



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307258-20

Strategic Housing Development	152 no. apartments, childcare facility and associated site works.
Location	Devoy Quarter, Naas West, Naas, Co. Kildare. (www.devoyshd.ie)
Planning Authority	Kildare County Council
Applicant	Randalswood Holdings Ltd.
Prescribed Bodies	Irish Water (IW) National Transport Authority (NTA) Inland Fisheries Ireland (IFI) Transport Infrastructure Ireland (TII).
Observer(s)	None.

Date of Site Inspection

21st of July 2020.

Inspector

Karen Hamilton

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site (2.127ha), a greenfield site, is located to south west of Naas Town Centre, Co. Kildare. The subject is accessed and located to the east of the John Devoy Road a relatively new connection road linking the town centre to the bypass along the southern boundary of Naas. A residential complex, Devoy Quarter, adjoins the site to the north east and includes the Osprey hotel within he grounds. A range of apartments and duplex units are integrated into this scheme and potential connectivity exists between both sites.
- 2.2. Newly constructed residential estates are located to the south west on the opposite site of John Devoy Road and mostly comprise of two storey dwellings. An SHD application has been recently granted for lands to the south for 314 no residential units. The site contains a number of hedgerows and trees on the boundaries and an open stream runs along the west of the site, adjoining the John Devoy Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal includes 152 no apartments in 9 no blocks, a community building and a crèche as detailed below. The apartment blocks range from 3 to 5 storeys in height, with Blocks 1-2 & 7-9 facing onto John Devoy Road and the remaining Blocks 3-6 at the rear of the site. Access into the site is via two vehicular accesses and two pedestrian access points off the John Devoy Road.

Table 1: Key development details

Detail	Proposal
No. of Units	152
Site Area	2.127ha
Density	c.72 units per ha

Building Height	3-5 storey
Public Open Space	49%
Car parking	175
Bicycle parking	190
Crèche Facility	36 no. childcare facility
Dual Aspect Apartments	52%
Part V	15 no units (10%)
Community Building	c. 250m ²

Table 2: Number of apartment type proposed

Apartments	No of units	% of each Unit type
1 bed	60	39
2 bed	74	48
3 bed	19	13

4.0 **Submission from the Planning Authority (PA).**

A submission to the SHD application was received from the CE of Kildare County Council (SDCC) on the 23rd of July 2020 and includes a summary of the development plan policy, relevant site history, the opinion of the Elected Members, the interdepartmental reports and the planning assessment of the proposed development. It made a recommendation for refusal for 5 no. reasons including the density proposed, the absence of vehicle parking spaces below both the development plan and national guidance standards, the design of the parking spaces and the design of the apartments. The submission has been summarised below.

4.1.1. **Views of Elected Members**

The points below were raised by members at a Naas Municipal District meeting on the 21st of July 2020.

- Adequate measures should be included for the disposal of refuse.

- Childcare facilities should be in the first phase of development.
- A management company should be in place.
- The height was queried.
- The number of parking spaces is not adequate for the number of apartments.
- There is no playground in the proposal.
- The proposal is welcomed.
- Services such as a GP facility should be included in the proposal.

4.1.2. **KCC Planning Assessment**

Density

- The proposed density of c. 72 units per ha is noted and the submitted Material Contravention Statement.
- It is not agreed there are conflicting objectives for density parameters in the county development plan or the town plan.
- Section 5.8 of the Sustainable Residential Development in Urban Areas and the requirement for higher density developments is noted.
- There are concerns that Naas lacks a high-quality public transportation infrastructure to support higher densities and the proposed density at c. 72 units per ha is questionable.

Plot Ratio

- Kildare County Development Plan (KCDP) 2017-2023 and requires a plot ratio of 0.35-0.5 and max 50% site coverage for Outer Suburban Locations, close to public transport.
- The proposed site coverage at 26.6% is acceptable.

Unit Mix

- The proposal complies with SPPR1.
- There are concerns regarding a large (36%) proportion of one bed units.

Floor Areas & Internal Storage/ dual aspect

- Minimum floor areas have been met as per Table 17.4 of the KCDP.
- 50% dual aspect is required. The proposal includes 52%.

Private Open Space

- The sustainable urban housing guidance requires the integration of private open space at ground floor where possible.
- There should be an increase private amenity space for ground floor units.
- The minimum private open space has been provided.

Public Open Space

- 49% of the site area is acceptable.
- Outdoor play opportunities should be included.
- Further details on landscaping, attenuation & rights of way are required on the proposed open spaces.
- Details on the potential links to adjoining sites should be designed.
- There is a lack of sufficient passive surveillance for some areas.
- The dominance of car parking prevents the use of certain areas.

Refuse Storage

- There is not sufficient detail to ensure the refuse storage is easily accessible for all units.

Building Heights

- The site is flat and there are a number of taller buildings in the vicinity of the site.
- The height is generally accepted.
- There are concerns related to overlooking from Block 6 to the adjoining properties.

Part V (Housing Dept.)

- 15 designated units proposed for the 10% Part V compliance.

- Concern over the design of the duplex units, shared external storage, and external storage areas and external spaces at the side of units have no active passive surveillance.
- The use of own door unit types, private internal circulation and clearly defined external spaces e.g. corner units.
- Each unit should have a secure and screening space for 3 wheelie bin types.
- Open space on the ground floor is not sufficiently screened or separate from the shared open spaces.

Access & Parking (Roads Dept.)

- Section 17.7.6 of the KCDP sets out the car parking requirement for 258 no cycle spaces, 228 car spaces for residential, 5 no spaces for crèche and 25 no spaces for the community building. The shortfall in 68 spaces represents 26%.
- The single 1.2m wide cycle lane only allows one way cycle movement.
- The cycle infrastructure should comply with the NTA Cycle Manual.
- 266 parking spaces are required (11 no. for the crèche, 25 for the community building). The parking provision is deficient by 127 spaces (42%).
- The design and layout of the spaces (143 are perpendicular on a 4.8m wide 4.4.9 of DMURS, due to densities over 50 per ha.
- On-street parking for residents is not recommended for residential developments under Section 4.4.9 of DMURS.
- Undercroft parking formed part of previous proposals on this site and should be considered as part of the urban design.
- The second vehicle entrance onto the John Devoy Road should be restricted for emergency access.

Social Infrastructure.

- Objective CO2 of the KCDP seeks to ensure the provision of community infrastructure on a phased basis.

- The information provided in the Social Infrastructure Assessment which states there is adequate social and community facilities is considered acceptable.
- The size of the childcare is acceptable and should be included in phase 1.

Surface Water & Drainage

- A Site Specific Flood Risk Assessment (SSFRA) indicates no flooding and the attenuation proposed will adequately address storm water discharged.
- Final conditions relating to SuDS are recommended.
- An extensive section of the watercourse has been retained in the Elsmore Development (proposed to be culverted in the proposal). Irish Water have cited concerns in relation to the culverting of the stream.

EIAR

- The proposal is sub-threshold.
- The proposal for the SHD site to the south (305701-19) was sub-threshold but combined with Phase 1 was deemed to require an EIAR.
- The site forms part of lands formerly part of the Cairn landholding.
- An Bord Pleanála is the competent authority for EIAR.

4.1.3. **Interdepartmental Reports**

Roads Department: Recommend a refusal of permission for reasons of shortfall in car parking spaces, the layout and lack of off-street/ basement parking. It is considered for this reason it would lead to unauthorised parking on the John Devoy Road and presents a hazard.

Water Services: No objection subject to conditions.

Parks Department: No objection subject to conditions.

Housing Department: No objection subject to conditions and amendments to the scheme.

Chief Fire Officer: No objection subject to conditions.

Environment Section: No objection subject to conditions.

4.1.4. CE's Recommendation

It is recommended that the proposal be refused for 5 no. reasons as summarised below:

1. The density proposed at c.72 unit per ha would materially contravene Table 4.2 of the Kildare County Development Plan 2017-2023 for outer suburban/ greenfield sites (range 30-50). The density would be injurious to the residential amenity, set an undesirable precedent in areas lacking in high-quality public transport.
2. The proposal includes a shortfall of 127 parking spaces in order to comply with Table 17.0 of the KCDP 2017-2023. The reduced parking would lead to unauthorised parking along the John Devoy Road which would represent an endangerment to public safety by reason of traffic hazard and potential obstruction to traffic and vulnerable road users.
3. It is considered the proposed development is located in an areas described under Section 4.22 of the apartment guidelines as "peripheral and/or less accessible urban location". In this regard the provision of 175 parking spaces would not comply with Section 4.22 which would require between 266 and 279. The parking situation is further worsened by the shortfall of parking for the crèche and community use building.
4. The design of the parking contravenes Section 4.4.9 of the Design Manual for Urban Roads and Streets (DMURS) as:
 - a) The spaces are situated on the 4.8m wide access road and 1.2m wide cycle track with links to John Devoy Road,
 - b) A parking rate of 1.15 spaces per residential unit in conjunction with a density of c. 72 units per ha will cause a saturation,
 - c) The omission of off-street/ basement parking.

The proposed insufficient and deficient on-street parking and lack of basement parking is not in accordance with DMURS would lead to unauthorised parking of vehicles on the John Devoy Road and cause a traffic hazard due to the obstruction.

5. The proposed design concept is poor in that a substandard form and layout, over reliance on 1-bed apartment types, inadequate privacy in the private open space provision, fails to provide high quality useable open spaces and fails to establish a sense of place, lack of adequate car parking, all of which would be injurious to the residential amenity of future occupants and would not be in keeping with the Urban Design Manual.

5.0 Third Party Submissions

No third party submissions were received. 4 no. submissions from prescribed bodies are summarised below.

