Report

ABP-305410-19

Development	Amendments to Initial Phase of Development granted Permission under Ref. 249038
Location	Ballymany, Newbridge County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19710
Applicant(s)	Briargate Developments Newbridge Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Briargate Developments Newbridge Limited
Observer(s)	Harry Walsh Paul and Jill Dillane
Date of Site Inspection	3 rd January, 2020

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located c.2km to the south west of Newbridge town centre and within the boundary of Newbridge as defined in the Newbridge LAP. The site has frontage onto the R445 (Kildare Road) and is located within c. 500 metres of junction 12 on the M7 which is to the south west of the site.
- 1.2. The site has a stated area of 3.11 ha. and forms part of a larger development site that extends to the north west, and which extends to c.15.12 ha. This wider site extends as far north as the as the Stand House Road and has a significant boundary with existing residential development located to the east, 'The Elms'. To the south east, the site is bounded by a number of houses that are access off the R445 to the north east of the site. These houses are sited at a higher level than the general ground level within the appeal site. In addition to these houses, the eastern boundary of the site adjoins the site of the Keadeen Hotel. To the north, the site adjoins undeveloped lands that have an extant permission for residential development. To the west, the site adjoins undeveloped lands that are in agricultural use.
- 1.3. There is an existing 38kv line that runs north to south in the south western part of the site.
- 1.4. The levels on the site vary with an embankment along the southern boundary to the R445 and elevated areas at the south east corner in the vicinity of the adjoining houses and along the eastern boundary. The balance of the site is relatively flat, however the difference between the elevated area at the south east corner and the lowest area of the site at the south west corner is significant with a difference of c.14 metres. The wider site is characterised by a number of large piles of gravel which are left over from the quarrying operation previously undertaken on the site. Levels continue to fall to the north reaching a low point at the far north west corner of the overall site at the boundary with the Standhouse Road.
- 1.5. There is an existing vehicular entrance to the site which is located at the south west corner.

2.0 Proposed Development

- 2.1. The proposed development comprises amendments to the initial phase (Phase 1) of the permitted residential development of the appeal site and adjoining lands to the north and north west, granted under Ref. PL09.249038. The changes proposed comprise the construction of a total of 71 no. houses in lieu of the previously permitted 31 no. units and crèche. The mix of units comprises 12 no. two bedroom mid terrace units, 47 no. three bed units and 12 no. four bed detached and semi detached units. A total of eight different house types are proposed and all have a mixture of brick and render front elevations.
- 2.2. The change in residential layout results in the development of units fronting the R445 to be accessed off a local access road that runs parallel to the R445. The extent of open space to the front of the site would be reduced in the proposed layout and the area of public amenity space located at the northern end of the appeal site would also be slightly reduced in extent. As part of the revised layout, an area to the north west of the appeal site, and within the overall development granted permission under Ref. PL09.249038, is indicated as remaining free from development and as a location for the provision of a crèche as part of Phase 2 of the development. To create this site, the revised site plan indicates the omission of 5 no. houses that were permitted under Ref. PL09.249038 and which are located wholly or predominately outside of the current appeal site. This alternative crèche site, and the omission of the 5 no. units to facilitate the alternative location of the crèche, is located outside of the red line boundary of the current appeal site.
- 2.3. Changes are also proposed to the internal roads layout within the development with the revised layout having more straight sections of road and right angled junctions when compared to the previously permitted layout. The approach to the vehicular access to the R445 is proposed to be altered however the position of the junction is indicated as remaining in approximately the same location as that previously permitted. At the north west corner of the site, an area is indicated free of development such as to allow the continuation of the link road as permitted under PL09.249038 and its continuation to the south west of the site.

- 2.4. The foul drainage layout for the development incorporates the discharge of all foul drainage to a proposed pumping station located at the north west corner of the site. Foul effluent is then proposed to be pumped via a rising main along the western side of the overall site and via the roads within the revised layout in the current application before discharging to the existing 225mm diameter foul sewer on the R445. With regard to surface water, in common with foul drainage, it is noted that the overall development has an approved surface water layout and it is stated that the amendments to the permitted layout will not result in additional surface water runoff from the site. SuDS features are proposed in the design and it is proposed that surface water would discharge to the existing 225mm diameter surface water drain on the Standhouse Road. Water supply to the development is proposed to be via the existing watermains on the R445 Ballymany Road and on the Standhouse Road. It is proposed that the existing 38kv overhead line that crosses the south west corner of the site would be undergrounded within the development.
- 2.5. In terms of density, the original permission granted for the overall development as permitted under Ref. PL09.249038 equated to a net density of approximately 20.7 units per ha. (on basis of 280 units on a site of 13.5 ha. to account for the link road and crèche). The current proposal would result in an increase in the permitted number of units on the overall site from 280 to 314 and an overall net density of development of approximately 23.3 units per ha. (also using a site area of 13.5 ha. to account for the link road and crèche). Taken in isolation, the appeal site proposes a total of 71 no. units on a site of 3.11 ha. which equates to a density of 22.8 units per ha.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for a reason that can be summarised as follows:

- That the proposed development is located on lands zoned New Residential and which is the subject of a specific local objective C2 which restricts the maximum density to 15 units per hectare. The proposed development has a density of 26 units per hectare and would therefore materially contravene the zoning objectives for the site and would be contrary to the proper planning and sustainable development of the area.

It is noted that the wording of the reason for refusal issued by the Planning authority makes reference to material contravention of the development plan and that the provisions of s.37(2) are therefore applicable in the determination of this case by the Board.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the internal and external reports received, submissions on file and the planning history of the site. The report notes that the policies of the Newbridge LAP are applicable and that the site is identified as a location where a maximum density of 15 units per ha. is applicable. Also noted that Newbridge is not identified as a key town under the recently adopted RSES and that section 4.3 of the RSES recognises that the higher densities in core strategies should be applied to higher order settlements such as Dublin City. Notwithstanding the concerns raised regarding density, the report also identifies issues regarding the refuse storage, internal storage in units, the movement of the crèche from the first phase of development and the potential impact on residential amenity. The concerns of the roads and water services departments are also noted and agreed with. Refusal of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Area Engineer – No objection subject to conditions.

Environment – No objection.

Heritage Officer – No objection.

Building Control – No objection.

