



An
Bord
Pleanála

Inspector's Report

ABP-305886-19

Development	Construction of 58 No. residential dwellings.
Location	Newtown Townland, Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	181481
Applicant(s)	Lagan Homes Limited.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Lagan Homes Ireland
Observer(s)	John and Geraldine Beirne.
Date of Site Inspection	19 th February, 2020.
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 1.7km to the south of Celbridge town centre and approximately 1.6km from Hazelhatch railway station. The site is accessed off a local road that runs south from the town centre (L-1016) which accesses Newtown and Ardclough to the south. This local road is referred to as the Ardclough Road in the application documentation. Access to the site is currently available via an agricultural access located on the Ardclough Road.
- 1.2. The general pattern of development in the vicinity of the site is of one off and semi detached residential dwellings along both sides of the Ardclough Road. There are a number of larger scale residential developments located in the general vicinity of the appeal site and the closest such development to the appeal site is located approximately 100 metres to the north of the site at the closest point. Access to this development, Chelmsford Manor, is from the Ardclough / Newtown Road at a location c.300 metres to the north of the appeal site and, from this location north, there is a footpath that connects with Celbridge town centre.
- 1.3. The site has a stated area of 1.74 ha. and currently is in agricultural use. The northern and eastern boundaries of the site are characterised by mature hedgerows and there is a watercourse that runs close to the north east corner of the site.
- 1.4. The site is bounded by the rear of residential properties to the north and detached residential properties at the south west corner. There are currently open views into the rear of these adjoining properties to the south west of the site. To the west, the site has frontage of approximately 105 metres onto the local road. To the east, the site adjoins lands that are in agricultural use.
- 1.5. The site is relatively level and at the time of inspection, was the subject of significant surface water, particular at the north west end of the site.

2.0 Proposed Development

2.1. The proposed development as initially submitted to the Planning Authority comprises the construction of a residential development of 58 no. units with the following mix:

- 2 no. one bedroom bungalows
- 12 no. two bedroom apartments in 2 no. three storey buildings,
- 4 no. two bedroom two storey terraced houses,
- 12 no. three bedroom two storey townhouses / duplex units,
- 10 no. three bedroom two storey terraced houses
- 14 no. three bedroom two storey semi detached houses,
- 4 no. four bedroom detached houses.

2.2. The residential units range in size from 55 sq. metres to 145 sq. metres and finishes comprise a mix of brick and render. The application is accompanied by an Urban Design and Architectural Statement and a Housing Quality Assessment and Schedule of Accommodation is also submitted with the application.

2.3. The layout of the development incorporates an estate road on the western side of the site parallel with the Ardclough Road (Street 04). Planting of the verge between this access road and the Ardclough Road is proposed. The street layout is in an L shape reflecting the shape of the site and the apartment units are proposed to be contained in two three storey blocks located at the north eastern corner of the site. Two primary areas of public open space are proposed, one at the north east corner and the second more centrally located and surrounded by roads on three sides. The area of the boundary with the existing detached houses to the south west of the site is characterised by open space or access roads. The open space area at the north east corner of the site is designed to reflect the fact that this part of the site is identified as Flood Zone A. The overall approach is to have a two storey three and four bedroom house type on the western side of the site closest to the Ardclough Road with the scale and density of development increasing as you move to the eastern and north eastern side of the site.

- 2.4. The development is proposed to be accessed from the Ardclough Road with a new entrance located approximately in the centre of the road frontage. A total of 110 no. car parking spaces are proposed to be provided on site. A footpath is proposed to be provided along the site frontage to the Ardclough Road.
- 2.5. As part of compliance with the requirements of Part V of the Planning and Development Act, it is proposed that 6 no. units would be transferred to the local authority. It is stated that consultation have been held with the Housing Department of the council on this issue.
- 2.6. The development is proposed to be connected to the existing foul drainage and water supply networks that are located on the Ardclough Road. Surface water attenuation on site is proposed.

3.0 Planning Authority Decision

3.1. Further Information and Clarification of Further Information

Prior to the issuing of a decision the Planning Authority requested first further information and subsequently Clarification of further information. The following is a summary of the issues raised in these requests and the response provided by the applicant:

Further Information

The following is a summary of the issues which were included in the request for further information:

- Revisions to the residential layout including the omission of Units 1, 46 and 47, increase in some garden depths and provision of a buffer along the southern boundary of the site.
- Provision of site sections,
- Proposals for the provision of a footpath to connect the existing sections of path along the eastern side of the Ardclough Road to connect with the Chelmsford housing development to the north.

- Revised road layout drawings showing sightlines and compliance with DMURS,
- Details of surface water drainage issues
- A revised flood risk assessment and health risk assessment of the fluvial risk zone of the site.

The response included the following:

- Revised layout reducing the total number of units from 58 no. to 55 no.
- Revised layout showing the provision of a footpath of c.2 metres in width and c.275 metres in length along the western side of the Ardclough Road and to be located within the existing road verge.
- Proposals for a pedestrian crossing of the L1016 (Ardclough Road), speed calming measures and new signage.

