



An  
Bord  
Pleanála

## Inspector's Report ABP-307340-20

### Development

43 No. residential units accessed by way of new entrance, piers and junction from the Rathasker Road (L6066) on lands of c. 1.16 hectares at Rathasker Road, Naas West Townland, Naas, Co. Kildare. The works also include the widening of the Rathasker Road to include footpaths and requires street lighting fronting the proposed site to the junction of the Southern Ring Road (R447). The proposed development will comprise the demolition of 2 No. existing residential units and the construction of the following: 43 No. new homes, comprising 19 No. 4 bed townhouses, 12 No. 3 bed townhouses, 6 No. 2 bed and 6 No. 1 bed apartments; the formation of 1,909 sqm of landscaped open space areas; 78 No. car parking spaces (74 No. dedicated spaces and 4 No. visitor car spaces of which 1 No. designated for people with specific access requirements); primary vehicular and pedestrian access to the

	proposed development will be provided from a new access and junction off the Rathasker Road, associated residential estate roads. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths and ancillary works above and below ground.
<b>Location</b>	Rathasker Road, Naas West Townland, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2090
<b>Applicant(s)</b>	Conlon New Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Conlon New Homes Ltd.
<b>Observer(s)</b>	Sorcha O'Neill Elizabeth Hayden John Dunne Dolores Moore & Kirsten Buggy Esmondale Residents Association Mary Foley Glen & Ewa Young Angela & James Killilea Cornelius Collins & Breeda Kane

Eamon Keenan & Marian Keenan  
Patrick & Mary Sherry

**Date of Site Inspection**

30<sup>th</sup> October, 2020

**Inspector**

Robert Speer

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located in the townland of Naas West, Co. Kildare, on the southern outskirts of Naas Town, approximately 1.2km south-southwest of the town centre, where it occupies a position along Rathasker Road (Local Road No. L6066) to the south of the Southern Ring Road, in an area characterised by the gradual transition from the built-up surrounds of the town proper through to the surrounding rural / agricultural hinterland. The immediate site surrounds along Rathasker Road are generally more rural in character with the roadway itself classified as a minor local road which extends from the Southern Ring Road to serve a number of one-off dwelling houses and surrounding agricultural lands. The carriageway has been widened in part along the southbound approach to the site, however, it narrows considerably on travelling further southwards. It is bounded by mature hedgerow and tree planting whilst the application site is located beyond the 50kph speed limit along a stretch of roadway that is subject to a speed limit of 80kph.
- 1.2. The site itself has a stated site area of 1.3182 hectares, is rectangular in shape, and comprises the plots of 2 No. one-off rural dwelling houses (as well as extending to include part of Rathasker Road). In this regard, it is of note that the rear (easternmost) extent of the more northerly of the two dwellings comprises a heavily landscaped garden area which includes multiple ornamental and mature trees / planting. The site adjoins an undeveloped parcel of residentially zoned lands to the north, an existing housing estate of conventional, two-storey, primarily semi-detached properties to the east (known as Esmondale) accessed from the Kilcullen Road, a further one-off two-storey residence to the south, and the Rathasker Road to the west. The site perimeter is generally defined by a combination of mature hedging / planting and post & rail fencing although the boundary shared with the adjacent housing estate of Esmondale to the immediate east includes a notable tree line.

## **2.0 Proposed Development**

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the demolition of 2 No. existing dwelling houses and the construction of 43 No.

residential units comprising 19 No. 4-bed townhouses, 12 No. 3-bed townhouses, and 12 No. apartment units as follows:

- 1 No. 4-bedroom, three-storey, detached house (House Type 'A': 227.5m<sup>2</sup>)
- 1 No. 4-bedroom, three-storey, detached house (House Type 'A1': 227.5m<sup>2</sup>)
- 12 No. 4-bedroom, three-storey, semi-detached houses (House Type 'C': 172.7m<sup>2</sup>)
- 2 No. 4-bedroom, three-storey, semi-detached houses (House Type 'C1': 194.4m<sup>2</sup>)
- 2 No. 4-bedroom, three-storey, semi-detached houses (House Type 'C2': 183.9m<sup>2</sup>)
- 1 No. 4-bedroom, three-storey, detached house (House Type 'C3': 172.7m<sup>2</sup>)
- 4 No. 3-bedroom, three-storey, mid-terrace houses (House Type 'D': 155.5m<sup>2</sup>)
- 4 No. 3-bedroom, three-storey, end-of-terrace houses (House Type 'D1': 155.5m<sup>2</sup>)
- 2 No. 3-bedroom, three-storey, mid-terrace houses (House Type 'E': 159.5m<sup>2</sup>)
- 2 No. 3-bedroom, three-storey, end-of-terrace houses (House Type 'E1': 159.5m<sup>2</sup>)
- 1 No. three-storey apartment block comprising 6 No. 2-bed and 6 No. 1-bed apartment units.