Fire Officer – No objection.

Housing / Part V Section – A number of issues raised with regard to the internal layout of the units which are identified by the first party for transfer to the local authority.

Transportation – A significant number of issues raised including a requirement for swept path analysis, revised surface water layout and attenuation, clarification of drainage to the R445, provision of a 2 metre wide cycleway and 2 metre footpath across the frontage of the site and submission of a traffic and transportation assessment.

Water Services – Report notes the proposed discharge of surface water partially to ground and the proximity of the site to the Curragh Aquifer and to Pollardstown Fen. Noted that the drainage layout was revised prior to permission by the Board and now proposed to be further increased. Revised drainage layout for the whole site therefore required. Statement that proposed development will not lead to increased run off from the site questioned and flood risk assessment required.

3.3. **Prescribed Bodies**

Irish Water – The Planning Officer report states that a submission was received with ‘no objection’ to the development, however no report is on file. Subsequently clarified by the Planning Authority that file referred to Irish Water but that no response received.

The application was referred by the Board to the Department of Culture, Heritage and the Gaeltacht, An Taisce and the Heritage Council. A response to these referrals was received from the Department of Culture, Heritage and the Gaeltacht regarding nature conservation. The submission states that any tree or hedgerow works should only be undertaken outside of the bird nesting season and that the maximum use of native tree and hedgerow species should be used in the development.

3.4. Third Party Observations

Three third party observations were received by the planning authority. The main issues raised in these submissions can be summarised as follows:

- Negative impact on adjoining bungalows to the south east by virtue of change in levels, overlooking, ground stability and impact on boundary planting / screening.
- Concerns regarding archaeology as expressed in the previous application.
- Impacts on traffic and traffic safety on the R445 Ballymany Road.
- That the revised layout has houses much closer to the boundary
- Potential for noise and dust nuisance,
- Water supply and low water pressure,
- That the link road cannot be completed as the adjoining landowner is not in a position to undertake the development.
- That the design quality is poor, lacks variety and distinctiveness and does not match the site topography.
- That the quality of open spaces is poor,
- That the application should have been accompanied by an EIAR.
- That the development does not meet national policy or local plan policy with regard to density.

4.0 Planning History

The following planning history is of relevance to the current appeal:

Appeal Site

Kildare County Council Ref. 16/658; ABP Ref. PL09.249038 – Permission refused by the Planning Authority but granted on appeal for a mixed use development on a site that includes the current appeal site and lands to the immediate north. The original proposal consisted of the development of a total of 220 no. houses, crèche and a 120 no. bedroom nursing home. Houses were proposed to be a mixture of

terraces, semi detached and detached. The development also provided for the construction of a new link road along the western side of the site, and a new signalised junction of Standhouse Road at the northern end of the site.

It is noted that as part of the assessment undertaken by the Board that a s.137 notice was issued to parties stating that the proposed density of 15.7 unit per hectare is considered too low for this location and would be contrary to the ministerial guidelines for planning authorities on sustainable urban development. On foot of this notice revised proposals were submitted which replaced the housing in the centre part of the site with apartments and which had the effect of increasing the number of residential units from 220 to 280 of units.

Kildare County Council Ref. 12/615 – Extension of duration of ref. 06/547 granted with permission extended up to 01.04.2018.

Kildare County Council Ref. 08/1468 – Permission granted for development consisting of the variation of Condition No.2(i)(ii) of Ref. 06/547.

Kildare County Council Ref. 06/547 – Permission granted for development on a site that incorporates the current appeal site and lands to the north for the construction of 196 no. houses on a site of 15.44 ha. Development also included 670 metres of distributor road and junction with the Ballymany Road R445.

There is reference in the Planning Officer report to a quarry registration application under s.261A (KCC Ref QRA-23-002). The site is currently characterised by piles of stone aggregate and it would appear that gravel was extracted from the site in the past. At the time of inspection of the site there was no evidence of such activity or equipment.

Adjacent Sites

ABP Ref. ABP-302922-18 – Permission refused by the Board for a strategic housing development on a site located to the south of the current appeal site and on the opposite side of the R445. Permission refused for two reasons relating to design and presentation to the main road and concerns relating to surface water and flood risk.

5.0 Policy Context

5.1. Development Plan

The site is located within the development boundary of Newbridge and on lands that are zoned objective C (New Residential) under the provisions of the *Newbridge Local Area Plan, 2013-2019*. (This plan has been extended until December 2021). The stated zoning objective for the site is ‘*to provide for new residential development*’.

The site is the subject of a specific local objective C2 which states that ‘*a maximum density of 15 units per hectare will apply*’.

Section 7.7.2 of the LAP relates to roads objectives and includes the following:

‘*A new link from the L7042 Green Road to the L7037 (Standhouse Road) including a new junction with the R445 Ballymany Road.*’

There are a number of policies and objectives contained in the ***Kildare County Development Plan, 2017-2023*** that are also of relevance to the assessment of the subject appeal: The following are specifically noted:

Policy HCO1 states that it is policy to have regard to the Quality Housing for Sustainable Communities – Design Guidelines (2007).

Policy HDO1 states that it is policy to ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the companion Urban Design Manual, (2009).

Policy HDO2 seeks to ensure that residential development provides an integrated and balanced approach to movement, place making and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets (2013).

Section 4.5 of the County Development Plan relates to density and refers to the Guidelines for Planning Authorities on Sustainable Residential Development in

Urban Areas (2009) and the fact that land is a scarce resource that needs to be used in an efficient manner.

Policy LDO1 states that it is policy to ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands.

Policy LDO2 states that it is policy to require higher residential densities at appropriate locations as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (2009).

Indicative density levels are set out at Table 4.2 of the Plan.

5.2. Natural Heritage Designations

The appeal site is located such that there are two European sites located in relatively close proximity to the appeal site. These are as follows:

Pollardstown Fen SAC (site code 000396) which is located c.1.3km to the north west of the appeal site at the closest point and on the opposite / northern side of the railway line. The features of interest of this site are as follows:

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

Mouds Bog SAC (site code 002331) which is located to the north east of the appeal site and c.4.5km away at the closest point. The features of interest of this site are as follows:

- Active raised bogs
- Degraded raised bogs still capable of natural regeneration
- Depressions on peat substrates of the Rhynchosporion

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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 stage and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal against the Notification of Decision to Refuse Permission:

- The reference to material contravention in the reason for refusal is noted and there are considered to be conflicting objectives in the plan (between the LAP and Kildare County Plan), s.28 guidance (Sustainable Residential Development in Urban Areas) and the pattern of development permitted in the area (Ref. PL09.249038) that justify the overturning of the decision issued by the Planning Authority and compliance with the requirements of s.37(2)(b) of the Act.
- That there is no indication in any government guidance that it is appropriate or efficient to develop the site at a density of 15 units per ha.