Clarification of Further Information

The following is a summary of the issues raised in the Clarification of Further Information issued:

- Photomontages showing relationship to adjoining residential properties,
- That the preference of the Roads Department is that the footpath would be on the eastern side of the Ardclough Road and that revised proposals showing this layout together with a Stage 1 and 2 safety audit be submitted.
- Revisions to housing layout to provide bin storage for mid terrace units.
- Comments on third party concerns regarding the durability of timber panels in boundaries to third party property.

The following is a summary of the main information submitted in the response to the request for Clarification of Further Information:

- Proposals submitted for the provision of a footpath of 2 metres in width and c.275 metres in length along the eastern side of the Ardclough Road. This is located within the existing road verge.

- Proposals for revised speed calming measures in the vicinity of the proposed site entrance.

3.2. Decision

The planning authority issued a Notification of Decision to Refuse Permission for a single reason that can be summarised as follows:

1. That the additional vehicular and pedestrian traffic generated by the proposed development would result in an intensification of traffic on an existing narrow local road without footpaths that connects the site to Celbridge town centre. The proposed development would therefore endanger public safety by reason of a traffic hazard and would be premature pending the upgrading of the Newtown Road which is a stated objective of the *Celbridge LAP, 2016-2022*.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The initial report of the Planning Officer states that the principle of development of the site is acceptable, however issues regarding detailed layout, pedestrian connectivity and flood risk are raised. A second planning officer Report recommends further information having regard to the comments of Roads and Traffic regarding the alignment of the proposed footpath connection. A final Planning Officer Report following the response to Clarification of Further Information recommends refusal of permission consistent with the notification of decision which issued.

3.3.2. Other Technical Reports

Roads and Transportation Section – Initial report note the lack of a footpath connection between the site and the existing footpath network which is in the vicinity of the Chelmsford Estate. Subsequent reports note that a footpath should be provided on the eastern side of the road and a final report that recommends refusal of permission on the basis that the traffic on the road requires the provision of a footpath on both sides and a minimum carriageway width of 6 metres. Application considered premature pending significant carriageway realignment that would impact on third party lands.

Housing – report states that external bin stores are to be provided to the front of all Part V units. Revised storage proposals are required for Part V units.

Water Services – No objection subject to conditions.

Fire Officer – No objections subject to conditions.

Environment – No objections subject to conditions.

3.4. Prescribed Bodies

Development Applications Unit – Archaeological monitoring recommended by way of condition.

Irish Water – No objection.

3.5. Third Party Observations

The following is a summary of the main issues raised in the third party submissions received:

- Development out of keeping with the area.
- Overlooking and loss of privacy for surrounding houses.
- Impact of additional traffic.
- Pedestrian safety issues. That the development is premature pending the upgrading of the road.

- Excessive density of development proposed.
- Overshadowing a potential issues and need for shadow analysis.
- That the level of public open space is only c.11 percent when the floodplain is deducted. Open space poorly overlooked.
- Inadequate proposals for boundary treatment and use of timber panelling is not appropriate.

4.0 Planning History

There is no record of any planning history relating to the appeal site.

The ***lands to the south of the site*** were the subject of permissions in 2006 and 2009 for the construction of 4 no. bungalows.

The lands to the north

Kildare Co. Co. Ref. 06/1049; ABP Ref. PL09.223823 – Permission granted by the Planning Authority and decision upheld by the Board for a development of 53 no. residential units on a c.2.45 ha. site located approximately 100 metres to the north of the appeal site.

5.0 Policy Context

5.1. Development Plan

Kildare County Development Plan, 2017-2023

Celbridge is identified as a moderate growth town in the Core Strategy of the KCDP.

Table 4.2 of the Plan relates to density and generally reflects the density provisions of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. The appropriate density for outer suburban / Greenfield sites in large towns is stated to be 30-50 units per ha.

Chapter 17 of the Plan relates to development management and contains the relevant housing standards with regard to housing quality, layouts, parking, and open space.

Celbridge LAP, 2017-2023

The appeal site is located on lands that are zoned Objective C ‘*New Residential*’ under the provisions of the *Celbridge Local Area Plan, 2017-2023*.

There is a specific roads objective for the Newtown Road Objective MTO 3.14 (c) contained in the LAP which states that it is an objective to carry out the following roads improvements

c. Improve and widen the Newtown Road as part of the development of KDAS, (see Map 8.1)

the north eastern corner of the site is located within flood zone A and is so indicated in Map 9.1 of the LAP which relates to Strategic Flood Risk Assessment.

5.2. Natural Heritage Designations

The site is not located within or close to any European sites. The closest such site to the River Rye Water and Carton SAC site that is located c.2km from the appeal site at the closest point.