6.0 Planning History

6.1.1. **PL73.236928 (Reg. Ref. 09/500050 and EOD Reg. Ref. 15/955)**

The site to the south between the subject site and the southern ring road (9.17 ha site) the Elsmore housing development (Phase 1) including part of Area B within the development site. Permission granted for a residential development of 86 houses, 147 duplex units, 75 apartments, crèche and basement / surface car parking. The development included the construction of the Devoy Link Road in accordance with development plan objectives.

Extension of duration was granted in February 2016 under 15/955, to expire 29th November 2020. Part of this permission has been carried out as the Elsmore development including the construction of the Devoy Link Road.

6.1.2. **SHD application to the south of the site 305701-19**

Permission granted in January 2020 for 318 no residential units on two parcels of lands, adjoining the John Devoy Road. The application was accompanied by an EIAR.

Condition No 3 required an additional pedestrian/cycle link onto the John Devoy Road and not gated, additional cycle spaces and a crèche to accommodate 120 childcare spaces.

6.1.3. SHD Application ABP-303023-18

Lands at Bluebell further south of the site on the opposite side of the southern bypass.

Permission granted by 125 no. residential units, extension of access road permitted under reg.ref:15/848 (PL09.246859) and associated site works at lands off the Kilcullen Road on the southern side of Naas, which are substantially zoned 'Objective C' within the Naas Town Development Plan 2011-2017.

The Inspector's report considered Legal Opinions submitted by both the applicant and the planning authority in relation to the status of the Naas TDP 2011-2017. No new Plan had been adopted since 2017 and concluded that, notwithstanding the stated life span of the Naas Town Development Plan 2011-2017, it did not expire at the conclusion of that period

7.0 Section 5 Pre Application Consultation

7.1.1. A pre application consultation took place at the offices of Kildare County Council on the 22nd of January 2020 and following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted required **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála as summarised below:

1. Design, Layout and Unit Mix: Further consideration/ alteration to consider:

- The creation of a defined urban edge along the Devoy Road;
- Connectivity with adjoining lands and the provision of quality,
- Usable open spaces within a high quality scheme,
- Provision of internal roads and car parking along the northern and western boundary of the site may militate against the creation of a strong urban edge.
- Examination of areas on the site where increased height and density may be appropriate, for example the areas fronting Devoy Road.

2. Elevation Treatment/Finishes: Further consideration/ alteration to consider:

- The proposed development makes a positive contribution to the character of the area over the long term.
- An architectural report and urban design statement.
- A report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, railings, landscaped areas and boundary treatments, having regard to the long term management and maintenance of the proposed development should be submitted.
- The finish and design of the external access stairs.
- Proposals for the treatment of the interface between the proposed buildings and public realm/areas of communal open space.
- Additional CGIs/visualisations/cross sections.

7.2. Furthermore, the prospective applicant was advised that the following **specific information** should be submitted with any application for permission:

1. Ecological Surveys,
2. Waste management details,
3. A schedule of floor areas for all proposed units,
4. Daylight and Sunlight Analysis,
5. CGIs/visualisations,
6. Building Lifecycle Report,
7. Social Infrastructure Audit,
8. Additional documentation relating to appropriate flood risk assessment that demonstrates the proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices')
9. Additional drainage details, as set out in Appendix B of PA Opinion, dated 18/12/2019,

10. Additional transportation details, as set out in Appendix B of PA Opinion, dated 16/12/2019.

7.3. Applicant's Statement

A Statement of Response accompanied the application as summarised below:

In relation to the further consideration:

1. The scheme has been substantially revised to create a dominant "urban edge" along the John Devoy Road. The front of the scheme includes a low wall and railing and the building line is set close by. The location of the site close to the town centre is acknowledged and the building line is now considered appropriate for this transition site. Connectivity is provided to the recently granted development to the south of the site. The proposal as submitted complies with the 12 criteria in the Urban Design Manual.
2. The apartments have been redesigned to redesign and reconfigure to allow for the removal of external staircases from the front to face onto the open space. The number of 1 bed units has been reduced, the site will be managed by a private management company.

In relation to specific information request:

1. The Ecological Surveys refer to the location of the site 500m from Naas Town Centre, the absence of any trees or other habitats of significance are noted on the site or in the vicinity.
2. A Building Lifecycle Report and Architectural Design Statement include for the waste management strategy.
3. A Housing Quality Assessment includes details of the schedule of accommodation.
4. A Daylight and Sunlight Analysis is submitted.
5. CGIS/ Visualisations have been prepared
6. A Building Life Cycle Report is submitted.

7.4. **Statement of Material Contravention**

A statement of Material Contravention (MC) has been submitted for reasons of increased **density** having regard to the information contained in the Naas Town Development Plan as follows:

Table 4.2: Indicative Residential Densities (Naas Town Development Plan 2011-2017)

- Outer Suburban/ Greenfield- 35-50 Units per ha.

The proposed development will provide c.72 units per ha.

The Naas Town Development Plan 2011-2017 (As Extended) and the Kildare County Development Plan 2017-2023 has conflicting objectives. The key objectives of both the CDP and the LAP promote sustainable development and densities in line with the Guidelines on Sustainable Residential Development in Urban Areas.

The proposed development is defined as Inner Suburban as it is zoned lands 500m from Naas Town Centre. This statement contends that the location of the site and the national guidance requires higher densities at this location. The Board is requested to consider the permission under Section 32 (2) (b)(i) and (ii).

8.0 **Relevant Planning Policy**

8.1. **Project Ireland 2040 - National Planning Framework (NPF)**

A number of key National Policy Objectives (NPO's) are noted as follows:

- NPO 1 b: Plan for an additional 490,000 to 540,000 people in the Eastern and Midland Region.
- NPO 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

8.2. Section 28 Ministerial Guidelines

8.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual);
- Design Standards for New Apartments – Guidelines for Planning Authorities;
- Design Manual for Urban Roads and Streets (DMURS);
- The Planning System and Flood Risk Management (including the associated Technical Appendices);
- Childcare Facilities Guidelines for Planning Authorities;
- Urban Development and Building Heights – Guidelines for Planning Authorities;

8.3. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031: (EMRA-RSES)

- Naas is a designated Key Town in the Core Region. (capacity for commensurate growth)

- Definition of Key Town: Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.
- Naas – Residential Development: ‘... *The sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric*’.
- Investment in sustainable mobility will be delivered through local transport plans (LTPs) to be prepared by local authorities in collaboration with transport agencies, to include Naas.

The following key Regional Policy Objectives (RPO’s) are noted:

- **RPO 4.48:** Promote the improvement of the transport network within and serving Naas town, including delivery of a robust and efficient walking, cycling and bus network with strong links to Sallins Railway Station, key destinations within the town and to the North West Quadrant and town centre area.
- **RPO 4.50:** Regeneration and consolidation of the historic centre to improve the retail and commercial functions of the town core, with enhanced permeability and sustainable mobility within the town centre and improve links between the core and surrounding residential and employment areas through the further development of walking and cycling routes and improved public transport.
- **RPO 4.52:** Support the delivery of new and enhanced public transport infrastructure in Naas and Sallins, including Park and Ride and interchange facilities as identified by the NTA and Kildare County Council.
- **RPO 4.53:** Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities.

8.3.1. **Kildare County Development Plan (KCDP) 2017-2023**

Variation No 1 of the development plan was adopted by the elected members on the 09th of June 2020 to include an updated Core Strategy, in line with the NPF and EMRA-RSES. The changes to the development plan have been included in the following information.

- Table 2.2- Settlement Strategy- Naas is identified as a Key Town (Tier 1 of the settlement strategy) with high quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.
- Section 2.7- The preferred development strategy, informed by the SES is to build strong urban centres focusing on the MASP and Key Towns of Naas and Maynooth.
- Table 3.3- Population and Housing Unit Allocation 2020-2023. Population growth of 2,514 persons and a dwelling target of 898.
- SO1- Support the sustainable long-term growth of Key Towns (Naas).
- SO9: Sequentially develop lands within towns and villages in accordance with Development Plan Guidelines (DEHLG, 2007).

Housing & Density

Table 4.2 indicative density standards

- Inner suburban/ infill- Site Specific
- Outer Suburban/greenfield- 30-50 units per ha

MDO1- Require that new residential development provide for a wide variety of housing types, size and tenures.

DLO1- Create high quality living environments for residents in terms of individual dwelling units, layout design etc. in line with the development plan standards and Sustainable Residential Development in Urban Areas, Urban Design Manual and Design Standards.

Traffic

MTO2- Prepare a Strategic Land Use and Transportation Study for Naas,

MTO3- Review and Implement Integrated Transport Studies for Naas with the DTTS, TII and NTA to provide a framework to cater for the movement of pedestrians, cyclists, public transport and private vehicles.

WCO4- Secure the development of the following specific cycle scheme (subject to funding from the NTA) as part of the GDA Cycle networks Projects: Greater Dublin Area Cycle Network Plan Urban and Inter Urban Schemes:

- Dublin Road Corridor Scheme Naas,
- Naas to Sallins,
- Kill to Naas.

National road

NR 3- Recognise the strategic importance of a proposed Leinster orbital Route (linking Drogheda, Navan, Trim and Naas) and co-operate with the NTA, TII and other Local Authorities in clarifying and finalising the route proposed in the Regional Planning guidelines for the Greater Dublin Area 2010 and the NTA Transport Strategy for the Greater Dublin Area 2016-2035.

Urban Design.

Section 15.5- Expansion

- Development of previously undeveloped lands within or adjacent to the urban cores.
- Expansion should ensure well connected sustainable neighbourhoods proximate to public transport and community infrastructures.
- Promotion of green infrastructure strategies.