- The issues raised by the planning authority regarding compliance with the requirements of Part V are noted. The issues raised regarding the units proposed for transfer relate only to internal storage area requirements and can be addressed. It is submitted that the internal layouts of the units are in compliance with the requirements of the relevant statutory standards or guidance.
- Regarding the comments of the transportation section, there is adequate space available for the provision of a 2 metre wide footpath and a 2 metre wide cycle path as requested by the local authority. Such a layout is indicated on Muir Associates Drg. No. D1883-C-013.
- That the Kildare County Council Water Services Report is critical of the fact that the layout and number of units was changed during the course of the previous appeal for the overall site (Ref. PL09.249038). While there will be a slight further increase in overall number of units on the site and potential increase in the extent of impermeable surface area, the surface water discharge rate from the proposed development will not be increased and will be restricted to the greenfield run off rate which was previously calculated to be 32.5 litres per second.
- That the restricted discharge rate of 32.5 litres per second combined with the increased impermeable area on the site will determine the volume of storm water attenuation required to be provided.
- Regarding the submissions made to the planning authority by residents of houses adjoining the site, drawings have been submitted by Carr Associates including sections through the relevant boundaries. These drawings clearly indicate that there will be no impact on the amenity of adjoining houses and inspection of the site will confirm that the existing boundaries are robust and will be unaffected by the proposed development as there is a setback boundary detail. It should also be noted that the finished floor level within the site will be significantly below adjoining ground levels.

- Regarding residential amenity it should also be noted that where houses were previously proposed to be orientated to back onto the boundaries they now are orientated to be side on to the boundary resulting in limited impact or potential for direct overlooking.
- That the purpose of the proposed development has been clearly described in the application and it is not therefore necessary to go back to first principles in relation to the proposed development which has been submitted as phase 1 of an overall development.
- The proposed development is intended to rationalise the junction and entry arrangements from the R445 into the development and leading to the link street that is to be provided.
- That the R445 has a buffer zone that can accommodate pedestrian and cycle lanes alongside the regional road.
- That the gross density of development would be 25.7 units per hectare and the net density higher with the buffer and pedestrian friendly cycle zone excluded from the calculations.
- That all relevant development management standards are met.

6.2. Planning Authority Response

The main issues raised in the response of the planning authority can be summarised as follows:

- That the proposed development materially contravenes the specific zoning objective Z2 for the site which restricts density to a maximum of 15 units per ha.
- That the site is located on the edge of Newbridge which is a large growth town in the settlement hierarchy and which is not listed as a key town in the RSES, or located within the Metropolitan Area Strategic Plan for Dublin (MASP) as stated in the first party appeal.

- That given the location of the site on the periphery of the town and close to the Curragh pNHA, it is considered that the specific density parameters set out in the LAP are appropriate. The existing permission on the site already exceeds the density set for the area in the LAP and to further exceed the density would be contrary to the plan and to the proper planning and sustainable development of the area.

6.3. Observations

Two observations on the appeal have been received. The main issues raised in these submissions can be summarised as follows:

- That the density of development is contrary to the Kildare Development Plan.
- The density is also contrary to the provisions of the Sustainable Residential Development in Urban Areas, which indicates that greatest efficiencies are achieved with densities in the range of 30-35 unit per ha.
- That the Board showed its belief in the density provisions of these guidelines in the case Ref. PI09.249038 where additional density / revised layout was requested.
- That the design concept is poor, it lacks variety, distinctiveness and a sense of place.
- The layout fails to provide a high quality level of open space, green space and pedestrian routes.
- That the proposed development in the vicinity of the houses to the south east of the site is different. In the previous plan the closest house was 20 plus metres from the boundary and there was a landscaped buffer area. In the current proposal there is a new boundary wall being erected c.2-3 metres from the boundary that will require a lot of earthworks to drop the ground level by the c. 3 metres required.
- That the construction of the proposed wall and the required foundation will result in the existing boundary trees being damaged. A report from an arborist is attached that states that a minimum buffer of 5 metres is required to ensure that there would not be any damage to trees. Houses 16 and 17

should be moved further away from the boundary to ensure that there is no damage to the boundary.

- Noted that boundary type T6 to the rear of the observer's property at the south east corner of the site is proposed to be Type T6 which is a concrete post and timber panel fence. Who would be responsible for the maintenance of such a structure / boundary and it does not appear to be adequate to ensure security. The boundary with the houses in this area should be a minimum of 2.2 metres in height and constructed of secure materials.
- That unit 16 (Type G) has a roof design / pitch that would allow for an attic conversion. Any such development would look into the new extension constructed to the side of their house.
- Question what measure will be in place for pest and dust control during construction activity. These were previously major issues on the site.
- That the site access is located in a blackspot for traffic with the filling station opposite and Ballymany Manor in close proximity. There is also an objection to the proposed 4 metre path / cycleway strip along the site frontage. Where would this go to the north of the site ? No consent is given to it impacting on the lands in the ownership of the observer.
- That the use of the existing water supply is problematic due to the existing low pressure.
- That the adjoining land owner to the west of the site is not in a position to engage with the applicant regarding the construction of the link road so it is unclear how this will be achieved.
- That the scale of development proposed, together with other developments in Newbridge is excessive for a quiet and private residential area. Inadequate school, health, crèche and other facilities are available and the development is contrary to the LAP Guidelines for Planning Authorities. The proposed development is also contrary to the LAP guidelines with regard to the separation of the site from the train station.
- That the application should be refused because of a lack of an EIAR.