5.3. EIA Screening

Having regard to the scale of the proposed development, to the proposed connection to the public water supply and drainage networks and the separation of the site from the nearest sensitive receptor there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the refusal of permission relates to the pedestrian access to the site and the current appeal makes revised further proposals for the provision of a footpath along the L1016. The revised proposal for the footpath incorporates a 1.0 metre verge and 3.0 footpath along the site frontage and a continuous road and footpath layout connecting with the existing footpath network c.300 metres to the north in Chelmsford Estate comprising a footpath of minimum width 1.8 metres and road carriageway width of 5.5 metres.
- That immediately south of Chelmsford Estate the presence of Pausdeen Bridge restricts width to a maximum of 6.5 metres. In order to accommodate the proposed 1.8 metres wide footpath along the eastern side of the road the road width would be reduced to 4.0 metres and such that there would have to be an alternating traffic system and road markings / signage.
- It is proposed that traffic calming measures would be incorporated.
- All proposed works are capable of being implemented within the lands under the control of the local authority and for which the council has provided its consent.
- The proposals are consistent with the requirements of DMURS and a road safety audit has been prepared.
- That the proposed housing development is consistent with the provisions of the Core Strategy the development plan.
- That the proposed development will result in significant improvements in the pedestrian environment on the L1016 Newtown / Ardclough Road.
- The appeal is accompanied by a detailed drawing showing the proposed layout and also a letter prepared by CS Consulting setting out the proposed works (includes Road Safety Audit at Appendix B).

6.2. Planning Authority Response

The submission from the planning authority notes that the appeal documents include a further revised design proposal for improvement to the L-1016 and that in the event that these are to be considered it is advised that revised public notices should be sought from the applicant.

6.3. Observations

The following is a summary of the main issues raised in the third party observation received:

- That the concerns regarding the proposed footpath and road capacity to accommodate the proposed development have been highlighted in previous submissions to the planning authority.
- That the northern boundary is proposed to comprise concrete posts and timber fencing where it adjoins the observer's property. The use of wood is not considered appropriate from a maintenance perspective. The use of a PVC coated panel system should be required.
- That the proposed 1200mm high post and rail fence with wire mesh that is proposed to separate the observer's site from the open space in the development is inadequate.
- That contrary to the statement of the applicant in the response to further information, there remain side gable windows that overlook the observer's property at a separation distance of c.17 metres which is considered excessively close.

7.0 Assessment

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

- Principle of development
- Residential Design and Layout,
- Site Servicing
- Access and connectivity,
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The appeal site is located on lands that are zoned Objective C ‘*New Residential*’ under the provisions of the *Celbridge Local Area Plan, 2017-2023*. The development of the site for residential use as proposed in the subject application is therefore acceptable in principle.
- 7.2.2. Celbridge is identified in the Eastern and Midland Regional Spatial and Economic Strategy as being within the Dublin Metropolitan key growth area and as a moderate sustainable growth town in section 3.4.2 of the *Kildare County Development Plan, 2017-2023*. Within such settlements, the Kildare development plan states that it is the role of such settlements to develop in a self sufficient manner and to provide sustainable levels of housing growth. The housing allocation target for Celbridge for 2023 is stated to be an additional 3,250 units over the plan period. The provision of additional residential units within the identified development boundary of Celbridge is consistent with the general objectives in the Regional Strategy and the county development plan to consolidate development within settlements such as Celbridge.
- 7.2.3. There are also a number of policies contained in the County Development Plan that are in my opinion supportive of the development of the appeal site for residential use. These include Policy CS4 which seeks to deliver sustainable compact urban areas through a plan led approach and Policy SO1 which seeks to ‘*support the sustainable long term growth of metropolitan growth towns of Leixlip, Maynooth, Celbridge and Kilcock...*’.

7.2.4. The following sections comprise an assessment of the residential design and layout, site servicing and appropriate assessment of the proposal before focussing on site access and connectivity which forms the basis of the reason for refusal and the first party appeal submitted.

7.3. Residential Design and Layout,

- 7.3.1. The **basic design and layout** of the development incorporates a line of development fronting a new parallel access road (street 04) that runs parallel to the Ardclough Road and an approximately L shaped main estate road that reflects the basic L shape of the site. The application is accompanied by an Urban Design and Architectural Statement which sets out the design rationale for the layout including relationship to the Ardclough Road, the presence of surrounding residential properties and the potential flooding issue in the far north east corner of the site. The approach to unit layout incorporates a gradual step up in scale and density of development from the south east corner of the site at the margins of the zoned area and where the site adjoins existing residential properties, to a more intensive form of development at the north east corner of the site where there is less potential impact on existing properties and no visibility from the public road. I consider the basic layout and configuration of road and open space areas to be acceptable in principle. Consideration could be given to the omission of Street 04 and the houses fronting the Ardclough Road having their own direct access, particularly given the location of the site within the 50 km/hr speed limit zone and in a transition zone as per Design Manual for Urban Roads and Streets (DMURS).
- 7.3.2. With regard to **density**, Table 4.1 of the *Kildare County Development Plan, 2017* provides guidance on density levels that is generally consistent with the requirements of *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*. In the case of outer suburban or greenfield site, the guidelines state that the density of development should be in the general range of 30-50 units per hectare. Policies LDO1 and LDO 3 of the Plan support development at densities that respect the Sustainable Residential Development Guidelines in Urban Areas and there are a number of plan policies, specifically HCO2, HDO3 and LD1 that promote residential densities that recognise the need to protect existing communities

and established character. Section 6.2.2 of the LAP recognises the medium to lower densities are to be considered in outer suburban sites.