- 2.2. Associated site development works include the removal of the existing roadside boundary to facilitate the provision of a new vehicular and pedestrian access from Rathasker Road (Local Road No. L6066) and the upgrading / widening of Rathasker Road along the entirety of the site frontage and as far as its junction with the Southern Ring Road (Regional Road R447) to include for new footpaths and street lighting. It is also proposed to provide a new pedestrian / cycle link between the development and the adjacent Esmondale housing estate to the east.
- 2.3. The proposal includes for the construction of foul and surface water drainage infrastructure (with connection to the existing water supply and foul sewer drainage services), the provision of new landscaping and amenity areas, car parking, and assorted boundary treatment.

- 2.4. In response to the grounds of appeal, an amended site layout has been submitted for the consideration of the Board which provides for various revisions to the scheme as initially lodged with the Planning Authority. This has been accompanied by a further alternative development design which includes for the substitution of the proposed apartment building with a revised construction incorporating a combination of apartments and duplex units.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On 30<sup>th</sup> March, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:
- The Planning Authority notes that a significant quantum of lands zoned “C – New Residential”, as designated in the Naas Town Development Plan 2011-2017 are yet to be developed and as such the proposed development would be premature pending the development of lands zoned “C – New Residential”. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
  - Having regard to the quality of the residential layout and design, including in relation to overlooking and overshadowing of neighbouring dwellings in Esmondale to the east and poorly dispersed and designed public open space, the proposed development is considered to be in conflict with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May, 2009, and with the Kildare County Development Plan 2017-2023, it is considered that the proposed residential development would seriously injure the residential amenities of property in the vicinity and the residential amenities of future occupants and would, therefore, not be in accordance with the proper planning and sustainable development of the area.
  - The removal of a significant level of high value hedgerows to facilitate the proposed development would be contrary to the provisions of Policy NH04

Naas Town Development Plan 2011-2017 which seeks to protect the rural character of the area and to encourage the protection of trees and hedgerows on the approach roads to Naas, namely, Tipper Road, Rathasker Road and the Craddockstown Road and Policies NH1, GI8 and GI9 of the Kildare County Development Plan 2017-2023 which seek to preserve, maintain and protect native hedgerows within the County. To permit the proposed development would set an undesirable precedent for the removal of a significant amount of Green Infrastructure in this location, with a resultant loss in natural habitats and associated biodiversity, and would therefore, be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. *Planning Reports:***

Details the site context and the applicable policy considerations before asserting that, notwithstanding the applicable land use zoning as 'B – Existing Residential / Infill', the proposal is premature pending the development of lands zoned as 'C – New Residential' within the Development Plan area, with particular reference to those lands to the immediate north of the site. In this regard, it is suggested that the development of the subject site may be appropriate upon the development of those lands to the north with access preferably obtained through same as this would serve to preserve the rural character of Rathasker Road in accordance with Policy NH04 of the Naas Town Development Plan, 2011-2017.

Further concerns are raised as regards the overall design, height, massing and layout of the proposal, including the provision of the apartment units and the juxtaposition of the apartment block with those dwelling houses to the north and the Esmondale estate, and the potential impact on the residential amenity of neighbouring properties by reason of overlooking and overshadowing. Reference is also made to the proposed pedestrian / cycle link, the loss of mature hedging alongside Rathasker Road etc. contrary to the provisions of the Development Plan, the limited mix of unit sizes (upon exclusion of the apartment units), the excessive density of the proposal given the site location on the outer edge of the urban – rural transition, and the inadequacy of the open space provision.

The report thus concludes by recommending that permission be refused for the reasons stated.

#### 3.2.2. *Other Technical Reports:*

*Water Services:* No objection, subject to conditions.

*Housing:* Confirms that the application is subject to the requirements of Part V in accordance with Urban Regeneration & Housing Act, 2015 before recommending that further information be sought with regard to certain aspects of the design of the proposed units, including details of compliance with the general storage space requirements of the County Development Plan.

*Chief Fire Officer:* Recommends that further information be sought with regard to compliance with Section 5.4.4 of Technical Guidance Document B – Fire Safety Dwelling Houses - Volume 2 (in reference to the provision of turning facilities for appliances) to include an auto-track analysis of the proposed layout. It is also stated that the applicant should be required to demonstrate compliance with the requirements of Section 1.3.3 of Technical Guidance Document B: Fire Safety – Volume 2 - Dwelling Houses (Building Regulations, 2017).

*Roads, Transportation and Public Safety Department:* Recommends that further information be sought in respect of a variety of issues, including the widening of Rathasker Road, the surface water drainage arrangements along Rathasker Road, and the submission of Stage 1 & 2 Road Safety Audit, a revised Traffic & Transport Report & a Preliminary Construction Management Plan.