- That the application does not set out the impact of the development on the road junctions in the vicinity of the site. The development will endanger public safety by reason of a traffic hazard particularly due to the busy junction with the petrol station opposite the site.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of development, density and material contravention of development plan
- Residential layout, design and impact on residential amenity
- Traffic and access,
- Site servicing,
- Other Issues
- Appropriate Assessment

7.2. Principle of Development, Density and Material Contravention of Development Plan

7.2.1. The appeal site is located within the development boundary of Newbridge and on lands that are zoned objective C (New Residential) under the provisions of the Newbridge Local Area Plan, 2013-2019. This plan has been extended until December 2021. The stated zoning objective for the site is '*to provide for new residential development*'. In principle therefore the site is suitable for residential development, and residential development of 280 units has previously been permitted on the site by the Board under Ref. PL09.249038.

7.2.2. The basis of the reason for Refusal given by the Planning Authority in the Notification of Decision to Refuse Permission relates to the fact that the site is the subject of a specific local objective C2 which states that '*a maximum density of 15 units per hectare will apply*'. Despite the fact that a higher density is provided for under the

provisions of the *Sustainable Residential Development In Urban Areas Guidelines for Planning Authorities*, (2009), the Planning Authority in its response submission to the grounds of appeal contend that the existing permission on the site already exceeds the density set for the area in the LAP and to further exceed the density would be contrary to the plan and to the proper planning and sustainable development of the area. It is noted that the reason for refusal cited by the Planning Authority makes reference to material contravention of the development plan and that the provisions of s.37(2)A of the Act are therefore applicable.

- 7.2.3. With regard to the appropriate density of development for the site, I note the specific objective for the site that specifies a maximum density of 15 units per ha., however this is clearly at variance with national policy as set out in the guidance issued under s.28 of the Planning and Development Act. In the case of larger towns, the Guidelines state that in outer suburban / greenfield sites such as the current appeal site '*the greatest efficiency in land usage....will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare.*', (paragraph 5.11).
- 7.2.4. In my opinion it is not appropriate that permission would be refused on the basis of non compliance with a local objective which specifies a maximum density of 15 units per hectare given the very significant extent to which this is below the national planning guidance for sites such as the appeal site. I recognise that there are some potential justifications as to why a density at the upper end of the specified 35-50 units per hectare range may not be applicable in the case of the appeal site, these being the location of the site at the southern limits of the existing developed area of Newbridge and the significant separation between the site and the railway station which is located c.3km from the site to the north. I also note the fact that Newbridge is not identified as a key town in the Regional Spatial and Economic Strategy (RSES) for the eastern region. Notwithstanding these factors however, I consider that a density of 15 units to the hectare is clearly an inefficient use of zoned and serviced lands and represents a form of development that is not sustainable in terms of the provision of public infrastructure and services.

Density and Material Contravention of the Plan – s.37(2)(b)

7.2.5. With regard to the wording of the reason for refusal issued by the Planning Authority and specifically the reference to material contravention of the development plan policy and the specific density objective on the site, the provisions of s.37(2)(A) of the Act are applicable in this case. The first party appeal sets out in some detail the way in which the proposed development is in accordance with the requirements of s.37(2)(B). Firstly, the local objective for the site set out in the Newbridge LAP (NLAP) which restricts the density of development on the site to a maximum of 15 units per ha. is in my opinion at variance with objectives relating to density as set out in the *Kildare County Development Plan, 2017-2023* (KCDP). Specifically, I note the provisions of the following Objectives contained in the KCDP which relate to density of development and which in my opinion conflict with the specific density objective for the appeal site as set out in the NLAP.

- Objective HD01 states that it is an objective to *‘ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (2009) and the companion Urban Design Manual: A Best Practice Guide’.*
- Objective LD01 states that it is an objective to *‘ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)’.*
- Objective LD03 states that it is an objective to require *‘...higher residential densities at appropriate locations as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (2009)’.*

In view of this, it is my opinion that the requirement of s.37(2)(b) (ii) is met and that the Board is not precluded from overturning the refusal of permission issued by the Planning Authority.

7.2.6. As highlighted above, I also note the provisions of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (2009)*, issued under s.28 of the Planning and Development Act, and particularly the content of

section 5 which relates to Cities and Larger Towns (defined as towns of 5,000 plus). The population of Newbridge is in excess of 22,000 and the provisions of section 5 of the guidelines are therefore applicable. In relation to Outer Suburban / Greenfield sites, paragraph 5.11 of the guidelines states that '*...the greatest efficiency in the usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities should be encouraged generally*'. *Development at new densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency ...*'. With regard to the provision of lower densities in limited cases, paragraph 5.12 states that '*to facilitate a choice of housing types within areas, limited provision may be made for lower density schemes provided that, within a neighbourhood or district as a whole, average densities achieve any minimum standards recommended above*'. The 15 units per hectare density provided for under the local objective for the site, and which forms the basis of the reason for refusal issued by the Planning Authority, is clearly contrary to the provisions of the s.28 guidance as it relates to the appeal site typology and while some flexibility for a variation in density is provided for by paragraph 5.12, this is subject to the overall density of a neighbourhood or district being in line with the density specified in the guidelines. In the case of the environs of the appeal site, existing densities are significantly below the levels prescribed in the guidelines and therefore such that the relaxation provided for by paragraph 5.12 is not applicable. On the basis of the above, it is considered that the provisions of s.37(2)(b)(iii) are met in the case of the proposed development and appeal site and that it is therefore open to the Board to overturn the decision of the Planning Authority to refuse permission.

- 7.2.7. Finally, I note that since the adoption of both the KCDP (2017) and NLAP (2013), that permission has been granted for development which has a density that is significantly in excess of the 15 units per hectare maximum specified in the NLAP. Specifically, the density of development permitted in PL09.249038 equates to approximately 21 units per hectare (based on a net site area of 13.5 ha. excluding the link road and crèche site and a total of 280 units.). It is therefore my opinion that the criteria set out in s.37(2)(b)(iv) are met in the circumstances of the appeal site.