- 7.3.3. In the case of the appeal site, the density of the proposed development as originally submitted equates to c.33 units per hectare. With the reduction in the number of units to 55 as part of the applicant's response to further information, the gross density would reduce down to c.31.5 units per hectare. This density is consistent with the provisions of the Kildare County Development Plan and with the Sustainable Residential Density Guidelines and is in my opinion appropriate for an outer suburban greenfield location such as the appeal site.
- 7.3.4. The **form and mix** of development proposed incorporates a mix of unit sizes and types and includes a mix of apartments, duplexes and houses. The size mix is 2 no. one bed units, 16 no. two bed units, 36 no. three bed units and 4 no. four bed units. The overall mix of unit sizes and types is in my opinion appropriate for the location. I particularly note the presentation of two storey housing to the Newtown Road side of the site where it would help the development to integrate with the surroundings and the placement of the apartment units at the north east corner of the site, within the body of the site and removed from any existing surrounding residential properties.
- 7.3.5. The splitting of the **public open space** into two separate areas is dictated by the need to utilise the flood risk zone at the north east corner for open space and the design and layout of units surrounding these open space, including the apartment units adjoining the open space area in the north east corner is in my opinion such that they would be adequately overlooked and of sufficient quality. The overall area of the public open space comprises c.3,650 sq. metres and equates to approximately 20 percent of the overall site area. This is in excess of the normal standard as per the development plan and the Sustainable Residential Development Guidelines but is considered appropriate in this brownfield location and having regard to the fact that one of the open space areas is potentially the subject of flooding.
- 7.3.6. The **design of the individual residential units** as amended on foot of the responses to the further information and clarification of further information requests are in my opinion acceptable. The finishes proposed comprise a mixture of brick and render and are considered appropriate for the location. The scale of units range between 55 and 145 sq. metres and the unit sizes and layouts are consistent with

the standards set out in the Kildare County Development Plan and the Departmental Guidance *Quality Housing for Sustainable Communities, 2007*. Private amenity space is proposed to be provided to serve all units, apartments, duplexes and houses and the levels proposed as set out in the Housing Quality Assessment Report and the Schedule of Accommodation submitted with the application are consistent with the requirements of the development plan and with the Design Standards for Apartment Developments.

- 7.3.7. The design and layout of the proposed units and the separation distances from site boundaries are in my opinion such that issue of overlooking and loss of residential amenity for existing adjoining properties would not arise. The two first floor windows in the rear elevation of Unit No.1 adjacent to the observer's house serve a landing area and a bathroom and could both be fitted with obscure glazing to minimise any perception of overlooking.
- 7.3.8. I note that the observers to the appeal raise concerns with regard to the treatment of site boundaries and specifically the treatment of the northern boundary where the appeal site adjoins their property. As per the layout submitted in response to the Clarification of Further Information, the northern boundary is proposed to be a mixture of 1.8 metre high concrete post and timber panel fence with the eastern end in the vicinity of the proposed open space area comprising a timber post and rail fence. In the case of this eastern end of this boundary, given the potential for the area to flood then there is need for there not to be any restriction on water flow into and out of the area and for this reason I consider that the proposed timber post and rail fence is appropriate. I also note that this section of the boundary is located at a significant remove from the observers dwelling and that there would remain screening in the form of the existing boundary planting. With regard to the main section of the northern boundary where the concrete post and timber panel fencing is proposed, I note the fact that this boundary has a mature hedgerow planting which is proposed to be retained and the use of post and panel fencing is therefore the only viable boundary method. The concerns of the observer regarding the durability of the timber panels is noted and it is therefore recommended that the timber panels be replaced with concrete panels or the PVC coated metal panel system suggested by the observer.