### 3.3. **Prescribed Bodies**

3.3.1. *Irish Water:* No objection, subject to conditions.

### 3.4. **Third Party Observations**

3.4.1. A total of 14 No. submissions were received from interested third parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The provision of a pedestrian / cycle link through to the adjacent housing estate of Esmondale.



- The potential for increased anti-social behaviour associated with the proposed pedestrian / cycle link.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, noise, loss of views / aspect, overflow car parking, and the increased traffic / safety risk posed to children etc.
- Devaluation of property attributable to a loss of amenity.
- The overall scale and design of the three-storey apartment block is out of character with the surrounding pattern of development.
- Prematurity pending the development of the residentially zoned lands alongside the Southern Link Road.
- Deficiencies in local services / amenities / infrastructure to support the continued population growth and expansion of Naas.
- The over-supply / lack of demand for additional housing development.
- Concerns as regards the impact of construction traffic on the surrounding road network, including the Southern Ring Road.
- Increased traffic volumes / congestion and associated safety concerns.
- The absence of any cycle lanes along Rathasker Road and the need for improved footpath provision etc.
- The disturbance / disruption to surrounding properties, businesses and road infrastructure during the construction works.
- Deficiencies as regards the display of adequate site notices.
- The loss of mature tree planting and hedgerows.
- Inadequate usable open space
- The need to provide for electric vehicle charging points.
- The inappropriateness of the site location given the surrounding pattern of development (i.e. low density & one-off housing).

## 4.0 Planning History

### 4.1. *On Site:*

None.

### 4.2. *On Adjacent Sites:*

None.

### 4.3. *On Sites in the Immediate Vicinity:*

PA Ref. No. 16/635. Was granted on 14<sup>th</sup> February, 2017 permitting Ballymore Naas Developments Limited permission for the construction of 243 No. houses, a creche and associated site works, at Pipers Hill, Killashee, Naas, Co. Kildare.

ABP Ref. No. PL09.303023. Was granted by the Board on 6<sup>th</sup> March, 2019 permitting Ardstone Homes Limited permission for a strategic housing development at Kilcullen Road, in the townland of Bluebell, Naas, Co. Kildare, comprising 125 No. residential units as follows:

- 4 No. one-bed, two-storey, maisonette-type units
- 6 No. three-bed, single-storey, dormer-type units
- 44 No. two-bed, two-storey, terrace units
- 18 No. three-bed, two-storey, semi-detached units
- 22 No. four-bed, two-storey, semi-detached units,
- 3 No. four-bed, two-storey, detached units
- A four-storey apartment block containing 8 No. one-bed and 20 No. two-bed apartment units.
- A total of 251 No. car parking spaces, including 228 No. spaces serving the residential units and 23 No. visitor spaces, dispersed throughout the scheme. All ancillary and associated site and infrastructural works, including an extension of the access road permitted under PA Ref. No. 15/848 / ABP Ref. No. PL09.246859) to provide pedestrian/cycle and vehicular access to the application site from the R448 Kilcullen Road; internal roads; open space; landscaping; boundary treatments; and, the provision of a pumping station

and associated infrastructure, including a new access and maintenance roadway on the eastern side of the Rathasker Road.

ABP Ref. No. PL09.305701. Was granted by the Board on 11<sup>th</sup> February, 2020 permitting Cairn Homes Properties Limited permission for a strategic housing development within the townlands of Naas West and Jigginstown, Naas, Co. Kildare, on two parcels of land located to the east and west of the Devoy Link Road on an overall site of circa 8.7 hectares, comprising the demolition of an existing dwelling and agricultural buildings and the construction of 314 No. dwellings, a creche, and retail unit as follows

- a) 208 No. houses comprising:
  - 14 No. two-bedroom houses
  - 172 No. three-bedroom houses
  - 22 No. four-bedroom houses
- b) 78 No. apartments:
  - 38 No. one-bedroom & 40 No. two-bedroom in 4 No. four-storey apartment buildings
- c) 16 No. one-bedroom maisonette apartments in 4 No. two-storey buildings;
- d) 6 No. two-bedroom duplex apartments and 6 No. three-bedroom duplex apartments in three-storey duplex building;
- e) Demolition of a single-storey house and derelict agricultural buildings;
- f) Open space of circa 1.32Ha including playground areas, all ancillary landscape works with public lighting, planting and boundary treatments including regrading/re-profiling of site where required as well as provision of cycle paths and pedestrian connections and landscaping integrated with Rathasker Road and pedestrian bridge over Yeomanstown Stream (also known as Rathasker Stream);
- g) Vehicular and pedestrian access from 2 No. existing access points from the constructed Devoy Link Road for Area A and use of existing entrance to Elsmore Phase 1 for Area B (from the Devoy Link Road), 578 No. car parking

spaces and 159 No. cycle parking spaces (including single storey bin/cycle stores);

- h) Provision of a crèche at ground floor of Block 3 along with associated play area, retail unit ground floor of Block 4;
- i) Surface water attenuation measures and underground attenuation systems as well as all ancillary site development works (reprofiling of site as required) as well as connection to existing public water supply and drainage services;
- j) Temporary marketing signage for a period of three years, and
- k) All associated site development and landscape works.