Proposed Density and s.28 Guidelines on Sustainable Residential Development in Urban Areas

- 7.2.8. While the circumstances set out in s.37(2)(b) of the Act are in my opinion met such that it is open to the Board to issue a grant of permission in this case and to overturn the refusal reason relating to excessive density, the issue arises as to whether the density of development proposed on the site is sufficient to meet the requirements of the Guidelines on Sustainable Residential Development in Urban Areas. For outer suburban or greenfield sites, paragraph 5.11 states that net densities in the general range of 35-50 units per ha. are encouraged and developments with densities below 30 units per hectare should generally be discouraged. In the case of the appeal site, the first party appeal states that the density of the development permitted by the Board on the site under Ref. PL09.249038 is c.26 units to the hectare. I am not clear what the basis for this calculation is as my assessment of density, allowing for a reduced site area of c. 12.9 ha. to allow for the nursing home site (c1.25 ha.) and the link road (c.1.1 ha.) results in a permitted net overall density of development of c.21.7 unit per ha. The revisions proposed in the current application would result in an increase in the number of unit from 280 to 314 and a resulting increase in density to c.24.3 unit per ha. This is clearly below the recommended minimum density of 30 unit per ha. as set out in the Sustainable Residential Development Guidelines.
- 7.2.9. As referenced above, there is some merit in a lower density of development on the appeal site on basis that it is located at the is located in what is the limit of the current zoned area of Newbridge in a transitional area at the edge of the town and facing the Curragh plains. It is also the case that the appeal site is located c.2.7 km from the railway station which is located to the west of the town centre. It is also noted that the current application forms part of a larger development site where there is an extant permission and that there is an extant permission that can be implemented that would result in a lower overall density of development. Based on the wording of the Board Direction in the case of Ref. PL09.249038 a number of these factors were taken into account by the Board in reaching its decision to grant permission for 220 units and to overturn the recommendation of the inspector to refuse permission on density grounds. The fact remains however that the overall density of development proposed would be lower than the minimum specified in the Sustainable Residential Development Guidelines. The density of the current

application when taken in isolation is also noted to be significantly below the minimum density specified in the guidelines measuring c.22.6 unit per ha. partially as a result of the significant extent of open space proposed to be included within the current application boundary. This area of open space at c. 0.69 ha. is approximately 22 percent of the overall site area and would appear to be designed to partially serve subsequent phases of development. Having regard to the extent to which the proposed density of the current application is below the requirements of the Sustainable Residential Development Guidelines, to the fact that the proposed development would still result in the density of the overall development on the extended site being below the recommended minimum of 30 units per hectare and also having regard to the other outstanding design and layout issues identified below and resulting recommendation for refusal of permission, it is recommended that permission be refused on the basis that the form of development proposed would result in an inadequate level of residential density such as would result in the inefficient use of zoned and serviced lands and public infrastructure and which would therefore be contrary to the provisions of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and Policy HD01 and Objectives LD01 and LD03 of the *Kildare County Development Plan, 2017-2023*.

7.3. Residential Layout, Design and Impact on Residential Amenity,

- 7.3.1. The report of the Planning Officer on file raised a number of concerns with regard to the proposed layout although these were not included as reasons for refusal given the substantive reason relating to residential density and compliance with the local objective set out in the LAP. It is also noted that the observers to the appeal have raised a number of issues regarding the design and layout contending that the design concept is poor, that it lacks variety, distinctiveness and a sense of place and that the layout fails to provide a high quality level of open space, green space and pedestrian routes. The observers also raise concerns regarding the impact of the development on the amenity of the adjoining properties to the south east.

- 7.3.2. One issue regarding layout that is not specifically raised by the parties to the appeal relates to the **proposals for a crèche** in the development. Under Ref. PL09.249038, a crèche was proposed to be provided at the south west corner of the development and on lands that form part of the current appeal site and which it was proposed to be developed as part of Phase 1 of the overall development of the site. The revised layout for the southern end of the site set out in the subject application removes the crèche from the layout and in its place an indicative layout for a crèche immediately to the north west of the site, on lands where houses were permitted under Ref. PL09.249038, is indicated. There are in my opinion a number of issues arising from this proposal. Firstly, while the proposed development is now for 71 units and is therefore below the recommended threshold of 75 units where a crèche would normally be required, there is no information provided regarding the available of alternative crèche facilities in the general area. It may be some time before phase 2 of the overall development would be undertaken and in the meantime it is unclear whether there is sufficient crèche capacity to cater for existing demand and that generated by Phase 1. Of more significance however, is the fact that while an indicative location for a crèche is indicated in the submitted plans, this crèche location and layout is outside of the red line boundary of the current application. The way in which the application is advertised is as an amendment to an initial phase of development meaning that those areas of the development permitted under Ref. PL09.249038 located outside of the red line boundary could be developed at a future date with the effect that an overall development layout would be permitted with no provision for a crèche. Again, in the absence of any justification for such an approach in the form of an assessment of crèche demand and provision in the area, this is not considered to be acceptable and is not in accordance with the proper planning and sustainable development of the area.
- 7.3.3. In terms of **open space**, the proposed development has the effect of reducing the amount of public open space within the subject application site. In particular, the main area of open space in the northern part of the site would be reduced from a previously permitted area of c.6,375 sq. metres to c.4,470 sq. metres. The 4,470 sq. metres equates to c.14 percent of the site area of Phase 1 or the current application area (3.11 ha.) and is therefore considered to be acceptable to serve this phase of the development. There are, however a number of issues with regard to the layout

of this area of open space and also the open space proposed to be located at the front (southern) end of the site. Specifically, the area to the south of the proposed local access road that runs parallel with the R445 is considered to be of limited recreational or amenity value by virtue of its proximity to the main road and location surrounded by roads on three sides. In the case of the main area of open space at the northern end of the site, the original layout indicated this as having houses fronting onto it on three sides with apartments on the northern side. In the current proposal, the area is significantly reduced in extent and width, with the area tapering down from c.40 metres in width at the northern end to c.20 metres at the southern end. At the northern end, this area of open space adjoins the side gables of houses (Nos.45 and 57) and adjoined by roads and parking spaces. The overall layout and quality of the open spaces is in my opinion poor and a significant dis improvement on the originally permitted layout.

7.3.4. The other issue relating to public open space is the extent to which the open space provision for the overall development would be impacted by the reduced level of open space provision. This is not addressed in the application documentation or first party appeal, and no breakdown of the implications of the revised layout on the level of public open space within the overall development is provided.