7.4. Site Servicing

- 7.4.1. The development is proposed to be connected to the public water supply and drainage networks that are located on the Ardclough Road. Surface water is proposed to be attenuated on site and the development incorporates SuDS elements in the form of permeable paving. The Water Services and Environment sections of the council have no objection to the proposed development subject to conditions and in my opinion the proposed design is acceptable in principle. There is a report from Irish Water on file which states that there is no objection to the proposed development subject to conditions including that the developer would obtain a connection agreement from Irish Water. On the basis of the information, presented I consider that the proposals for water supply and drainage to the development are acceptable.
- 7.4.2. Celbridge has been the subject of **flooding** in the past and in the case of the appeal site and the north east corner of the site adjoins a stream that is a tributary of the River Liffey and which means that this part of the site is prone to flooding. Section 9.3 of the Celbridge LAP states that there is a recognised history of flooding in Celbridge and that the LAP has been subject to a Strategic Flood Risk Assessment and avoids development in area that are at risk of flooding. The LAP makes reference to flood alleviation works undertaken in recent years and these works include the Ardclough Flood Alleviation Scheme. In the case of the appeal site, the north eastern corner of the site is included within Flood Zone A where there is a risk of a 1 in 100 year flood event and the extent of this area measures c.1,500 sq. metres. The Strategic Flood Risk Assessment (SFRA) includes specific reference to the north east corner of the appeal site at section 6.3.6 and states that development should be avoided in this area and that any further development should be the subject of a site specific flood risk assessment as well as having regard to the draft eastern CFRAM study which has identified a number of channel conveyance improvement works for the area in the vicinity of the site. The entirety of the Flood Zone A area is excluded from the area of the site proposed for housing and the landscape strategy submitted indicates how this area would be incorporated into the area of public amenity space while retaining its function as a flood zone.

7.5. Access and Connectivity,

- 7.5.1. The basis for the refusal of permission issued by the Planning Authority relates impact that the additional vehicular and pedestrian traffic generated by the development would have on a narrow road with inadequate footpaths connecting the development to Celbridge and would be such as to endanger public safety by reason of the creation of a traffic hazard.
- 7.5.2. The layouts submitted by the first party to the planning authority during the course of the assessment of the application initially proposed the provision of a footpath along the western side of the Ardclough Road in their response to further information. This was deemed unacceptable by the Roads Transportation and Public Safety section of the council who requested, by way of clarification of further information, that the footpath would be more appropriately provided along the eastern side of the road. I would agree with the council on this issue that as the primary source of pedestrian movements on this section of the road that any footpath should be on the same side of the road as the appeal site. The response to the clarification of further information request submitted by the first party indicates a footpath of variable width (between c.1.3 and 2.0 metres) along the eastern side of the Ardclough Road running between the appeal site and Pausdeen Bridge and works to the road carriageway that would widen the existing pavement on the eastern side to ensure a minimum carriageway width of 5.5 metres, (see CS Consulting Drgs. L069—019 Rev A and L069-100 Rev B received by the Planning Authority on 3rd September, 2019). This was subsequently deemed inadequate by the Roads Transportation and Public Safety Section of the council, which considered that the width of footpath and road was inadequate and that footpaths should be provided on both sides of the road.
- 7.5.3. The issue of the width of the road and the required width of the footpath is addressed by the first party in their appeal submission and I wish to make the following points on these issues. Firstly, I do not consider that there is a clear basis in DMURS for there to be a requirement that a footpath would be provided on both sides of the road. This may be the desired outcome of the council following the upgrade of the Newtown / Ardclough road referred to in the LAP, however the fact is that what is proposed by the first party is a means of serving the development of zoned and serviced lands located within the development boundary of Celbridge. This view is in my opinion supported by section 3.2 of DMURS relating to Verges, Footpaths and

Road Markings which states that '*Many transition zones are characterised by a reduction in the provision of footpaths due to lower levels of pedestrian activity. Footpaths should be extended to ensure they form part of a coherent circulation system. In keeping with the transition zone character, they may only be required to one side of the road. All footpaths in the transition zone should be designed to have a start and a finish destination*'.

7.5.4. The additional demand in terms of pedestrian traffic would be on the eastern side of the road, and the proposals submitted by the first party as part of their appeal would, in my opinion, serve to cater for both the proposed development as well as resulting in a significant community gain by serving other existing developments between the appeal site and Pausdeen Bridge. The layout proposed in the first party appeal would have no impact on the western side of the road where the existing verge would remain unaltered. No additional pedestrian traffic on this side of the road would be generated by the development and, with suitable calming / crossing areas included in the design, the proposed new footpath would be of significant benefit to properties on the western side of the road. I note that none of the planning and roads reports on file indicate a likely timeline for the upgrades to the Newtown / Ardclough Road to be completed. Having regard to the above, I do not consider that there is a basis to determine that the works required to facilitate the proposed development should incorporate a footpath on both sides of the road and I do not consider that the refusal of permission on the basis of prematurity pending an upgrade of the road that would incorporate a footpath on both sides of the carriageway can reasonably be substantiated.