## 5.0 Policy and Context

### 5.1. National and Regional Policy:

- 5.1.1. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors, inner suburban / infill sites, institutional lands and outer suburban / 'greenfield' sites. Whilst the subject site is occupied by existing housing and is zoned as *'Existing / Infill Residential'* in the Naas Town Development Plan, 2011-2017 with the stated land use zoning objective *'To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'*, having considered the specifics of the site context on the outskirts of Naas town, I am inclined to suggest that it would be reasonable to categorise the proposed development site as 'greenfield' (as opposed to infill / inner suburban) given that the Guidelines define such areas as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such

lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

- 5.1.2. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' (which update the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015*') provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as 'build to rent' or as 'shared accommodation'. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.
- 5.1.3. The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this

regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. Moreover, Specific Planning Policy Requirement 4 states the following:

*'It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more'.*

## **5.2. Development Plan**

### **5.2.1. Kildare County Development Plan, 2017-2023 (incorporating Variation No.1 effective as of 9<sup>th</sup> June, 2020):**

*Chapter 2: Core Strategy:*

*Section 2.5.1: Settlement Hierarchy – Defining Principles:*

**- Naas:**

Key Towns – 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.

#### Section 2.11.1: *Key Towns:*

Naas and Maynooth are identified as Key Towns. They have the potential to accommodate commensurate levels of population and employment growth, facilitated by their location on public transport corridors and aligned with requisite investment in services, amenities and sustainable transport. The growth of the Key Towns will require sustainable, compact and sequential development and urban regeneration in the town core.

#### Section 2.16: *Delivering the Core Strategy:*

CS 1: Provide new housing in accordance with the County Settlement Hierarchy.

CS 2: Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.

CS 4: Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of a least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint.

#### *Chapter 3: Settlement Strategy:*

##### Section 3.4: *Designated Role of Settlement Category:*

Within the Settlement Hierarchy each settlement category has a designated role which is underpinned by its position in the overall growth strategy for the county. Maynooth and Naas have been designated as Key Towns in the RSES. Decisions were made for the remaining designations in the hierarchy by undertaking an economic analysis of all towns to assess their performance, thereby providing an evidence-based assessment on their position within the hierarchy.

##### Section 3.4.2: *Sequential Approach:*

All towns, villages, settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance. Zoning shall extend outwards from the centre of an urban area with strong emphasis placed on encouraging infill opportunities. Areas to be zoned should generally be contiguous to existing zoned development lands.

### Section 3.5: *Housing and Population Allocation:*

*Table 3.3: Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023:*

*Naas:*

Allocated Growth (%) 2020 – 2023:	14.9%
Population Growth 2020 to 2023 (annualised from 2026 NPF Figures):	2,514
Dwellings Target 2020- 2023:	898

### Section 3.8: *Policies: Settlement Strategy:*

SS 1: Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1.

SS 2: Direct growth into the Key Towns, followed by the Self-Sustaining Growth Towns and the Self-Sustaining Towns, whilst also recognising the settlement requirements of rural communities.

### Section 3.9: *Objectives: Settlement Strategy:*

SO 1: Support the sustainable long-term growth of the Key Towns (Naas and Maynooth) and the area to the north-east of the county located within the MASP and zone additional lands, where appropriate, to meet the requirements of the Core Strategy and Settlement Hierarchy of this Plan.

SO 4: Ensure that the scale and form of developments envisaged within towns and villages is appropriate to their position within the overall Settlement Hierarchy set out in Table 3.1. Due regard will be given to the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009), the accompanying Urban Design Manual – A Best Practice Guide (2009), Urban Development and Building Height Guidelines (2018) and the Urban Design Guidelines contained within Chapter 15 of this Plan.

SO 9: Sequentially develop lands within towns and villages in accordance with the Development Plan Guidelines, DEHLG (2007) including any updated guidelines and deliver at least 30% of all new homes that are targeted in settlements within their existing built-up footprint (defined by the CSO).



*Chapter 4: Housing*

*Chapter 15: Urban Design*

*Chapter 17: Development Management Standards:*

*Section 17.2: General Development Standards*

*Section 17.4: Residential Development*

**5.2.2. Naas Town Development Plan, 2011-2017:**

*Land Use Zoning:*

The proposed development site is located in an area zoned as *‘Existing / Infill Residential’* with the stated land use zoning objective *‘To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services’*.

This zoning principally covers existing residential areas. The zoning provides for infill development within these residential areas. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered appropriate to the area.