7.3.5. The observers to the appeal raise a number of concerns with regard to the **impact of the development in the south east corner of the site** on the amenity of these properties. Issues of overlooking, impact on boundary planting and ground stability are raised as concerns by the observers and it is noted that while the existing houses on adjoining lands in this part of the site are single storey, they are located at a significantly higher level than that proposed for the appeal site. The current site level at the south east corner is raised and similar to that of the adjoining third party dwellings to the south east, however the proposed layout results in ground levels being reduced by c.2.5 – 3.0 metres in this area and such that it necessitates the construction of a retaining wall along the boundary of units Nos.16, 17 and 58. The current layout has resulted in houses in this part of the site being located gable end on to the third party properties and the relevant separation distances between the units at Nos. 16, 17 and 58 and the third party properties varying between c.14 and 18 metres, compared to approximately 26 to 30 metres in the case of the previously approved layout. Sections showing the relationship between units Nos. 16 and 58

and the adjoining housing is indicated on Drg. PP1.10 submitted with the application and these are repeated in the first party appeal. In my opinion, given the relative orientation of the houses and the proposed design, the separation distances proposed are adequate to ensure that overlooking and the resulting loss of amenity should not be a significant issue.

- 7.3.6. I note the fact that under the current proposal there is a new boundary wall being erected c.2-3 metres from the boundary with the adjoining houses to the south east and that the construction of this retaining wall will require significant earthworks to drop the ground level by the c. 2.5 – 3.0 metres required. The layout proposed indicates the retention of the existing ground level into the appeal site for a distance that varies between c.4.5 metres and 3.0 metres before the retaining wall. The construction of this wall would in my opinion have a potentially significant impact on the existing boundary planting in this area of the site and in this regard I note and generally agree with the conclusions of the Arborist report submitted by the observer residing at No.16 which states that the construction of the proposed retaining wall in this location (vicinity of No.16) would have a negative impact on the future survival of the leylandii and hawthorn boundary in this area. In the event that permission was being considered, a further increase in the setback distance to any retaining wall or a more gradual grading in of the change in levels would be required to be incorporated into the design.
- 7.3.7. The comments of the observers also raise concerns regarding the creation of an effective buffer area within the site and issues around the maintenance and security of such an area are raised. In the event of a grant of permission it is considered that these are issues which could be addressed by way of condition.
- 7.3.8. The design of the proposed dwellings on the site is considered to be generally acceptable and the unit layouts are in my opinion consistent with the standards set out in the government guidance document Quality Housing for Sustainable Communities, Best Practice Guidelines. I note that the report from the Housing Department of the Council raises a number of issues with regard to the internal layout and accommodation in the units proposed to be transferred as part of the Part V agreement. These issues do however appear to relate largely to the provision of storage areas within the units and details of the exact internal layout of the Part V

units could be the subject of agreement with the first party prior to the commencement of development.

- 7.3.9. Overall, it is considered that the revised residential layout proposed would not be consistent with a number of the design principles set out in the Urban Design Manual which accompanies the Sustainable Residential Development Guidelines for Planning Authorities. The overall density of development and the density of the development proposed on the appeal site when taken in isolation remain significantly below the recommended 35-50 units per ha. and are also materially below the 30 units per ha. minimum. In terms of efficiency (Criteria 5 in the Design Manual) I therefore consider that the proposed development would be unsatisfactory. The proposed setting back of the development from the front boundary of the site and the presentation of the development to the R445 is discussed in more detail below under the heading of Traffic and Access however the proposed layout in this area of the site results in an overall poor connection with and presentation to the R445 with the result that scheme lacks distinctiveness and would not result in a positive addition to the locality as required by criteria 6 – Distinctiveness. Finally, under the headings of Layout and Public Realm (criteria 7 and 8) it is my opinion that the proposed layout does not relate well to the R445 and a development where the public open space is not well integrated into the overall design or of a high standard in terms of their relationship to surrounding residential development. For these reasons it is considered that the proposed development would be contrary to a number of the design criteria set out in the Sustainable Residential Development Guidelines and accompanying Urban Design Manual and such that it would result in a poor standard of residential development that would have an overall negative impact on the residential amenity of future occupants of the development and on the visual and residential amenities of the surrounding area.

7.4. Traffic and Access,

- 7.4.1. The roads layout proposed in the current application is also significantly revised from that previously permitted with the revised proposal more angular and incorporating local access roads that run parallel to the roadside boundary of the site and the R445. Road widths at c.5.5 metres and the junction with the R445 are largely the

same as that previously permitted under Ref. PL09.249038, however the use of the parallel local access roads approach has the effect of removing the development from the street and creating an environment on this approach into the town along the R445 that is dominated by the road and traffic rather than having an active street frontage. The design approach used would also have the effect of losing any sense of enclosure and as referred to above, the open space area created is not of any real amenity value. The setting back of the development in the format proposed would lead to a lack of definition of the urban environment and lead to a likelihood of increased traffic speeds and would be contrary to the recommended design approach set out in the Design Manual for Urban Roads and Streets (DMURS), notably section 4.2.1 regarding street width and 4.2.3 relating to active street edges. The design approach proposed for the area close to the R445 is not therefore in my opinion acceptable in terms of visual amenity, streetscape or residential / recreational amenity aspects and a more active frontage and tighter relationship with the R445 is in my opinion required. While not a feature of the previously permitted layout under Ref. PL09.249038, it is considered appropriate that any future design for the appeal site would examine the feasibility of direct accesses onto the R445 at this location. This option is considered particularly relevant in the context of the future development of the proposed link road along the western side of the site linking the Standhouse Road to the north of the overall site and the R445 to the south and new junction with the R445 to the south west of the site which would result in the creation of an effective new link around the western side of the town and change the context and likely traffic volumes on the section of the R445 fronting the appeal site.

- 7.4.2. It is noted that the site boundary as delineated in the subject application has the effect of **omitting all of the link road** which runs along the western side of the overall site and which is required to comply with the requirements of Objective SRO5(b) of the Newbridge LAP this being the construction of a new link connecting the Green Road to the south of the appeal site with the Standhouse Road to the north via a new junction on the R445 Ballymany Road immediately to the south west of the appeal site. The phasing map submitted with the previous application (see Drawing 3 and 4 received by the Board on 11th January, 2018) indicates the entirety of the link road within Phase 1 of the development. The site boundary and revision

to the extent of Phase 1 therefore has the effect of resulting in a piece of infrastructure that would have represented an overall planning gain now being omitted from the development and its implementation deferred.