7.5.5. I note that the layout submitted as part of the first party appeal proposes the provision of a continuous 1.8 metre wide footpath between the appeal site and the Chelmsford Estate and the provision of a minimum 5.5 metre road carriageway from the site to the Pausdeen Bridge. As noted above, the final layout considered by the Planning Authority was that submitted in response to the clarification of further information request and which indicated a footpath of varying width between 1.3 and 2.0 metres and a road carriageway of minimum 5.5 metres. The footpath widths proposed in this layout fell below the minimum 1.8 metres required under DMURS, however this is addressed in the revised layout submitted with the appeal where a continuous 1.8 metre wide path is now proposed. I would agree with the first party

that this layout is consistent with section 4.3.1 of DMURS and consider that it addresses the concerns raised in the final report of the Planning Officer (dated 9th October, 2019) regarding the 1.8 metre minimum width not being met. It is noted that the response of the planning authority to the first party appeal does not address the specific design proposals submitted with the appeal including the 1.8 metre footpath width proposed and in the event that the Board was considering the revised layout submitted with the appeal it may also wish to consider referral of the proposal to the Planning Authority for comment.

- 7.5.6. With regard to the **road carriageway width** and traffic safety, this issue is also addressed in detail in the first party appeal. As highlighted previously, the revised design submitted indicates a minimum carriageway width of 5.5 metres between the appeal site and Pausdeen Bridge. It should be noted that this layout would involve the existing carriageway width being increased in a number of locations, including at Sections A-A and B-B as indicated on Drg.L069-100 Rev B (submitted as part of the response to the Clarification of Further Information request) where the existing carriageway width is indicated as 4.8 and 4.9 metres respectively. The proposal submitted with the first party appeal will therefore result in an increase in the minimum carriageway width on the section of road between the appeal site and Pausdeen Bridge and the elimination of existing pinch points.
- 7.5.7. In terms of compliance with the requirements of DMURS, I agree with the first party that the section of the Ardclough Road between the site and Pausdeen Bridge has the characteristics of a Link street in the classification contained in DMURS, and I note the fact that the lane widths specified at section 4.4 of DMURS for arterial and link streets has a range of 2.75 metres to 3.5 metres. Within this range the preferred values are stated to be 3.0 to 3.25 metres, and the selected values within the overall range will depend on a number of criteria including the number of large vehicles using the street and access requirements and frequency of accesses. Table 4.55 of DMURS also relates to street widths and, in the case of arterial or link streets indicates carriageway widths of 5.5 to 6.5 metres in the case of low to moderate design speeds and 6.5 to 7.0 metres in the case of streets frequently used by larger vehicles.

7.5.8. In the case of the appeal site and the section of the Ardclough Road between the appeal site and Pausdeen Bridge, the function of the road is as a link street and, on the basis of the traffic survey results presented in the appendix to the Traffic Impact Assessment (TIA) submitted with the application limited HGV traffic was recorded at any of the 4 no. junctions surveyed in the general vicinity of the site on the Newtown / Ardclough Road. On the level of HGV traffic likely to use the road I note that no such traffic was observed during the course of my inspection of the site and, as highlighted in the first party appeal, the traffic count results indicate 3 HGV movements in the AM and PM peaks representing 1.1 and 1.5 percent respectively of peak period traffic. An examination of the wider road network does not indicate any likely source of HGV traffic using the Newtown / Ardclough Road. On the basis of the information available therefore, I consider that a carriageway width at the lower end of the range indicated in DMURS is appropriate and acceptable in this instance. This interpretation is in my opinion supported by the transitional zone character of the section of the Ardclough Road in question and the function that this section of road will have in slowing traffic approaching Celbridge from the south before it meets the Pausdeen Bridge. As highlighted in the first party appeal, Section 3.3.4 of DMURS provides that the narrowing of carriageway widths is an appropriate measure in slowing vehicles in transition zones, when entering an urban area from a faster moving road such as a rural road into a city, town or village. The circumstances of the Ardclough Road are in my opinion consistent with this scenario where traffic approaching the appeal site from the south is entering the 50 km/hr zone and a section of road where there are multiple individual private accesses culminating in the restriction created by the Pausdeen Bridge c.275 metres north of the site.

7.5.9. In conclusion on the issue of carriageway widths, I would agree with the case made by the first party that the proposed 5.5 metre minimum carriageway width is within the range for arterial and link streets as identified in DMURS, is appropriate given the character of the traffic surveyed on the road, the transitional zone nature of the section of the Ardclough Road in question and the preference expressed in DMURS to narrow existing carriageways in order to provide for footpaths. In the circumstances of this case it is also noted that the minimum width of the existing road (c.4.8 metres) would actually be increased by the proposed development, that

the existing verge on the western side of the road would remain unaltered and that third party lands would not be impacted. As with the minimum footpath width, it is noted that the Planning Authority have not provided any specific comments on the carriageway widths in the revised layout submitted by the first party as part of the appeal and specifically any clear basis to support the case for an increased carriageway width on the basis of the HGV traffic that would use the road. In the event that the Board is open to considering the revised layout submitted with the appeal, it may consider it appropriate to request the comments of the local authority on this issue.