Section 15.5.2- Greenfield edge

- Characteristics should have less intensive development providing a transition towards the open countryside.

Table 15.1 includes the following guidance in respect of greenfield developments on the edge of settlements:

- Development shall be of low intensity, providing a transition to the countryside.

- It shall generally be block structure and comprise a mix of house types. Apartments will not normally be permitted.

Section 15.7 Detailed urban Design Considerations:

- scale/mass/composition,
- key buildings,
- corner sites,
- building lines,
- roofline,
- perimeter block,
- courtyard buildings,
- building type and height,
- neighbourhood centres,
- car parking.

Section 15.8 Overall layout design considerations

Biodiversity

- GI 20 -Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities.
- GI 23- Contribute towards the protection of rivers, streams and other water courses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment.

Development Management Standards

Section 17.2.1- Building Heights

- Prevailing heights in the vicinity

Section 17.2.3 Plot ratio

- Inner Suburban 0.5-1.0
- Outer suburban (close proximity to public transport)- 0.35-0.5
- Outer suburban (remote from public transport)- 0.25-0.35

Section 17.4.3- Housing Mix

- Housing Mix statement for 50 units or more.

Table 17.6 Minimum floor areas and Storage requirements for apartments

- In line with Appendix 1 of the apartment guidelines for one and two beds.

Section 17.4.7 Public Open Space

- 15% of the total site area for greenfield sites (all other cases 10%)
- SuDS generally not acceptable as public open space unless they can contribute to in a significant and positive way, a general maximum of 10% of the open space provision shall be taken up by SUDS.

Section 17.5 childcare

- Rate of 20 places / 75 houses.

Table 17.9 car parking standards,

- Apartment 1.5 spaces per unit + 1 visitor space per 4 apartments.

Table 17.10 Cycle Parking Standards

- Apartments 1 space per unit + 1 visitor space per 2 units.

8.4. **Naas Town Development Plan 2011-2017**

A draft plan for Naas was published on the 18th April 2019, however, the Council, at their meeting on the 29th of July 2019, resolved not to make this draft plan. The 2011-2017 remains in place.

Zoning Objectives in Town Plan relating to the subject site:

- Zoning Objective C: New residential – “to provide for new residential development and other services incidental to residential development.”

Transport

- RPO1: To construct a distributor road from the Devoy Road at Áras Chill Dara to the South Ring Road (this road has since been constructed around the edge of the site and forms the access to the site).

Open Space & Ecology

Rathasker Road to the east of the site is designated as an indicative walking / cycling route on Map 10.1. The following policy relates:

- OSO2: To provide and develop walking and cycling routes throughout the town, particularly ones linking various areas of public open spaces and amenity in accordance with Map 10.1.

Housing

- LU1: To ensure that a logical and sequential approach is adopted for development within the Naas Town Plan area (i.e. prioritising the development from the core area outwards).

Community

- C1: To actively promote the provision of community, educational, social and recreational facilities in tandem with future housing development.
- C2: To encourage the shared use of community facilities so as to maximise the sustainable use of such infrastructure and promote community cohesion.

Density

Table 4.2 indicative density standards

- Inner suburban/ infill- Site Specific
- Outer Suburban/greenfield- 30-50 units per ha

Chapter 13: Development Management Standards

Section 13.3.1 Density- Indicative density levels set out in Chapter 4.

- Higher residential densities will be encouraged only at appropriate locations. Such development must ensure a balance between reasonable protection of existing residential amenities and the established character of these areas

Section 13.3.2 Layout

The layout of new residential development should be designed to create a strong sense of identity and a sense of place. New developments should take full account of the characteristics of the natural and built environment of the site, the views and vistas to and from the site and the surrounding areas. Gated developments will not be permitted as they reduce social inclusion and integration within the existing community and generally fail to address the existing streetscape. Detailed guidance regarding proposed layouts is contained in Chapter 12 Urban Design and Opportunity Areas

8.5. **Designated Sites**

The site is not located within or adjoining any European sites.

8.6. **Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

9.0 **Prescribed Bodies**

9.1. Inland Fisheries Ireland (IFI)- No objection to the principle of the development although the culverting of the stream is contrary to the objectives of the Naas LAP as follows:

- CRA 5- New pedestrian cycle route along the Canal Feeder Stream,
- 8.5.2 KDA- Natural features such as the Canal Feeder Stream should be retained as far as practicable to protect the biodiversity and ecological networks.

The Kildare County Development Plan 2017-2023, includes policies:

- Policy G1 20- Maintain a biodiversity zone of not less than 10m along the site of watercourses, promote the green infrastructure network.
- Policy G1 23- contribute to rivers while discouraging culverting or realignment.

The culverting of the Ratasker stream is contrary to the EU Water Framework Directive to protect the ecological status of the river catchments.

A recent housing development upstream “Elsmore” includes sensitive fencing for the safety of the riparian strip. Even though previous culverting has taken place upstream further culverting will diminish the ecological value.

9.2. Irish Water (IW) - No objection subject to a connection agreement with IW.

9.3. National Transport Authority (NTA) – No objection to the principle of the development subject to :

- The provision of appropriate cycle tracks and pedestrian crossing points should be ensured.
- Connections to the wider area in particular town centre, schools and public transport in accordance with the National Cycle Manual and the GDA Cycle Network Plan. The provision of direct and safe walking and cycling to public transport at the R445 and the Main Street.
- 190 no cycle spaces is below the no required in the sustainable urban housing.
- Cycle spaces should be provided within the building envelope close to the building entrance or within a secure lock as recommended in the NTA Cycle Manual.

9.4. Transport Infrastructure Ireland (TIA) – No objection to proposal.

10.0 **Assessment**

10.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Urban Design, Layout & Residential Amenity
- Impact on Yeomanstown (Rathasker) Stream
- Traffic, Access and Parking.

- Waste Water

Principle of Development

- 10.2. The site is located to the south of Town Centre of Naas which has been identified as a Key Town in the Kildare County Development Plan 2017-2023. The Naas Town Development Plan 2011-2017 (as extended) is the operative plan for the area and the site is zoned as C, New Residential, where it is an objective *“to provide for new residential development and other services incidental to residential development”*. The proposed development of 152 no. apartments, crèche and community centre is acceptable in principle and permitted for in the current land use zoning on the site.
- 10.3. In terms of the expansion of Naas as a town, Naas is identified as a Key Town in the EMRA-RSES and the Kildare County Development Plan 2017-2023 (KCDP). Key towns are important in the regional context as it has been determined that they have capacity and future growth potential to accommodate above average growth potential coupled with the requisite for investment in other sectors, including services, amenities etc. The development of identified key towns aids the achievement of national objectives in the National Planning Framework (NPF) such as NPO 1b supporting the growth of the eastern and midland region. Appropriate development on serviced sites can ensure compact urban growth.
- 10.4. Naas is well served by the M7 motorway and has good connections to the surrounding areas and Dublin by a commuter rail service to Dublin. Sallins and Naas train station is located c. 4km north of the site and the RSES acknowledges the strong links between the Sallins settlement and Naas. Bus routes run along the front of the Kildare County Council Offices (R445), which is located directly opposite the site (c.300m), and there are currently pedestrian and cycle links from the site into the town centre and surrounding areas.
- 10.5. The subject site adjoins the town centre zoning of Naas and is located directly adjacent to a mixed use development of Osprey Hotel and ancillary residential development. The Kildare County Council offices are located on the opposite side of the John Devoy Road, a major access road which links the Naas town centre to the southern ring road. An SHD application for 313 no dwellings (305701-19) has recently been granted (c.37.8 units per ha) directly south of the subject site and a large housing development “Elsmore” is nearing completion.

10.6. In terms of location, the subject site is ideally located to support residential development which could promote compact urban form, subject to other specific planning criteria, further discussed below.

Density

10.7. The proposed development includes a density of c.72 units per ha. Table 4.2 of the Kildare County Development Plan 2017-2023 (KCDP) and the Naas Town Development Plan 2011-2017 requires a density of 35-50 units per ha for lands on outer suburban/greenfield sites. A site specific density is permissible, in Table 4.2, for lands defined as Inner Suburban. The applicant has classified the subject site as Outer Suburban/ Greenfield and advertised the proposed development as a material contravention of the development plan. A Statement of Material Contravention accompanied the application. This report sets out justification for the increased density at this location having regard to national guidance, conflicting objectives in the KCDP and the Naas town plan, and the location of the site contiguous to the town of Naas.

10.8. The submission from the PA considers the density as proposed at c.72unit per ha would materially contravene Table 4.2 of the KCDP and town plan which stipulates a range of 30-50 units per ha for outer suburban/ greenfield site. The PA recommend a refusal of permission as the density would be injurious to the residential amenity and set an undesirable precedent for similar development in areas lacking in high-quality public transport. It said that the distance from the train station and the absence of high-quality public transport does not support the higher density development on the site.

10.9. As previously stated, the Board will note the location of the site contiguous to Naas town centre with pedestrian and cycle connectivity. At a national and regional guidance and Naas is identified as a Key Town in the EMRA-RSES where there is a specific requirement for *“sustainable growth of Naas carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric”*. The promotion of compact urban form and appropriate densities is particularly relevant for this proposal. In this regard, I

consider the classification of the site as an Outer Suburban/ greenfield site by both the applicant and PA should be addressed in the first instance.