- 7.4.3. There are also in my opinion a number of aspects of the **internal roads layout** which are not clearly compatible with the requirements of DMURS in particular the more angular layout and the proposed turning areas. The revised design also provides for more through roads and less opportunity for the creation of shared spaces of homezone areas. Such areas were indicated on the previously permitted layout and the area in the vicinity of Units 8-18 on the extant permitted layout would now be a through road.
- 7.4.4. The observers to the appeal contend that the application does not set out the **impact of the development on the road junctions** in the vicinity of the site. In this regard, while the location of the proposed access has not been altered from the previously permitted location, the proposal would result in an additional approximately 34 no. units on the site. The impact of these additional units on the operation of the junction with the R445 is not considered likely to have a significant impact on the operation of the junction or on traffic safety relative to the permitted layout, however I note the fact that the Transportation Department of the Council recommended that a Traffic and Transportation Assessment would be requested by way of further information. In the event that a revised application for increased density of development was being submitted in the future it is considered appropriate that it would be accompanied by an updated traffic and transportation assessment.
- 7.4.5. The report of the Transportation Department also highlights that a **cycle and footpath** is required to be provided across the frontage of the site. It is not evident from the LAP that there is an objective for the provision of a cycle path in this location however it is considered that this is an appropriate location for the provision of such infrastructure. It is noted that the currently proposed layout is such that there is sufficient space for the provision of a cycle path and footpath along the site frontage and in the case that a revised layout is being proposed accommodation for such a footpath / cyclepath should be made in the design. The concerns of the observer to the appeal regarding the continuation of the cycleway in the vicinity of their property to the east is noted however any extension of the route beyond the

extent of the current appeal site would have to be done with the consent of adjoining property owners or by way of CPO.

- 7.4.6. **Car parking** is proposed to be provided at a rate of two parking spaces per residential unit and limited additional visitor parking is indicated as being provided in the vicinity of Unit No.17. It is noted that the area indicated for Phase 1 in the original application included some additional shared parking at the northern end of the site adjoining the open space area. Overall the proposed provision of car parking is consistent with the format and level provided for in the extant permission, is consistent with the requirements of the development plan and is considered to be acceptable.

7.5. **Site Servicing,**

- 7.5.1. The development proposes to connect to the existing public services in the area. The foul drainage layout for the development incorporates the discharge of all foul drainage to a proposed pumping station located at the north west corner of the site. Foul effluent is then proposed to be pumped via a rising main along the western side of the overall site and via the roads within the revised layout in the current application before discharging to the existing 225mm diameter foul sewer on the R445. With regard to surface water, in common with foul drainage, it is noted that the overall development has an approved surface water layout and it is stated that the amendments to the permitted layout will not result in additional surface water runoff from the site. SuDS features are proposed in the design and it is proposed that surface water would discharge to the existing 225mm diameter surface water drain on the Standhouse Road. Water supply to the development is proposed to be via the existing watermains on the R445 Ballymany Road and on the Standhouse Road.
- 7.5.2. I note the issues raised by the Planning Authority / water services section of the council with regard to the surface water attenuation on the site. The contents of the Water Services Report are noted however the report appears to address the proposal as a new application or at least a proposal relative to the application as originally submitted to the Planning Authority under Ref 16/658; PL09.249038 which was for a total of 183 units. On foot of s.137 notice issued by the Board in that case

revised proposals for an expanded layout to 280 units was submitted and approved by the Board subject to conditions, including condition No.3 which requires that water supply and drainage arrangements including the disposal of surface water shall be in accordance with the requirements of the local authority. As part of the original submission on file 16/658; ABP Ref. PI09.249038 a flood risk assessment was also submitted and the proposal referred to Irish Water who had no objections to the development. On the current application, there is information on file showing a completed pre connection enquiry form however there is no formal response to the enquiry nor was there a response received by the Planning Authority to the referral of the application to Irish Water. I note reference in the Engineering Planning Report which accompanies the application to restrictions on drainage connections / capacity pending the completion of the Upper Liffey Valley Regional Sewerage Scheme Contract 2A – Newbridge Interceptor Sewer. Permission to development on the wider site of a total of 280 units has however previously been granted and the current proposal for development of Phase 1 comprising 77 no. units of an overall development has, in my opinion to be seen in this context when considering water supply and foul drainage capacity.

- 7.5.3. Given the scale of development proposed in phase 1 it is evident that servicing of the site by way of foul drainage and water supply should not likely be an issue. Regarding surface water, the applicant states that surface water runoff will be confined to greenfield rates and while the Water Services section of the council question this as being counter intuitive given the increased density / number of units proposed, the level of shared open space proposed in the subject application at 6,904 sq. metres is greater than that previously approved for the same area under Ref. PL09.249038 (6,375 sq. metres). In view of this, the fact that this permission would only be the first phase in a larger development area and that the principle of development for 280 units on the overall site has already been accepted by the Board it is in my opinion appropriate that permission could be granted subject to a condition requiring details of drainage, including issues raised in the Water Services report on file, to be submitted for the agreement of the planning authority.

7.6. Other Issues

- 7.6.1. The site is such that the requirements of Part V of the Planning and Development Act is applicable. As set out above, I do not consider that the nature of the issues raised in the report on file from the Housing Section of the council are significant such that permission should be refused and the issues are such as could be the subject of agreement post permission.

7.7. Appropriate Assessment

- 7.7.1. The proposed development comprises amendments to an initial phase of development with the replacement of the previously permitted 33 no. residential units and crèche with a total of 77 no. residential units.
- 7.7.2. The site is located on lands to the north of the R445 to the south west of Newbridge town centre, and the area of the site is 3.11 ha. The site forms part of a larger area which is located to the north measuring 15.25 ha. and which is the subject of an extant permission for 280 no. residential units under Ref. PL09.249038. The site is currently undeveloped and was formerly in use as a quarry for the extraction of gravel. The bulk of the site is relatively level however there is an embankment fronting the R445 and raised area at the south east corner. On the wider site, the levels fall to a low point at the north west of the site in the vicinity of the Standhouse Road.
- 7.7.3. The appeal site is located such that there are two European sites located in relatively close proximity to the appeal site. These are as follows:
- Pollardstown Fen SAC (site code 000396) which is located c.1.3km to the north west of the appeal site at the closest point and on the opposite / northern side of the railway line. The features of interest of this site are as follows:

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

The conservation objective for this site as set out in the generic conservation objectives document for the site published by the NPWS is '*To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected*'.