- 7.5.10. The revised road layout and incorporation of a **one way system at Pausdeen Bridge** will result in the potential for some queuing or delays to occur at this point during peak periods. This issue has been examined by the first party, and the results presented and summarised in the appeal indicate that the proposed development would result in AM and PM peak flows over the bridge in 2025 being 298 and 236 movements respectively. Modelling of the revised proposal with the alternating traffic flows has been undertaken and this indicates that the maximum flows predicted are within the capacity of the one way system. Specifically, the degree of saturation on the approaches to the bridge would not exceed 18 percent and a negligible degree of queuing and delay is predicted. On the basis of the information presented, I do not consider that the proposed one way system at Pausdeen Bridge would lead to any appreciable impact on traffic flows or delays at this point even at peak periods with the proposed development in place. The use of an alternating flow arrangement would also have the effect of introducing a further traffic calming measure onto the Ardclough Road and would increase the importance of the provision of traffic calming measures on the approach to the bridge along the section from the appeal site northwards.
- 7.5.11. With regard to the treatment of the transition zone between the site and Pausdeen Bridge, I note that submitted plans indicate a range of measures including speed ramps in the vicinity of the site access. The treatment of the site frontage is proposed to incorporate a 1 metre grass verge with a 3.0 metre footpath behind, reflecting the standards requested by the Planning Authority during the application. This width of footpath is in my opinion excessive given the location of the site and the 1.8 metre width proposed further north, however it may be that the future plan for

the upgrading of the road would incorporate a shared cycle and footpath of combined width 3.0 metres. I also note the proposed use of a 1.0 metre grass verge on the road side of the path. In this transitional zone location, in the immediate vicinity of the change in speed limit from 60km/hr to 50 km/hr, consideration could be given to the use of some of the measures set out in the transition zone DMURS companion document, *ADVICE NOTE 1 - Transition Zones and Gateways* including the use of tree planting which could be at the site side of the footpath to introduce a vertical emphasis (section 3.2 of the Transition zone document) and *vertical deflections as set out at section 3.6*. The option of creating gateways and speed reduction measures in the form of raised tables with uncontrolled crossings could be used in place of the basic speed ramps indicated in the vicinity of the entrance to the site. The use of such crossings could be provided at the site entrance, mid point along the route north to Pausdeen Bridge and immediately south of the bridge, thereby providing crossing opportunities for pedestrians on the road to connect with the proposed new footway on the eastern side of the road.

- 7.5.12. With regard to the works proposed outside the site boundary and specifically the proposals relating to the footpath, it is noted that the first party has submitted a letter from Kildare County Council that consents to the making of an application and proposals for works to the public road and roadside verge that are in the ownership of the Council.
- 7.5.13. The **internal road layout** within the development is considered to be acceptable by the local authority and I consider that the basic layout proposed is consistent with the principles of DMURS. As set out previously in this report, consideration could be given to the omission of the road that runs parallel to the site frontage (Street 04) with the houses fronting the Ardclough Road instead having individual separate accesses.
- 7.5.14. **Parking** within the site is proposed to be provided at a rate of 110 spaces to serve the overall development. This standard is consistent with the development plan standards of 2 no. spaces per house unit and 1.5 no. spaces per apartment unit with provision made for some visitor spaces.

- 7.5.15. In **conclusion** therefore I consider that on the basis of the information available the proposed footpath connection as set out in the first party appeal submission is in general compliance with the requirements of DMURS and would represent an appropriate means of providing connectivity between the appeal site and the existing public footpath infrastructure to the north of the site in the vicinity of the Chelmsford development. The proposals do not have the effect of adversely impacting on the existing western side of the Ardclough Road and would have an overall beneficial impact on the residential amenity of existing properties on the western side of the road as well as the existing properties located to the north of the appeal site on the eastern side of the road between the site and the Chelmsford Estate.
- 7.5.16. I note the fact that the upgrading of the Ardclough Road is identified as an objective in the Celbridge LAP and the fact that the reason for refusal issued by the Planning authority considers the development to be premature pending the undertaking of such upgrading works. I also note the fact that the report identifies the need for a 6 metre wide carriageway on the basis of HGV usage of the road and the need for a footpath on both sides of the road. As set out above, I do not consider that the recommendation of the Roads Transportation and Public Safety Department is very clearly made in the reports on file and specifically the need for the 6.0 metre carriageway width and the provision of a footpath on both sides of the road. No specific response to the revised layout submitted as part of the first party appeal has been received from the Planning Authority.
- 7.5.17. The revised layout submitted with the appeal is, in my opinion, an acceptable layout and an appropriate compromise to safety facilitate the development of what are zoned lands in advance of the undertaking of an upgrade to the Ardclough Road, a timescale for which is not available. However, if the board is minded to grant permission on the basis of this revised layout then revised public notices and an opportunity for new public submissions would be necessary given the significant revisions to the previously proposed layout. In the event that consideration is being given to a grant of permission, the Board may also wish to give consideration to requesting comments from the Planning Authority on the following:

- Comments that they wish to make on the revised layout submitted by the first party to the Board on 11th day of November, 2019 as part of the first party appeal, incorporating a 1.8 metre footway and 5.5 metre carriageway between the appeal site and Pausdeen Bridge.
- Updated information, and timeline if available, regarding the status of the proposed upgrading of the Newtown / Ardclough Road as set out in the Celbridge LAP (Objective MTO 3.14 (c)).
- The necessity for the specified 6.0 metre carriageway having regard to the categorisation of the road and the results of the Traffic Impact Assessment submitted with the application which include traffic surveys (Appendix A of the above TIA) which indicate limited usage of the Ardclough Road by HGV traffic.
- The basis for the reference in the report of the Roads Transportation and Public Safety report dated 20th September, 2019 to the applicant's proposals not supporting '*...the type of HGV traffic that will use the road*'.