*Other Relevant Policies / Sections:*

*Chapter 2: Strategic Context and Core Strategy:*

*Section 2.11.1: Naas as Large Growth Town I:*

CS1: To prioritise the sustainable development of Naas as the County Town for Kildare and to ensure that Naas can support the level of growth to underpin its role within the Greater Dublin Area as a “driver” of development in sustaining strong levels of economic growth.

CS2: To facilitate the development of new housing in accordance with the targets set out in the Regional Planning Guidelines and the County Settlement Hierarchy in the County Development Plan.

CS3: To consolidate and develop a sustainable town and avoid sprawl and coalescence of the town with nearby towns/villages.

*Chapter 4: Housing:*

*Section 4.4: Housing Location and Density:*

#### *Section 4.4.3: Infill Residential Development:*

Potential sites may range from small gap infill, unused or derelict land and backland areas, side gardens of existing houses, up to larger undeveloped sites within an established residential area. A balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. Proposals for development involving the intensification of residential uses within existing residential areas such as houses in side gardens will generally be permitted where it can be clearly demonstrated that the proposal respects the existing character of the area and would not harm the amenity value of adjoining properties.

It is important that areas designated and developed as public open space shall be maintained as such. Development will not be permitted on designated areas of public open space that forms part of a site layout development permitted under a planning permission

#### *Section 4.4.4: Outer Suburban/Greenfield Sites:*

These are defined as greenfield sites on the outer edge of the existing built up area of Naas town. There are a number of residentially zoned sites which fall under this category. It is necessary to make efficient use of these lands in the context of their location and the provision of a variety of housing types. Densities in a range of 30-50 dwellings per hectare will be appropriate and should include a variety of housing types.

#### *Section 4.5: High Quality Design of Residential Areas*

#### *Section 4.7: Apartment Development*

#### *Section 4.12: Housing Policies*

#### *Section 4.12.3: Existing Residential:*

*HP15:* To encourage infill housing developments on appropriate sites.

#### *Section 4.13: Housing Objectives*

#### *Chapter 12: Urban Design & Opportunity Areas*

#### *Chapter 13: Development Management*

#### *Section 13.2: General Development Standards*

### 5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 1.0km northwest of the site.

### 5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- There are no policies or objectives in either the town or county development plans to substantiate a claim that ‘*C - New Residential*’ zoning should take precedence over ‘*B - Existing Residential / Infill*’ zoned lands. The initial refusal reason asserts that such an approach would be contrary to the proper planning and sustainable development of the area, however, it is submitted that the greater use of existing developed lands closer to the urban centre of Naas would be more sustainable than the development of greenfield lands at a more peripheral location.
- The proposal adheres to the standards required by the Development Plan and does not give rise to any direct overlooking or overshadowing of neighbouring properties.

- The requisite open space provision (i.e. 15% of the site area) is to be provided in the main by way of a consolidated central area accessible to all with supplementary areas located to the front and rear of the scheme thereby ensuring a suitable layout and density in accordance with the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' as set out in the Architectural Design Statement.
- There will be no loss of high value hedgerows consequent on the development and, therefore, the associated policy provisions can be discounted. Perimeter hedgerows will be maintained as far as possible.
- Although several high value trees will be lost as part of the proposal, these are within an existing domestic setting.
- The scheme has been designed to maximise the retention of existing trees where possible, however, the most efficient / best use of urban land is the principal planning consideration and a complementary landscaping / planting programme will allow for the development of suitable green infrastructure. In this regard, tree removal will only be undertaken where necessary to fulfil the principal land use zoning objective and where the trees / tree groupings in question are not statutorily protected. The proposal will also be supplemented by a landscaping plan and an abundant planting schedule which includes for semi-mature tree groupings in order to compensate in part for the loss of some existing domestic ornamental specimens which have been identified by the arborist as follows:

*'The majority of the trees that are to be removed are non-native and are of low quality. The trees were planted by the homeowners and many of the trees were the wrong species type for their location and have outgrown their living space'.*

- The site is located on residentially zoned lands (i.e. '*Existing / Infill Residential*') which are of an 'infill' nature and sequentially preferable to both existing '*C - New Residential*' lands and the scheme approved by the Board under ABP Ref. No. PL09.303023 (Ardstone Homes Ltd.). In this regard, it is evident from the site location adjacent to existing housing and lands zoned for '*New Residential*' that it is eminently suitable for the scale and form of

development proposed. It should also be emphasised that land use zonings are presented to ensure ‘certainty’ in the planning process and to highlight potential development opportunities for all stakeholders, including developers and landowners. Therefore, it is contended that the applicable land use zoning allows for ‘appropriate infill’ and that the subject proposal could be considered as concerning an ‘*inner suburban / infill*’ or ‘*outer suburban / greenfield*’ site as per the ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*’ with either designation suggesting that the surrounding character and pattern of development (both existing and approved) would allow for ‘*the development of large houses on extensive sites as assembled from multiple ownerships as can provide for multiple dwellings without dramatic effect*’.