10.10. I note the site is located 4km from the Naas & Sallins railway station, with commuter services to Dublin, within walking distance to a bus stop (c.300m) which has a high frequency service, and has direct pedestrian and cycle connectivity to the town centre. I consider the site is served well by public transport and other sustainable transport modes. Going forward, specific policy relating to Naas and connectivity to the Sallins rail station are detailed in RPOs 4.48 & 4.52 of the RSES which promote and support the delivery of new and enhanced public infrastructure between Naas and Sallins. Policies in the KCDP 2017-2023 (MT02 & MT03) with regard the preparation of Strategic Land Use and Transpirations studies & Integrated Transport Studies for Naas. This aside, the site as it is, in my opinion, currently well served by sustainable transport links. The proximity to a bus stop along the R445, (c.300m) with regular connections to Dublin, and into the town centre via direct pedestrian and cycle connections, support the delivery of higher density at this location and further support consolidation of the town centre and targeting urban growth.

10.11. In my opinion the site's location contiguous to the centre of Naas town, a key town for the County of Kildare with high quality connections and whose development is supported at a national and regional level, allows the classification of the site as Inner Suburban rather than Outer Suburban. National guidance on density requirements in both the Sustainable Residential Guidelines and the Sustainable Urban Housing: Design Standards for New Apartments for development on such sites requires increased densities, if supported by infrastructure, and promote walking cycling and public transport. Section 5.9 of the sustainable residential guidelines does not stipulate maximum densities on sites defined as Inner Suburban/ infill. Section 2.4 of the apartment guidelines identifies intermediate urban locations as suitable for development at medium-high density generally greater than 45 units per ha at sites where they are within reasonable walking distance of a principal town or suburban centre or are within easy walking distance (5 mins or 400-500m) to a reasonably frequent urban bus service. The subject site would meet these criteria. Therefore, having regard to the national guidance and the characteristics of the site, I consider the designation of the site as Inner Suburban, supporting higher densities is appropriate.

10.12. Section 15.5.2 and Table 15.1 of KCDP provides guidance for development on greenfield sites and states that it should be less intense to provide a transition towards the open countryside. I do not consider that development on the subject site which is contiguous to an urban core of a Key Town should reflect a transition to the countryside. It is my opinion that the location of the site is more akin to an Inner Suburban site rather than that of an Outer Suburban Site. In this regard the Board is directed to Table 4.2 of the KCDP of the town plan which does not include any restrictions on density as these should be “site specific” . Therefore the density that proposed development at c. 72 unit per ha on this site would not materially contravene Table 4.2 of the development plan.

Conclusion

10.13. It is my opinion that the delivery of higher density residential development on this site will support the delivery of a compact urban form for Naas necessary to ensure consistency with national and regional policies. The proximity of the site to the town centre of Naas and the public transport provision in its vicinity would support higher density development at this location and the density as proposed at 72 units per ha is justified. As stated above, I do not consider the classification of the site as an outer suburban site is correct, having regard to the location contiguous to the town centre and therefore the classification of the site as Inner Suburban has greater relevance. In this instance the Board are directed to Table 4.2 of the KCDP and the town plan where a site specific density is applicable and therefore, in my opinion, a proposal for 72 units per ha is not a material deviation of the information in the plan.

10.14. Should the Board consider the proposed development to be a material contravention of the development plan it is my opinion that, having regard to the CE’s submission and my assessment above, the density of c. 72 units per ha is entirely justified and should be permitted under Section 37 (2) (b) (i), (iii) and (iv) of the Planning and Development Act 2000 (as amended) as further set out in the section below specific to the Material Contravention.

Urban Design, Layout & Residential Amenity

10.15. The proposed development of 152 no apartments is arranged in 9 blocks throughout the site as summarised below:

- Block 1: 20 no. apartments, 4-5 storeys in height;
- Block 2: 12 no. apartments, 4 storeys in height;
- Block 3: 22 no. apartments, 3 storeys in height;
- Block 4: 20 no. apartments, 3 storeys in height;
- Block 5: 24 no. apartments, 3 storeys in height;
- Block 6: 11 no. apartments, 3 storeys in height;
- Block 7: 19 no. apartments, 3 storeys in height;
- Block 8: 12 no. apartments, 3 storeys in height;
- Block 9: 12 no. apartments, 3 storeys in height.

10.16. A community centre and crèche are proposed within the site.

Urban Design & Building Line

10.17. An Architectural Urban Design Statement accompanied the application which demonstrates how the proposal contributes to the creation of place and responds to the site context. Section 13.3.2 of the Naas Town Development Plan includes guidance on appropriate layout of residential schemes which is to be of a high standard and requires compliance with the national guidance on urban design 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc. I have assessed the development against this criteria.

10.18. Block 1, at 4-5 storeys, provides a key building on the southern corner of the site fronting onto the roundabout along John Devoy Road. The staggered heights prevent a monolithic design and the variation in balconies provides variety. Private

amenity space and direct access towards the main road is achievable on the corner units. Block 2, also located along the John Devoy Road, has a similar design to Block 1.

10.19. The applicant's Urban Design Statement provides reference to the evolution of the scheme and the requirement to locate the apartment blocks along the John Devoy Road close to the boundaries. The applicant concludes that the scheme complies with the criteria in the Urban Design Manual and responds to the site context. I note the location of the Blocks 1-2 & 7-9 set back from the edge of the site behind communal open space. I consider the location of the Blocks 1 and 2 along the John Devoy Road will provide a strong urban form. Pedestrian access is provided at four locations along the frontage and I consider this connectivity will encourage footfall along the frontage. Whilst the ground floor units do not open directly onto the public road the inclusion of the private amenity space and pedestrian/ cycle access points along the John Devoy Road will ensure active frontage and add to the visual amenity. I note the recent grant of permission to the south of the site (305701-19) has a similar design along the John Devoy Road with the buildings orientated towards the road and set back with integrated pedestrian routes and integrated planting.

10.20. Having regard to the height of the apartments, orientation of the buildings and design along the boundary of John Devoy Road, I consider the proposal responds appropriately to site context and location along a busy main road providing a strong building line and promoting an urban design response as required in the Urban Design Manual. The location of the apartment blocks is in line with the existing residential development to the north of the site and I consider it will integrate sufficiently with the surrounding area and the Kildare County Council offices on the opposite side of the John Devoy Road.

External Staircases

10.21. Blocks 3-5 are located within the site and Blocks 7-9 along the south of the site facing onto the John Devoy Road. These blocks have similar characteristics. They are 3 storeys in height with ground floor apartments and upper floor terraces. The development description details all the residential units as apartments and whilst

they may also be considered as duplex units, I consider the reference to units and bedroom mix remains the same and is therefore not misleading to the public.

- 10.22. The configuration of the units within each block is similar to duplex units and their design includes external staircases. The submission from the PA, and in particular the Housing Section, raised concern that the duplex configuration, which includes multiple external staircases and external storage areas, lacks clear definition and enclosure, does not include any sufficient passive surveillance or sense of ownership and may generate security and maintenance concerns.
- 10.23. I note the information contained in the applicant's Architectural Design Statement in relation to the design and layout of Blocks 3-9 and the integration of external staircases. It includes the reasoning for the external staircases in relation to site context and the public realm. The applicant submits in accompanying documentation that the external staircase design, originally along the front of the site facing onto John Devoy Road, is now directed at the rear of the site. The submitted photomontage drawings do not clearly illustrate these external staircases relative to the context of the site or overall scheme. I consider the orientation of these staircases will dominate the internal streetscape within the site and will be extremely visible from the main access through the site. I consider the location of these external staircases will detract from the overall design of Blocks 3-9 by dominating the design and will therefore have a significant visual impact on the residential amenity of the future occupants.
- 10.24. I do not consider the design, in particular the use of external staircases for access, is an appropriate response to the site. It is therefore contrary to the national guidance on sustainable residential development. Should the Board be minded to grant permission for this development, I consider Blocks 3-9 should be redesigned to integrate accesses internally. In this regard external storage facilities for both the lower and upper units will require amendment. I consider there is sufficient space throughout the scheme and within the vicinity of these blocks to allow for a redesign and I do not consider it will radically alter the proposal as submitted. In this regard, I consider it reasonable that a condition requiring these alterations is included.

Apartment Standards

10.25. Mix: The proposed development includes 54 no 1 bed units (36%), 73 no 2 bed units (48%) and 25 no 3 bed units (16%). SPPR 1 of the apartment guidelines allows up to 50% one-bedroom units within apartment developments. The PA are concerned the rate of 1 bed units (36%) is excessive for a regional town such as Naas, and there is an insufficient number of three bedroom units. The recent Elsmore residential development on the opposite side of the John Devoy Road includes a significant number of larger family type two storey dwellings and I note the recent SHD application (305701-19) to the south of the site included only 17% one-bedroom units and 57% three bedroom units. Therefore, having regard to SPPR 1, the pattern of development in Elsmore and the number of three bedroom units as granted to the south of the site, I consider the unit mix as proposed will provide a greater variety of unit mix which will ensure support sustainable communities.

10.26. Size: A Housing Quality Assessment accompanied the application which includes details of the floorspaces within each apartment type and a breakdown of the minimum requirements. I note the proposed development either complies with or exceeds the minimum apartment floor areas in SPPR 3 and Appendix 1 of the apartment guidelines.

10.27. Dual Aspect: 52% dual aspect apartments have been included which complies with SPPR 4 which requires 50% dual aspect units in intermediate urban locations.

Communal Open Space, Permeability & Car parking

10.28. Communal open space (46%) has been provided in a central location around the community building and along the front of the site facing onto the John Devoy Road. Two playgrounds are located within the reservation. The report of the PA notes the acceptable quantum of communal open space although it requires information on the management of same and has concerns in relation to the open space adjoining the external staircases. The Parks Dept. consider additional details on the landscaping design should be submitted and request further details on the potential links to adjoining sites. I have addressed the design of the apartments above in relation to the urban design throughout the site and the Board will be aware that I have recommended a condition relating to the redesign and integration of internal

staircases. Landscaping proposals should also be resubmitted having regard to these amendments.