Mouds Bog SAC (site code 002331) which is located to the north east of the appeal site and c.4.5km away at the closest point. The features of interest of this site are as follows:

- Active raised bogs
- Degraded raised bogs still capable of natural regeneration
- Depressions on peat substrates of the Rhynchosporion

The conservation objectives for the site are to restore the favourable conservation condition of the identified habitats in Mouds Bog SAC which are defined by a number of attributes and targets including habitat area, distribution, hydrology and vegetation.

7.7.4. The proposed development forms part of a larger site on which there is an extant permission for residential development and in respect of which a screening assessment was previously undertaken by the Board. The conclusions of this screening assessment was that the proposed development (Ref.PL09.249038) was not likely to have significant effects on the European site in light of its conservation objectives. The current proposal will result in a potential intensification of the use of the site with an additional c.34 residential units potentially being developed on the overall site.

- 7.7.5. The development is proposed to be connected to the public water supply and drainage networks. Surface water is proposed to be attenuated on site with discharge proposed to be undertaken to surface water sewers located on both the R445 and primarily the surface water drain on the Standhouse Road which discharges to the River Liffey in Newbridge town. There is reference in the report of the Water Services section to the potential for the discharge of surface water to ground and such a discharge would result in a potential pathway to the Curragh Aquifer and Pollardstown Fen. No surface water discharge to ground is however indicated on the surface water drainage layout for the proposed development the subject of the current appeal and it is not therefore considered that there is a pathway from the site to either of the European sites identified above.
- 7.7.6. Having regard to the design, scale and location of the site and to the proposed foul and surface water drainage layouts from the site, it is considered that the proposed development is not likely to have significant effects on any European sites in light of their conservation objectives.

8.0 Recommendation

- 8.1. As set out in section 7.1 of this assessment above, it is considered that the provisions of s.37(2)(b)(ii), (iii) and (iv) of the Planning and Development 2000 (as amended) are applicable in the circumstances of this appeal and that it is therefore open to the Board to grant permission notwithstanding the reference to material contravention of the Newbridge LAP cited in the Notification of Decision to Refuse Permission issued by the Planning Authority. Notwithstanding this conclusion regarding s.37(2) of the Act, having regard to the content of the assessment above, it is recommended that permission be refused based on the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located on residentially zoned (Objective C2) and serviced lands within the boundary of Newbridge Town and in close proximity to a range of established community facilities and services and in a location (Larger Town – Outer Suburban) where paragraph 5.11 of the *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)* states that the greatest efficiency in land usage will be achieved by providing net residential densities in the general range of 35-50 units per hectare and where development at net densities less than 30 units per hectare should generally be discouraged in the interests of land efficiency. Compliance with the density provisions of these guidelines is supported by Section 4.5 of the *Kildare County Development Plan, 2017-2023* and Policies LD01 and LD02 of the same plan which states that it is policy to ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands and that it is policy to require higher residential densities at appropriate locations as set out in the Sustainable Residential Development guidelines. Notwithstanding the specific density provisions of the *Newbridge Local Area Plan, 2013-2019* which indicates a maximum density of 15 units per hectare on lands zoned Objective C2, it is considered that the proposed development of 22.6 units per hectare and the impact of the proposed amendment on the density of the overall residential development of the appeal site and adjoining lands to the north which would increase to approximately 24.3 units per hectare, would therefore result in a form of development which would result in an inefficient use of scarce zoned and serviced lands and which would be contrary to the provisions of the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* and the *Kildare County Development Plan, 2017-2023* and such that it would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design and layout of the proposed development, in particular the linear nature of the proposed road layout, the presentation of the development to the R445 (Ballymany Road) including the use of parallel local access roads to the R445 and open space fronting the development and to the layout of public open space areas which are surrounded by roads and poorly supervised, it is considered that the proposed development would result in a form of development that would not integrate well with its surroundings including its presentation to the Ballymany Road and which would result in an overall poor level of residential amenity for future occupants of the development and which would have a negative impact on the visual and residential amenities of the surrounding area. The proposed development would therefore be inconsistent with a number of the design principles set out in the Urban Design Manual which accompanies the Sustainable Residential Development Guidelines for Planning Authorities, in particular under the headings of Distinctiveness and Layout and Public Realm, would seriously injure the visual and residential amenities and depreciate the value of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3. It is an objective of the *Kildare County Development Plan, 2017-2023* to ensure the provision of childcare facilities in accordance with the *Childcare Facilities Guidelines for Planning Authorities, 2001*, which requires inter alia a crèche to be provided in developments of 75 residential units and above, (Objective CPFO1) and to facilitate and encourage the provision of childcare facilities at appropriate locations throughout the county (Objective CPFO2). It is noted that the extent of the site for which permission is sought in this application is significantly smaller than that indicated as Phase 1 of the overall development granted under Ref. PL09.249038 (see Drawings 3 and 4 received by the Board on 11th January, 2018) and such that the revised crèche location is not included within the red line boundary of the current application and such that, if permitted, the proposed development would facilitate the development of the overall site with no provision for a crèche on site. In the absence of any details regarding existing crèche provision and projected demand for crèche places in the vicinity of the site it is therefore considered that the proposed development would be contrary to

Objectives CPF01 and CPF02 of the Kildare County Development Plan, to the provisions of the *Childcare Facilities Guidelines for Planning Authorities, 2001* and would therefore be contrary to the proper planning and sustainable development of the area.

4. Having regard to the proximity of the proposed development to the site boundary at the south east corner of the site, to the variation in ground levels at this location and the extent of earth works proposed and to the proximity of such earth works to the boundary with third party residential properties and boundary planting, it is considered that the proposed development would likely result in a negative impact on existing mature boundary planting in this location which has the effect of screening these adjoining houses from the site and therefore have an overall negative impact on the privacy and residential amenity of these properties. In the absence of revised proposals for this area, or a methodology as to how the proposed groundworks are to be undertaken without impacting on these boundaries, it is therefore considered that the proposed development would seriously injure the amenities and depreciate the value of these adjoining properties and be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

24th January, 2020