- The carrying capacity of the site benefiting from its location and wider context will deliver for an appropriate layout, scale and density of residential development in accordance with the Board’s recent consideration and approval of ABP Ref. No. PL09.303023. That decision is a significant material consideration in association with the subject lands and the future consideration of the residential densities proposed and where; the ‘*compact growth, better use of urban lands*’ and the need for ‘*more efficient use of urban lands*’ availing of social, economic and civil infrastructure presents a tangible consideration of the Planning Authority as it may have previously discounted on ‘existing residential / infill’ lands.
- The Board is referred to emerging policy in Proposed Variation No. 1 of the Kildare County Development Plan (adopted on 9<sup>th</sup> June, 2020) which refers to the Core Strategy and states the following:

#### **‘2.11.2 Key Towns**

*Naas and Maynooth are identified as Key Towns. They have the potential to accommodate commensurate levels of population and employment growth, facilitated by their location on public transport corridors and aligned with requisite investment in services, amenities and sustainable transport. The growth of the Key Towns will require sustainable, compact and sequential development and urban regeneration in the town core.*

## *2.16 Delivering the Core Strategy*

### *2.16.1 Policies: Settlement Strategy*

*It is the policy of the Council to:*

*CS 4 Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of at least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint’.*

- In response to the perceived negative impact of the proposal on the adjoining Esmondale housing estate, with particular reference to No. 92 Esmondale, the accompanying shadow analysis (and relationship study) suggests that due to the positioning of the proposed scheme any overshadowing will be minimal whilst the daylighting of adjacent habitable accommodation will not be unacceptably reduced.
- There is no ‘window-to-window’ overlooking between the proposed apartment units and housing in Esmondale with a significant separation distance of 6.3m - 8.6m between the respective gable elevations. In addition, the building heights are comparable with the subject lands being at a significantly lower level.
- A detailed study with levels and contiguous elevations relative to neighbouring housing in Esmondale has been prepared to defend the proposal. Furthermore, on review of the high level window opes proximate to Esmondale and rear amenity areas, it is apparent that the nature and positioning of the windows will not negatively impact on the amenity of those properties.
- The plot ratio of the proposed development at 0.5 – 1.0 confirms that the site has significant carrying capacity and will provide for an additional sense of openness through the provision of high quality private open space / garden areas.
- The open space provision represents 16% of the overall site area which is in excess of the 15% requirement normally required for residential development. Furthermore, the calculable open space provides for a hierarchy of areas

which includes a principle consolidated space of 1,221m<sup>2</sup> (i.e. over 10% of the site area) in a single accessible and central location.

- The proposal includes for 2 No. substantive areas of open space to the front of the development in order to protect as far as possible the existing roadside green infrastructure. The design philosophy seeks to maximise the retention of mature tree specimens and to present a setting / character associated with Rathasker Road whilst also providing for some signature open space, maximising the public realm, and integrating the development with the specific circumstances of the site. The Planning Authority has failed to take account of this design philosophy in its dismissal of the open spaces as 'linear' and 'non-useable'.
- The roadside open space performs a dual function in maintaining the green infrastructure along Rathasker Road and serving as informal pocket parks / play areas.
- In addition to the roadside and centralised areas of open space, there are further significant pockets of communal open space intended for the benefit of the scheme such as that 'buffering' the apartment block in the southeast corner of the development. These areas may not have been considered by the Planning Authority as they present more informal spaces with aspects of visual and physical links to the neighbouring Esmondale estate whilst creating useable open space passively supervised by the apartment units. Overall, the accessible communal open space provision on site potentially equates to 20%.
- Consideration should be given to the form of the residential layout proposed in that the streets present a residential and shared surface approach with the motor vehicle to be secondary. Road widths have been reduced so as to only allow for refuse, delivery and emergency vehicles as well as limited essential motorised traffic. The secondary nature of the road network allows for a DMURS compliant layout and a more sympathetic 'Home Zone' arrangement.
- The design rationale of the scheme as originally submitted is to form a centralised open space protecting mature tree specimens and potentially

providing a green link to any future housing development on the zoned lands to the immediate north.