- 10.29. With regard to the gated pedestrian and vehicular access, Section 7.8-7.9 of the Urban Design Manual provides details of how to control access to communal open spaces, while public open space should be easily accessible. I have concerns that the gated access into the development will restrict permeability throughout the site, in particular those across the proposed access into the existing development to the north and the potential future access to the south. I note the SHD application (307501-19) included a condition requiring the inclusion of an additional pedestrian/cyclist link onto the John Devoy Road with access 24 hrs a day with no gates. I consider the inclusion of a similar condition on any grant of permission can ensure permeability into and throughout the site and ensure sufficient integration with the surrounding areas.
- 10.30. A 1.8m high capped and rendered block wall is proposed along the north, east and southern boundary, including the potential link into the southern site. I note no boundary treatment is proposed on the access to the north of the site and an existing iron gate will remain. I consider the applicant should keep free from development the area designated for future connectivity to the south site, as with the access to the north, to ensure permeability. Pedestrian and cycle access should be included in the final design, which I consider can be reasonably conditioned on any grant of permission.
- 10.31. The submission from the PA and its Roads Department raised concern in relation to the location of the car parking in the perimeter blocks adjoining the open space and the impact on the residential amenity. I note the location of the car-parking to the rear of the site along the internal access route and away from the main public open space provision. I do not consider this will have a negative impact on the residents' ability to enjoy the communal amenity space. Guidance on communal open space areas in the Urban Design Manual states that roads and parking areas are to be considered as an integral landscaped element in the design of the public realm. The design manual stated that the car, with appropriate design and controlled speeds, does not need to be in conflict with pedestrian friendly, attractive streets. I note the road access is solely for internal access with raised tables at junctions and shared surfaces throughout the scheme. As stated above, I consider that there is a

requirement for a redesign of the apartments to remove the external staircases and in this regard the layout of the car parking will be adjusted. I consider the landscaping throughout the site does not sufficiently mitigate the visual impact of the parking. However a condition to integrate landscaping in conjunction with the on-street parking and the removal of the external staircases can be reasonably be imposed which would ensure the protection of the residential amenity of the future occupants and eliminate any negative impact on the streetscape throughout the site. Therefore, having regard to criteria in the Urban Design Manual, I consider the location on-street parking throughout the site is acceptable.

Private Open Space

10.32. The submission from the PA raised concern in relation to the location of the private amenity space for the ground floor apartments, relative to the adjoining private amenity space, and considers an increase in quantum is required. I note the private amenity space as proposed complies with the required standards in Appendix 1 of the apartment guidelines. The ground floor apartment units adjoin communal open space. Privacy planting is proposed adjoining the private amenity space which will protect the residential amenity of the future occupants.

Communal Facilities

10.33. Section 4.0 of the apartment guidelines requires the inclusion of communal facilities for apartment developments which may extend to childcare or gym uses that may be open to non-residents. A Social Infrastructure Assessment accompanied the application which concludes that there is sufficient capacity in Naas to accommodate the proposed development. The proposed development includes a community building in the centre of the apartment blocks and a crèche located at the north eastern corner of the site.

10.34. Crèche: The crèche has been designed to accommodate 36 children and includes a designated outdoor play area. The PA submission notes the location of the crèche in Phase 2 and considers the delivery should be within Phase 1. The PA submission was also accompanied by a submission by the Health Service Executive (HSE) dated December 2019, commenting on the absence of dining and sleeping facilities in the crèche. I note the Planning Guidelines for Childcare facilities (2001) recommends the provision of one child-care facility (min 20 childcare spaces) for

every 75 no dwelling units. I note 97 units are two and three bed units and therefore a childcare facility for 36 no spaces is sufficient to cater for the development. The delivery of the crèche within Phase 1 would ensure the development is adequately serviced and can reasonably be included as a condition on any grant of permission. The childcare guidelines do not require the specific provision of storage facilities and any alteration to the internal configuration of playrooms would not significantly alter the proposed development. Compliance with the necessary HSE standards is addressed by separate regulations and therefore is not a planning matter.

10.35. Community Centre: A Social Audit on Community Infrastructure accompanied the application which details the location of the site in relation to Naas town centre and the Core Retail area. The range of educational, childcare and health facilities are noted in the audit and it concludes the range of services is sufficient. The proposal includes a community centre within the communal open space and an amphitheatre with tiered open space. Whilst I consider the location and design of the centre integrates sufficiently with the apartment development I have concerns with regard the operation and management of this facility as the submitted documentation provides little in detail in this regard other than it is envisaged it will be used by the residents to facilitate functions/ exercise classes/work-stations etc. Section 4.11 of the apartment guidelines notes the communal amenity areas and the future maintenance should be commensurate with the scale of development to ensure they do not become a burden on the residents. In this regard, I do not consider a condition restricting the use solely to the residents would be necessary. To prevent any deterioration of this unit I consider a management company should be responsible for the overall development in the first instance, or the PA should be responsible if it is taken in charge. A condition restricting the use solely for community purposes will prevent any activity having a negative impact on the residential amenity of the future occupants.

Impact on the Residential Amenity of the existing residents.

10.36. The site is located to the south of an existing residential development located within the Osprey hotel development complex. The existing residential units comprise of three storey apartment buildings and are separated from the edge of the subject site by resident parking and mature landscaping along the boundaries. The closest block (Block 4) is situated c. 40m from the edge of the apartment buildings to the north.

Having regard to the distance of the proposed development from any adjoining residential properties and the existing mature planting, I do not consider there would be any significant negative impact by way of overlooking, overbearing or overshadowing of properties.

Impact on the Yeomanstown Stream (also known as Rathasker Stream)

- 10.37. The Yeomanstown Stream runs along the front of the site adjoining the John Devoy Road. It is proposed to culvert the stream as part of the development. The submission from the Inland Fisheries Ireland (IFI) requests that the stream remain open and integrated into the development as an ecological feature. Reference to policies of the KCDP and the Naas town plan relating to the protection of watercourse as features of biodiversity and ecological value are included in the IFI submission. The IFI also note the integration of the stream into the existing Elsmore development on the opposite side of the John Devoy Road.
- 10.38. I note the stream enters into the site via a culvert under the John Devoy Road and exists the site via a culvert under the Osprey residential development to the north of the site. No water was present in the stream during site inspection and the topographical documentation notes the water level at 90.74m, and the ground level c. 90.33m-90.58m. The Ecological Impact Statement and vegetation survey submitted within the documentation did not find any species of interest associated with the watercourse.
- 10.39. The applicant's Ecological Impact Statement notes previous correspondence with IFI with regard to the culverting although the ecologist notes the absence of a significant species or diversity on the site. In addition the Ecological Impact Statement noted the location of the stream adjacent to the John Devoy Road as major infrastructure for the town. I note the stream has in part been integrated as a feature in the open space within the Elsmore site although it has also been partially culverted.
- 10.40. With regard the policies in the KCDP and the Naas town plan I note those policies supporting the ecological value and biodiversity of water courses, in particular Policy G1 20 (10m strip along watercourses) and Policy GI 23 (culverting) of the KCDP. However there should be a balance for with the need for good urban design. The above policies are aspirational and only require what is achievable. As stated above in my assessment on urban design, the requirement for a strong frontage and

consistent building line is important to ensure high quality visual amenity and streetscape on a zoned and serviced site. The proposed landscaping scheme includes tree planting throughout the site. Surface water will be attenuated on the site, is fully compatible with SuDS principles and will pass to an existing surface water sewer. The culverting of the stream will not have a negative impact on the flow of this watercourse.

10.41. Having regard to the low ecological value, as determined in the submitted Ecological Impact Statement, the location directly adjacent to the John Devoy Road and the landscaping proposed throughout the site, I do not consider the culverting of the stream will result in a significant negative impact on the biodiversity of the site or diminish the ecological value of any connected watercourse.

Traffic, Access and Parking.

10.42. The proposed development includes two vehicular access points from the John Devoy Road, north and south, an additional two pedestrian and cycle access points and future connectivity to the existing estate to the north and grated SHD to the south. A Traffic Impact Assessment, DMURS Compliance Statement and a Road Safety Audit have been submitted with the application.

10.43. The planning authority has serious concerns on the quantum of parking spaces provided, which it considered inadequate, and recommended a refusal of permission. Other points of concern raised include the perpendicular parking along a 4.8m wide road, the inclusion of on-street parking contrary to Section 4.4.9 of DMURS, the absence of any high quality public transport in Naas and the inclusion of two vehicular points into the site. The generation calculations in the TIA for the proposed development were not considered realistic having regard to the limited public transport.

Public transport

10.44. The issue of high quality public transport and the classification of the site for high density development has been addressed in the section specific to density. The site is contiguous to the town centre zoning for Naas. National and Regional policy promotes the development of compact urban forms and there are specific policies to develop Naas in line with the provision of high quality public transport. In particular, I note the NPOs and RPOs in the NPF and RSES specifically require the prioritization

of development which supports sustainable development and prioritises walking and cycling, in particular NPO 27 & and RPO 4.5. Specific policy relating to Naas and connectivity to the Sallins rail station are detailed in RPOs 4.48 & 4.52 which promote and support the delivery of new and enhanced public infrastructure between Naas and Sallins. Policies in the KCDP 2017-2023 (MT02 & MT03) require the preparation of Strategic Land Use and Transpirations studies & Integrated Transport Studies for Naas. This aside, I do not consider the above polices necessary to justify the amount of development proposed on the site as it is , in my opinion, currently well served by sustainable transport links. The proximity to a bus stop along the R445, (c.300m) with regular connections to Dublin, and into the town centre via direct pedestrian and cycle connections, support the delivery of higher density at this location and further support consolidation of the town centre and targeting urban growth.