7.6. Other Issues

- 7.6.1. The development would be subject to the requirements of **Part V** of the Planning and Development Act, 2000 (as amended) and the Planning Report which accompanies the application states that it is envisaged that a total of 6 no. units would be transferred to the local authority and that consultations have been held with the Housing Department on this issue. The report on file from the Housing Section of the council notes some issues with layout of bin storage areas for the proposed part V units however these issues were raised and addressed by way of further information. The proposals with regard to Part V are therefore considered to be acceptable.
- 7.6.2. The site has been the subject of **landscaping** proposals in the form of the submitted Landscaping Rationale and Typical Landscaping Details document and Landscape Masterplan prepared by RMDA Landscape Architects and submitted to the Planning Authority on 10th December, 2018. These details include proposals for the play area, landscaping and SuDS area to the north east area of open space as well as

retention of existing hedgerows to the eastern and northern boundaries. And provision of additional planting throughout the site. In the event of a grant of permission it is recommended that a condition requiring the landscaping of the site in accordance with the submitted details would be attached.

7.7. Appropriate Assessment

- 7.7.1. The application proposes the construction of a residential development that comprises a total of 58 no. dwellings comprising a mixture of apartments and houses on lands that are zoned for residential development. The development is proposed to be connected to the public water supply and drainage networks and a new vehicular access to the Ardclough Road is proposed.
- 7.7.2. With the exception of the connection to the public foul drainage network, the nature of the proposed development is such that there is no clear operational phase pathway to any European site. The potential pathways existing during the construction phase relate to the contamination of surface waters adjacent to the site by construction activity. On this issue, I note the references in the Appropriate Assessment Screening Report submitted by the first party which makes reference to the various measures that could be undertaken by the site contractor to ensure that there would be no discharges of contaminated material or water from the site during the construction phase and how this would be the subject of detailed measures to be set out in a Construction and Environmental Management Plan. This screening report is dated November, 2018 and since that date there have been a number of legal judgements which have clarified that standard construction mitigation measures cannot be taken into account in the screening for appropriate assessment.
- 7.7.3. The closest European site to the appeal site is the Rye Water Carton SAC (site code 002162) which is located c.6km to the north of the appeal site at the closest point. While located downstream of the current appeal site, this site is however located on a tributary of the River Liffey and discharges from the construction activity at the appeal site would not therefore have any direct hydrological pathway to the SAC.
- 7.7.4. Having regard to the above, it is considered that the proposed development is not likely to have significant effects on any European sites and specifically the River Rye Water Carton SAC site, in light of its conservation objectives.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions. In the event that the Board agrees with this recommendation and is considering a grant of permission in this case it is further recommended that prior to the issuing of a decision that the revised proposals for a footpath along the Ardclough Road are the subject of revised public notices. The Board may also wish to consider inviting the Planning Authority to submit their comments on the revised proposals set out in the first party appeal and the related issues identified at section 7.5 of this report above.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 30th day of May, 2019 and 3rd day of September, 2019 and by the further plans and particulars received by An Bord Pleanála on the 11th day of November, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall be connected to the existing public footpath network to the north of Pausdeen Bridge by a footpath in accordance with the details submitted to the Board on 11th day of November, 2019. Details of these works and works to the road carriageway, which shall be undertaken at the expense of the developer, shall be agreed in writing with the Planning Authority prior to the commencement of development and the works shall be completed prior to the occupation of any of the dwellings permitted.

Reason: In the interests of traffic and pedestrian safety and to ensure a footpath connection between the site and the existing footpath network.

3. 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.

Reason: In the interest of visual amenity

4. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. All rear gardens shall be bounded by timber panel fences, 1.8 metres in height, constructed with concrete uprights.

Reason: In the interests of residential and visual amenity.

10. Site boundaries shall be as indicated on Drg. No. 18-15-CFI-(S)-0001 and details received by the Planning Authority on 3rd September, 2019 with the exception the northern boundary where the proposed concrete post and timber panel fence shall be replaced with a fence comprising concrete posts fitted with either concrete or metal panels, details of which shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interests of residential amenity and protection of existing boundary planting which it is proposed to retain.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

12. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 10th day of December, 2018. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

13. 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(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, 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, and of the housing strategy in the development plan of the area.

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

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

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Stephen Kay
Planning Inspector

23rd March, 2020