- It is submitted that the design and landscaping of the scheme has not been fully understood by the Planning Authority in its decision to refuse permission.
- With respect to the assertion by the Planning Authority that the applicant is removing high value hedgerows and trees, the Board is requested to review the design rationale of the landscape plan (as supported by the arborist's report) which has sought to maximise the retention of trees and hedgerows where possible. No high-quality hedgerows are proposed for removal with only non-native Lawson Cypress (of low ecological value) to be removed.
- It is not accepted that those county-wide provisions which seek to preserve woodlands and hedgerows are intended to relate to domestic gardens on lands zoned for residential development, particularly in instances where the design rationale of the proposal has sought to preserve as many trees and hedgerows as possible.
- Although it would be preferable to retain the strong tree-lined character to the front of the site, the design rationale has sought to maintain the integrity of the site where possible and includes for the provision of compensatory and supplementary planting.
- In accordance with the Urban Design Manual, 2009, the architectural design provides for 'place-making' by maximising the retention of established trees and hedgerows whilst also seeking to achieve good connectivity with the neighbouring lands to the north and east.
- The design of the proposed development is cognisant of the importance of achieving the required densities for '*Inner Suburban / Infill*' and / or '*Outer Suburban / Greenfield*' sites in line with the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*'.
- The policy provisions referenced by the Planning Authority with regard to the protection of trees and hedgerows etc. are not intended to stifle or restrict development potential although they are important considerations. The submitted Design & Landscape Rationale supports the proposed development



and includes for suitable compensatory measures where the removal of trees etc. is unavoidable.

- The proposed development does not negatively impact on the ‘*Open Space & Green Network*’ or ‘*Natural Heritage*’ considerations shown in Figures 2.1 & 2.2 of the Naas Town Development Plan and instead presents an opportunity to deliver the enhanced walking and cycling routes associated with ‘green infrastructure’.
- The Board is invited to consider the amended proposal (Option ‘B’) which has accompanied the grounds of appeal. This revised scheme provides for the further retention of mature trees and again avoids the loss of any high-quality or biodiversity-rich hedgerow. In support of the foregoing, the accompanying revised Arboricultural Impact Assessment states the following:

*‘The revised design has allowed for the retention of the higher quality trees along the front of the site. Within the site the trees of quality are to be retained within the open area. Also there is a mature Leyland cypress hedgerow along the southeast corner, this will be retained and protected as it provides significant screening between the proposed apartments and the existing housing estate to the east’.*

- It is considered prudent as part of this appeal to review any significant items associated with the internal reports of the Planning Authority that may have envisaged a request for further information. In this respect the Board is advised as follows:
  - The accompanying submission compiled by Clifton Scannell Emerson (Consulting Engineers) provides a detailed and thorough response to the further information sought by the report of the Transportation Planning Dept., including the requirement to submit a Road Safety Audit. It is considered that this document enables the application to be determined as if received in the first instance.
  - In relation to the report of the Housing Section, the Board is referred to the accompanying set of revised drawings which have sought to address the concerns raised.

- While the Board is requested to consider the subject application as presented in the first instance (Option A), the opportunity has been taken to submit an Alternative Scheme (Option B) for consideration which may serve to address a number of issues that would perhaps have otherwise been resolved by way of a request for further information (full details of this alternative scheme are included in Appendix 'C' of the grounds of appeal).
  - Notwithstanding the contention that the scheme as originally submitted can satisfactorily justify the design and siting of the proposed apartment block, a series of photomontages and verified views have been prepared of Option B which illustrate the revised housing and apartment layout, the importance of the consolidated central open space, and the visual link to the existing backdrop of neighbouring boundaries and trees associated with a potential pedestrian link to the Esmondale estate.
  - Following consideration of the road design requirements of the Planning Authority with respect to Option A, the layout of the scheme has been revisited to ensure a compliant junction and access arrangement (proofed by a supporting Road Safety Audit) which integrates better with the setting and surrounding of the rural road infrastructure and beneficially creates a more consolidated open space area which allows for greater tree retention (as supported by the revised Arboricultural Impact Assessment).

The relocation of the entrance to the northwest corner of the site, and the associated removal of the necessity to widen the majority of the Rathasker Road, provides for the undisturbed retention of a greater proportion of the existing roadside planting thereby maintaining the rural character of the site and preserving its biodiversity.

- The replacement of the original apartment block with a new block of duplexes and apartments in order to lessen the impact on existing housing within the Esmondale estate. For example, the apartments at the eastern end of the revised block will be two-storey to minimise any

perceived impacts. This revised proposal also addresses the major reasons for refusal as follows:

- By retaining a greater number of trees and hedgerows.
  - The reduced massing, relocation and reorientation of the amended apartment block lessens the perceived impact on Esmondale.
  - The open space provision has been increased to 2,193m<sup>2</sup> (i.e. 19%).
- The revised design provides for more consolidated open space provision, with particular reference to that area along Rathasker Road which will no longer be split by a centralised entrance arrangement (and thus should be included in the calculation of usable open space).

Furthermore, by omitting the 2 No. access points to the adjoining lands to the north and southeast, two further areas of shared surfacing can be created thereby contributing to an improved sense of place where through-traffic is not permitted. The 4 No. remaining access points will be adequate to allow for future connectivity in the interests of orderly development.