Access

- 10.45. The submission from the council's Roads Dept. regards the inclusion of two vehicular accesses into the site as excessive, considering the existing access onto the John Devoy Road from the Elsmore residential development. No issues relating to sightlines etc. have been raised in the submission. The TIA traffic survey takes into consideration the existing traffic and permitted development in the vicinity and concludes that there is capacity for the development on the surrounding road network up to the year 2038. Both site accesses can meet the design criteria set out in DMURS.
- 10.46. The principles of connectivity and permeability are promoted in both DMURS and the sustainable urban residential guidelines and I consider a restriction to only one vehicular access into the site would mitigate against national guidance and prevent the appropriate movement throughout the site. I find no justifiable reason to restrict access into the site.

Layout and quantum of Car Parking

- 10.47. 175 no. parking spaces have been provided for the 152 no apartments, community centre and crèche. Table 17.9 of the KCDP requires the provision of 1.5 spaces per apartments with 1 visitor parking space per 4. The Roads Dept. consider the full

allocation under that standard should be provided, including separate spaces for the crèche and community centre, totalling 302 spaces.

- 10.48. Section 4.21 of the apartment guidelines state that in intermediate urban locations, i.e. apartments schemes with more than 45 per units hectare in suburban/urban locations served by public transport or close to a town centre, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Section 4.22 of the guidelines state that in peripheral/less accessible urban locations, one parking space per apartment is required with an element of visitor parking such as one space per 3-4 apartments which would result in a maximum parking requirement for 190 no. spaces. As I consider the location of the site as intermediate urban, a lower provision than that is appropriate here. The TIA notes the inclusion of 2 no car club spaces along and an on-site resident travel plan.
- 10.49. The use of the car parking as dual usage for the crèche and community centre is acceptable having regard to the restricted nature of the uses within the community centre and intention to serve the existing residents. The number of one-bed units (39%) would further reduce the requirements for parking on site. Having regard to the location of the site, highly accessible and adjoining the Naas town centre, and serviced by public transport, I consider the quantum of 175 no spaces (1.15 per apartment) is acceptable. Whilst I note the travel plan has been included in the TTA, I consider the inclusion of a final mobility management plan could further promote sustainable transport on the site and could reasonably be included on any grant of permission.
- 10.50. The location and layout of the parking has been addressed in my report under section 10.31. The Roads Department consider the proposed layout contravenes Section 4.4.9 of DMURS with regard the location of the spaces on a 4.8m wide road which includes a 1.2m wide cycle track linking John Devoy Road. In conjunction with the increased density, absence of basement parking, number of on street parking spaces and perpendicular parking, they consider the proposal will lead to unauthorised parking along the John Devoy Road.
- 10.51. Section 4.4.9 of DMURS provides guidance for on-street parking and loading, where the aim is to calm traffic, allow for a comfort to pedestrian/cyclist users and require

passive security of spaces. It is stated that for densities over 50 dwellings large areas of off-street parking, such as basements, will generally be required. In relation to the requirement for a basement, I note the inclusion of the crèche to the rear of the site, which requires public access. In relation to the width of the street, guidance in Section 4.1.2 of DMURS notes that narrow streets and on-street parking are ideal for traffic-calming. The road (4.8m) has been designed to include a separate cycle lane (1.2m). A public cycle lane runs along the front of the cycle on the John Devoy Road and pedestrian and cycle points are provided along the frontage of the cycle. In this regard I consider an internal cycle lane along a local street is not required to serve the development and should be removed from the layout and the removal of the cycle lane will reduce the width of the access road throughout the site. Section 4.4.9 of DMURS states that perpendicular parking can be provided in lower speed environments. The Board will note my previous assessment in relation to the design, and inclusion of external staircases along the front of Blocks 3-6, adjoining the parking. Furthermore, I note Section 15.7.10 of the KCDP requires surface car parking to be designed to be overlooked and therefore comply with the principles of passive surveillance and should not dominate the street frontage. In this regard I consider a redesign of the internal road is necessary, to include the removal of the cycle lane, reduction in width and integration of enhanced landscaping to ensure the appropriate integration of the parking throughout the site. Fig 4.82 of DMURS provides examples of appropriate design for perpendicular parking along local streets with widths lower than 6m by integrating widths, for example if the width of the parking space is 2.6m, the carriageway may be reduced to 5m. I consider this layout is achievable on the site and can be reasonably included as a condition on any grant of permission. Therefore, I consider the perimeter parking is acceptable on the site and can be effectively integrated into the overall layout, to allow the safe movement of pedestrians and cyclists.

Cycle parking & infrastructure

10.52. The proposal includes cycle lane connection to the John Devoy Road, and an additional two pedestrian/cycle access points from the John Devoy Road. A submission from the National Transport Authority (NTA) requires safe walking and cycling access to the wider area and crossing points. In relation to the cycle spaces, the NTA consider 190 spaces is below that required in the sustainable urban housing

guidelines and the cycle parking should be provided close to the building entrance or within secure lock.

10.53. The National Cycle Manual (NTA) requires cycle infrastructure to be planned in conjunction with other traffic modes to ensure the cycle network is not disjointed. Well planned cycle infrastructure prevents traffic conflict and helps to support a mode shift. Pedestrian and cycle access is provided into the town centre. 190 no. cycle parking spaces are provided in both cycle stores (5 no) around the perimeter of the site and visitor stands throughout the development. The cycle stores are designed to accommodate 28 bicycles on stackable units. Section 5.5 of the National Cycle Manual provides guidance for the appropriate cycle facilities where a range of parking should be provided. I consider the quantum and range of parking facilities adequately services the site and complies with the national cycle guidance.

Waste Water

10.54. The subject development will result in additional volumes of foul wastewater. Wastewater from the development will be treated at the Osberstown wastewater treatment plant. This is licenced by the EPA to discharge treated effluent to the River Liffey (licence no. D0002-01). The plant is licenced to discharge treated effluent to the River Liffey by the EPA. It has a capacity to treat wastewater for a population equivalent (PE) of 130,000. The Annual Environmental Report (AER) for 2018 shows that the average loading was well within this capacity while the standard of effluent was fully compliant with emission limit values set under the Urban Wastewater Treatment Directive. Irish Water in their submitted report has indicated no issues with regard to wastewater infrastructure.

11.0 Material Contravention

11.1. The application has been advertised as a Material Contravention of Table 4.2 of the development of the KCDP and the Naas Town Development Plan 2011-2017 and the applicant has submitted a Material Contravention Statement. This statement refers to Table 4.2 of the Naas Town Development Plan 2011-2017, which they note requires 30-50 units per ha, and the other key objectives of the KCDP and the Naas town plan.

- 11.2. The submission from the PA considers the proposed density at c.72 units per ha is a material contravention of Table 4.2 of the KCDP and does not consider this higher density is justified having regard to the absence of high quality public transport.
- 11.3. I have addressed the principle of higher density, c.72 unit per ha, previously in my assessment, which I consider appropriate having regard to the sites location contiguous to the centre of Naas which is identified as a Key Town on a regional and county level. Given the site's location I have determined its classification as Inner Suburban and therefore a site specific density determination is applicable as per Table 4.2 of the KCDP and town plan.
- 11.4. Should the Board consider the site to be an Outer suburban/ greenfield site, I consider a grant of permission would nevertheless be justified under Section 37(2)(b) of the Planning and Development Act of 2000 in accordance with the criteria in set out in that section, as follows:
- (i) the proposed development is of strategic or national importance.
- 11.5. Objective 1 b of the NPF includes a requirement to plan for an additional 490,000 to 540,000 people in the Eastern and Midland Region. The site is situated contiguous to the town centre of Naas, a Key Town required to serve the County of Kildare and the wider regional area. With regard the residential development of Naas, the EMRA-RSES considers the sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations, with mixed tenure. I consider the proposed development and the delivery of a residential development incorporating c.72 units per ha, is supported by those policies in the national and regional policy objectives and can support the growth of Naas town centre, in identified Key town for the region with good connections to surrounding areas and Dublin
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned
- 11.6. I note the information in Table 4.2 of both the county and the town plan which is generally in line with Section 5.9 and 5.11 of the Sustainable Residential Guidelines for Planning Authorities, as elaborated below under criteria (iii) and I do not consider there are any specific objectives in the development plan that are conflicting or not clearly stated.

- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government

11.7. Section 5.2 of the Guidelines Sustainable Residential Development in Urban Areas, 2009 includes a list of criteria to be considered in the design and assessment of higher density residential development including acceptable height, avoidance of overlooking and overshadowing, provision of adequate space standards in apartments, suitable parking and ancillary facilities. In cities or town centres the appropriate location for increased densities are at locations which can be supported by infrastructure and promote walking, cycling and public transport. Similar requirements for higher density development are set out in Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018. Naas is well served by the M7 motorway and has good connections to the surrounding areas and Dublin by a commuter rail service to Dublin. Sallins and Naas train station is located c. 4km north of the site and the RSES acknowledges the strong links between the Sallins settlement and Naas. Bus routes run along the front of the Kildare County Council Offices (R445), which is located directly opposite the site, and there are currently pedestrian and cycle links from the site into the town and surrounding areas. In this instance the designation of the site as “Intermediate urban location” as per the apartment guidelines is acceptable and a density greater than 45 units per ha should be promoted. Permission should therefore be granted having regard to the provisions of those guidelines issued by the minister under section 28 of the act.

- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.8. Permission was granted for 308 residential units in 2009 (PL73.236928 Reg Ref. 09/500050) as extended in 2016 (EOD 15/955) for the housing development to the south of the site “Elsmore” and was inclusive of the extension of the John Devoy

Road from the site to the Naas Southern Ring Road. This permission was partially amended (Phase 2) to include lands directly south of the subject site, under a recent grant of permission for an SHD application for 313 no dwellings (305701-19). I note the Inspectors Report on the SHD application details the density at c.37.8 units per ha and notes the site as an outer suburban/greenfield site and therefore within the acceptable range of 35-50 units per ha as per the national guidance. I note the location of the subject site closer to and contiguous to the town centre and as stated previously lends itself to be characterised as inner suburban in nature. This aside, the recent grants of permission include a significant number of residential units which include 2 and 3 bed units and from site inspection I noted the existing Elsmore estate was lower density. The Board should be aware of the built up nature of the existing developments at the north i.e. Osprey hotel and associated apartment units and it is my opinion to request a reduced density at this location would militate against an appropriate transitional development between the existing higher density development to the north and the lower density development to the south, recently constructed or granted. The transitional development and higher density development is a necessity to comply with the NPF objectives to promote “compact growth” and consolidate development in urban areas, as supported by the EMRA-RSES, KCDP 2017-2023 and the Naas Town Development Plan 2011-2017.

11.9. Therefore, having regard to the location of the site contiguous to the town centre of Naas, the existing pattern of the development to the north and the residential permissions granted adjacent to the site, since the making of the development plan, I consider the density as proposed at c.72 units per ha is appropriate and justified at this location. If that density is considered to materially contravene the provisions of the development, a grant of permission would still be justified under Section 37(2)(b)(i), (iii) and (iv) of the act as set out above.

12.0 **Chief Executive (C.E) Recommendation**

12.1. Kildare County Council Chief Executive’s Report recommended that the proposal be refused for the proposed development of 152 no residential units, a crèche and a community centre for 5 no. reasons as summarised below:

1. The density proposed at c.72 unit per ha would materially contravene Table 4.2 of the Kildare County Development Plan 2017-2023 for outer suburban/ greenfield sites (range 30-50). The density would be injurious to the residential amenity, set an undesirable precedence in areas lacking in high-quality public transport.
2. The proposal includes a shortfall of 127 parking spaces in order to comply with Table 17.0 of the KCDP 2017-2023. The reduced parking would lead to unauthorised parking along the John Devoy Road which would represent an endangerment to public safety by reason of traffic hazard and potential obstruction to traffic and vulnerable road users.
3. It is considered the proposed development is located in an areas described under Section 4.22 of the apartment guidelines as “peripheral and/or less accessible urban location”. In this regard the provision of 175 parking spaces would not comply with Section 4.22 which would require between 266 and 279. The parking situation is further worsened by the shortfall of parking for the crèche and community use building.
4. The design of the parking contravenes Section 4.4.9 of the Design Manual for Urban Roads and Streets (DMURS) as:
 - The 143 no. perpendicular parking spaces on the 4.8m wide access road and 1.2m wide cycle track that leads onto the John Devoy Road,
 - The parking rate of 1.15 spaces per residential unit in conjunction with a density of c. 72 units per ha will cause a saturation,
 - The omission of off-street/ basement parking due to the residential development of 72 residential units per ha.
 - The proposed insufficient and deficient on-street parking and lack of basement parking is not in accordance with DMURS would lead to unauthorised parking of vehicles on the John Devoy Road and cause a traffic hazard due to the obstruction.
5. The proposed design concept is poor in that a substandard form and layout, over reliance on 1-bed apartment types, inadequate privacy in the private

open space provision, fails to provide high quality useable open spaces and fails to establish a sense of place, lack of adequate car parking, all of which would be injurious to the residential amenity of future occupants and would not be in keeping with the Urban Design Manual.

- 12.2. In relation to the proposed density on the site, I refer to Section 10.7-10.12 & 11.0 of my report. I consider the location of the site 4km from the Naas & Sallins railway station, within walking distance to a bus stop which has a high frequency service, and the pedestrian and cycle connectivity to the town centre supported the provision of sustainable transportation to the site, are applicable in the consideration of appropriate density on the site. In this regard, it is considered that the density of 72 units per ha will support a compact urban form by locating higher density development adjacent to the town core of Naas and the consolidation of Key Towns is in accordance with the NPF, EMRA RSES and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and Sustainable Urban Housing: Design Standards for New Apartments Guidelines.
- 12.3. In relation to the second and third reason and the quantum of car parking spaces proposed, I consider the rate of 175 no spaces (1.15 per apartment) is sufficient to cater for the proposed development and complies with Section 4.21 of the apartment guidelines. I consider the community and crèche facilities on the site are mainly ancillary to the overall development and therefore dual use of parking spaces is relevant to the quantum provided. I do not consider 266 to 279 no car parking spaces would be required for 152 apartments and a quantum of this scale would not promote sustainable transport patterns as required by national guidance.
- 12.4. In relation to the requirements for DMURS compliance (in particular Section 4.4.9), I consider the removal of the internal cycle lane and redesign of the parking will ensure the recommended standards are achieved. Pedestrian and cycle connectivity have been integrated into the overall design and layout, as have raised platforms and shared surfaces within the development ensuring the pedestrian and cyclist can move freely through the site. In relation to the necessity for basement parking, I consider the landscaping and integration of parking along the frontages of Blocks 3-6 will add to the public realm while also providing access through the site. I have

addressed this recommended reason for refusal in consideration of the internal road layout and design of parking spaces and I consider all aspects raised could be safely addressed and delivered as part of the development by condition, in the event of a grant of permission. I consider the proposed development, subject to the implementation of a condition addressing the issues raised, will provide for a safe and attractive environment for pedestrians and cyclists. The proposed development would not be likely to increase traffic along the John Devoy Road. I do not consider permission should be refused for this reason.

12.5. Finally with regard the overall layout and design of the proposed development the location of the apartments along the front of the site, facing onto the John Devoy Road, responds to the context of the site as required by the national guidance on urban design in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. The unit mix complies with SPPR 1 of the apartment design guidelines where 50% one bed room apartments are permitted and that private amenity space is in line with Appendix 1 of the those guidelines. The layout of the scheme, including the communal open space and play facilities responds to the criteria set out in the design manual and I do not consider a refusal of permission is not warranted on that basis.

13.0 Environmental Impact Assessment (EIA)

13.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 152 no apartment units, on a site area of c. 2.127ha. The proposed development is considered to be sub-threshold in terms of

EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

13.2. The applicant submitted an EIA Screening Report including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and Characteristics of Potential Impacts

13.3. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment and landscape details.

Characteristics of Proposed Development

The proposal is for 152 no. apartment units on an urban site of low value biodiversity. The proposal is not of a scale which would be unusual on an urban site and there will be no significant impacts from construction or operation.

The CE report notes the adjoining Strategic Housing Development (305701-19) included an EIAR. The CE report notes that although the adjoining SHD was sub-threshold, when combined with Phase 1 of the Elsmore development it was deemed to require an EIAR. I note SHD application to the south of the site was previously part of a larger housing scheme as permitted under PL07.236928 (Reg Ref 09/500050 EOD 15/955). It would therefore have been reasonable to assume that the combination of units would have cumulatively required an EIAR. I also note the conclusions in both the Inspectors Report and the Board Order of that SHD application as to the absence of any significant environmental impacts or sensitives on that site. The subject site is not linked to or reliant on any part of those residential developments in the vicinity and therefore I am of the opinion that this proposal may be assessed as a stand-alone residential development. The applicant's EIA screening includes the cumulative impact of development in the vicinity of the site, including that permitted in 305701-19, and there are no identified projects which

would be likely to lead to a significant environmental impact. The proposed layout has been designed to consider best practice urban design throughout.

Location of Proposed Development

The site is currently undeveloped land zoned for residential uses in the Naas town plan. The quantum of development proposed and the location contiguous to a built up area would have a minor impact on the natural resources of the area. The main use of natural resources is the land and although there is a watercourse along the west of the site it is not deemed to have a high biodiversity value.

Types and Characteristics of Potential Impacts

The subject site is consists of c. 2.127ha of zoned, serviced land contiguous to the town centre of Naas. The size and design of the proposed development would not be unusual in the context of a developing urban area the site will connect to the public foul sewer and water supply and would utilise the existing road network. The site is not zoned for the protection of the landscape or for natural or cultural heritage.

13.4. Having regard to:

- (a) Characteristics of the proposed development,
- (b) The nature and scale of the proposed development, on zoned lands served by public infrastructure,
- (c) The types and characteristics of potential impacts,

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. Therefore, I consider that the need for Environmental Impact Assessment can be excluded.

14.0 **Appropriate Assessment**

14.1. The application is accompanied by an Appropriate Assessment Screening Report. This report concludes that there is no potential for likely significant effects on any European sites.

14.2. The proposed development is for 152 no. apartment units, a crèche and a community building on a c. 2.127ha site, located within Naas town boundary, on

serviced and zoned land. Wastewater from the development will pass to the Osberstown wastewater treatment plant (also known as the Upper Liffey Valley Regional Sewerage Scheme). This plant discharges treated wastewater to the River Liffey under licence from the Environmental Protection Agency (EPA). Water will be supplied from a mains supply which originates from reservoirs at Ballymore Eustace, along the River Liffey. The Poulaphouca Reservoir SPA (site code: 4063), from which drinking water supply for this development may originate, is also considered to fall within the zone of influence of this project. Surface water from the site will be attenuated on site and will pass to an existing surface water sewer network.

14.3. There are no European sites located within or in close proximity to the site. The Submitted Screening Report listed 5 no. sites within a 15km radius of the site as the follows:

- Ballynafagh Lake SAC (1387)
- Ballynafagh Bog SAC (0391)
- Mouds Bog SAC (2331)
- Pollardstown Fen SAC (0396)
- Poulphouca Reservoir SPA (004063)

Natura 2000 sites

Natura 2000 Code	Site Code	Distance to site	Qualifying Interests
Poulaphoca Reservoir SPA	004063	c. 10km to the south east	Greylag Goose; Lesser Black-Headed Gull.
Mouds Bog SAC	002331	c. 8km to the west	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]
Ballynafagh Bog SAC	000391	c. 10km to the north west	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]

Ballynafagh Lake SAC	001387	C. 12km to the north west	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]
Pollardstown Fen SAC	000396	c. 11km to the south west	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]

14.4. The surface water outfalls to the Yeomanstown Stream (also referred to as the Rathasker Stream), which is located along the western boundary of the application site. This stream is within the catchment of the River Liffey, and is connected to Naas Canal, which ultimately drains to Dublin Bay. The European sites in Dublin Bay are approx. 33km downstream from the application site. Given the significant distance between the application site and the European sites within Dublin Bay, and taking into account the scale and nature of the proposed development, i.e. a housing development of moderate size which will be constructed and operated in accordance with standard environmental features associated with a residential development, it is not considered that the proposed development would have potential to have a significant impact on the water quality (and hence various qualifying interests) within the Dublin Bay system. Therefore the proposed development would not have the potential to have a significant effect on any of the European sites there.

14.5. The site is located downstream from Mouds Bog SAC (002331), Ballynafagh Bog SAC (000391), Ballynafagh Lake SAC (001387) or the Pollardstown Fen SAC (004040) and there is no hydrological link between the subject site and those European sites. Given the distance involved and nature of development, there is no

risk of disturbance to habitat or species in the Poullaphoca Reservoir SPA (004063) or any other site.

14.6. With regard to direct impacts, the application site is not located adjacent or within a European site and there are no watercourses on the site or habitats linked to European sites, therefore there is no risk of habitat loss, fragmentation or any other direct impacts. It is not considered that the proposed development would have any potential for a negative impact on the conservation objectives of the following Natura 2000 sites, or any other site:

- Mouds Bog SAC (002331),
- Ballynafagh Bog SAC (000391),
- Ballynafagh Lake SAC (1387)
- Pollardstown Fen SAC (004040),
- Poullaphoca Reservoir SPA (004063)

14.7. I consider it is reasonable to conclude that, on the basis of the information on the file including the AA screening report and all of the planning documentation submitted by the applicant, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

15.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 29th of May 2020 by Downey Planning on behalf of Randelswood Holding Ltd.

Proposed Development:

The development will consist of the construction of a residential development comprising of 152 no. apartments (54 no. 1 beds, 73 no. 2 beds and 25 no. 3 beds) within 9 no. blocks (ranging from 3 to 5 storeys in height); a single storey childcare

facility with outdoor play areas and a single storey community use building, all of which will be provided as follows:

- Block 1 containing a total of 20 no. apartments comprising of 18 no. 2 beds and 2 no. 3 beds, in a building ranging from 4-5 storeys with private balconies/terraces;
- Block 2 containing a total of 12 no. apartments comprising of 8 no. 2 beds and 4 no. 3 beds, in a building 4 storeys in height, and all apartments provided with private balconies/terraces;
- Block 3 containing a total of 22 no. apartments comprising of 8 no. 1 beds, 12 no. 2 beds and 2 no. 3 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- Block 4 containing a total of 20 no. apartments comprising of 10 no. 1 beds and 9 no. 2 beds and 1 no. 3 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- Block 5 containing a total of 24 no. apartments comprising of 12 no. 1 beds and 12 no. 2 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- Block 6 containing a total of 11 no. apartments comprising of 4 no. 1 beds, 3 no. 2 beds and 4 no. 3 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- Block 7 containing a total of 19 no. apartments comprising of 8 no. 1 beds, 8 no. 2 beds and 3 no. 3 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- Block 8 containing a total of 12 no. apartments comprising of 6 no. 1 beds and 6 no. 2 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- Block 9 containing a total of 12 no. apartments comprising of 6 no. 1 beds and 6 no. 2 beds, in a building 3 storeys in height, and all apartments provided with private balconies/terraces;
- One no. single storey childcare facility with associated open space;

- One no. single storey community use building with associated services;

The development will also provide 175 no. car parking spaces, 6 no. motorcycle spaces and 190 no. bicycle spaces; all associated ancillary site development infrastructure including ESB sub-station, external stores, bike stores, bin stores, plant rooms, public lighting & foul and surface water drainage; internal roads, cycle paths & footpaths; all landscaping, including open space areas & play equipment, boundary treatments & associated signage; 2 no. new vehicular access points & 4 no. pedestrian access points onto John Devoy Road; & all associated engineering and site works necessary to facilitate the development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

15.1. Reasons and Considerations

Having regard to the following:

- a) the policies and objectives of the Kildare County Development Plan 2017-2023, as varied,
- b) the location of the site on lands with a zoning objective for residential development in the Naas Town Development Plan 2011-2017 (as amended),
- c) the nature, scale and design of the proposed development and those issues relating to the contravention of Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 (as amended),
- d) the National Planning Framework, Project 2040,

- e) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- f) the Eastern & Midland Regional Assembly RSES 2019-2031;
- g) the Design Manual for Urban Roads and Streets (DMURS), 2019
- h) Urban Development and Building Heights – Guidelines for Planning Authorities;
- i) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- j) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- k) the nature, scale and design of the proposed development,
- l) the availability in the area of a wide range of social, community and transport infrastructure,
- m) the pattern of existing and permitted development in the area,
- n) the report of the Chief Executive of Kildare County Council;
- o) the submissions and observations received, and
- p) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended).

Having regard to:

- a) the nature and scale of the proposed development on a site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the proposal was advertised as a material contravention of Table 4.2 of the Kildare County Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 and was accompanied by a Material Contravention Statement. The Board did not consider that the proposed density of 72 units per ha would materially contravene the said plans as, having regard its location contiguous to the town centre of Naas, the site should be considered as an Inner Suburban site. The Board considered the “Residential Development Parameters” relating to Inner Suburban/ Infill in Table 4.2 of the Kildare County

Development Plan 2017-2023 and Table 4.2 of the Naas Town Development Plan 2011-2017 are applicable to development on the site and therefore the appropriate density is site specific . In determining this classification of the site, the Board had regard to Section 5.9 and 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and the information contained in Section 15.5.2 of the Kildare County Development Plan 2017-2023 which relates to the Inner Suburban sites and expansion areas, respectively.

The Board noted the submission from the Chief Executive of Kildare County Council, considering the density proposed as inappropriate having regard to the absence of any high quality public transport to the site. The Board considered that the location of the site 4km from the Naas & Sallins railway station, within walking distance to a bus stop which has a high frequency service, and the pedestrian and cycle connectivity to the town centre provided suitable access to the site by sustainable transportation. In this regard, it is considered that the proposed density of 72 units per ha would support a compact urban form by locating higher density development adjacent to the town core of Naas and would contribute to the consolidation of a Key Town in accordance with the NPF, EMRA RSES and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and Sustainable Urban Housing: Design Standards for New Apartments Guidelines.

15.2. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanala for determination.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - a. The external staircases for Blocks 3-9 shall be removed and these apartment blocks shall be redesigned to incorporate dual entrances as provided in Block 1 & 2. That is, the ground floor apartments shall be accessed via an entrance at the ground floor rear/ public open space, with the entrance to the upper apartments via an internal stairwell as proposed. Revised details shall incorporate appropriate waste/ recycling facilities for each of the units, with landscaping and boundary treatment.
 - b. A site layout shall be amended to provide for the removal of the gates at the vehicular, pedestrian and cycle access both along the John Devoy Road and the future access to the north and the south of the site.
 - c. The boundary treatment along the northern, eastern and southern boundary shall be removed and the treatment proposed along the east of the site, facing onto the John Devoy Road shall be extended around the entire site. Pedestrian and cycle access shall be retained to the south of the site at the location indicated as "Potential Link to Adjacent Site" on Drwg no PP255-01.
 - d. The internal road layout shall be redesigned to include the removal of the cycle lane without increasing the width of the carriageway, with the additional space required to allow access to the perpendicular parking laid out in accordance with Figure 4.82 of DMURS.

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

Reason: In the interests of residential amenity, traffic safety and to ensure future connectivity is retained.

3. The landscaping and earth works scheme shown on drg no PP255-01, as submitted to An Bord Pleanála as part of this application shall be carried out

within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) the inclusion of soft landscaping along and between the car parking areas which adjoin the ground floor apartment units, and
- (b) planting of trees at 2 metre intervals along all boundaries of the site.
- (c) provision of a planting scheme indicating the location, type and number of species. All planting shall be of native species and generally in keeping with the location detailed on Drwg PP255-01. Tree planting shall use semi-mature specimens.
- (d) submission of the final design and use of the playground equipment as detailed on Drwg PP255-01.

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

Reason: In the interest of residential and visual amenity.

4. The proposed cycle infrastructure be designed so as to comply with all necessary standards in the NTA National Cycle Manual.

Details of the layout, marking demarcation and security provisions for the cycle spaces and cycle infrastructure shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. The proposed car parking layout shall be modified so that at least 6 no. spaces are provided for persons with impaired mobility. These spaces shall be located as close as possible to the building entrance. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

6. 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

7. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, community centre and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

(c) Details of all proposed uses within the community centre shall be submitted to and agreed in writing with the planning authority prior to occupation of any uses.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. (a) The development shall be carried out on a revised phased basis. The first phase shall consist of not more than 75 units, together with their associated site development works, and shall include the crèche and associated development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, An Bord Pleanála.

(b) Work on any subsequent phases shall not commence until completion of Phase 1 or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage

Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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.

Karen Hamilton
Senior Planning Inspector

03rd of September 2020