## 6.2. Planning Authority Response

- In assessing the subject application due regard was had to: the relevant policies and provisions of the Kildare County Development Plan, 2017-2023; the land use zoning; the planning history of the site; the internal reports; the submissions received from prescribed bodies; and the proper planning and sustainable development of the area.
- The Planning Authority would reiterate its concerns as set out in the report of the case planner as regards the design and layout of the proposed development and its impact on residential amenity.
- The proposed development site is zoned as '*B – Existing Residential / Infill*' in the Naas Town Development Plan, 2011-2017 with the objective '*to protect and improve existing residential amenity, to provide for appropriate infill*

*residential development and to provide for new and improved ancillary services’.*

It is considered that, given the poor design of the scheme in terms of its layout and house types, if permitted, the proposed development would have a negative impact on the residential amenities of those neighbouring properties / dwellings to the south and east. This would contravene the aforementioned zoning objective which seeks ‘*to protect and improve existing residential amenity*’.

- The proposed development is premature pending the development of lands zoned ‘C – Residential’ in the Naas Town Development Plan, 2011-2017, with particular reference to those lands located to the immediate north. It is considered that the development of the subject site may be appropriate subsequent to the development of those lands to the north, with a preference for access via the latter. This would ensure the maintenance and protection of the rural character of Rathasker Road in accordance with Policy NH04 of the Naas Town Development Plan, 2011-2017.
- The Board is requested to uphold the decision to refuse permission.

### **6.3. Observations**

6.3.1. A total of 11 No. observations have been received from interested parties in respect of the subject appeal and, therefore, in the interests of conciseness, and in order to avoid unnecessary repetition, I propose to summarise the key issues raised under the following headings:

#### **6.3.2. *The Principle of the Development:***

- There is no need for the development given that the volume of housing already proposed / permitted elsewhere in the surrounding area is sufficient to meet anticipated the population growth targets as per the National Development Plan.
- The County Development Plan has already been revised to limit the amount of new housing development with a view to combating overdevelopment and urban sprawl as per national guidance etc. (e.g. Project Ireland 2020: National

Planning Framework and the Eastern & Midlands Regional Spatial and Economic Strategy, 2019-2031).

- The proposal is premature pending the development of those lands zoned as 'C: New Residential' in the Naas Town Development Plan, 2010-2017.
- Deficiencies in the provision / availability of local services and amenities, including childcare, school places & healthcare etc.
- A lack of investment in public / social infrastructure to cater for the additional demands of the proposed development.

#### 6.3.3. Overall Design and Layout:

- The design of the development is not in keeping with the area.
- The proposal is out of character with its rural setting.
- The apartment units should be sited elsewhere in the scheme with housing provided adjacent to Esmondale.
- The design and layout proposed is contrary to the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' and the Kildare County Development Plan, 2017-2023 and would seriously injure the residential amenities of property in the vicinity and those of future occupants of the development.

#### 6.3.4. Detrimental Impact on Residential Amenity:

- The proposal will result in the overlooking and overshadowing of neighbouring housing within the Esmondale estate.
- The overbearing nature / appearance of the proposed apartment block.
- A wider loss of amenity and mature tree planting etc. to the detriment of the area.
- Concerns as regards the potential for anti-social behaviour attributable to the pedestrian link proposed to the Esmondale estate. Consideration should be given to an alternative 'greenway' route through the development approved under ABP Ref. No. ABP-303023-18 (Ardstone Homes) to the school campus known as 'Piper's Hill' which will avoid Esmondale.

- Increased noise, traffic, and disturbance as a result of the proposed footpath / cycle link.
- The location of the proposed footpath / cycle link between the development and Esmondale is prone to flooding and is unsuited to any such use.
- Access to the proposed development through the Esmondale estate poses a health and safety risk to its residents and visitors etc.
- The inadequacy of the Esmondale estate road (and footpaths) to accommodate any increase in vehicular or pedestrian traffic and associated concerns as regards traffic congestion and road safety considerations.

#### 6.3.5. *Traffic Implications:*

- Access to the proposed development should be via Rathasker Road only.
- Concerns as regards the adequacy / capacity of the surrounding road network (including Rathasker Road) to accommodate the increased traffic volumes and associated turning movements consequent on the proposed development.
- The potential for traffic congestion and / or interference with the free flow of traffic, particularly at the junction of Rathasker Road with the Southern Ring Road.
- Concerns as regards the ability of the applicant to undertake the road improvement works envisaged along Rathasker Road.
- The impact of construction traffic on existing road users etc.
- The need for collaborative planning / co-ordination as regards future construction / infrastructural works along Rathasker Road so as to minimise disruption to local residents and road users etc.

#### 6.3.6. *Ecological / Biodiversity Considerations:*

- The proposal will have a detrimental impact on the natural setting, biodiversity, and wildlife along this section of rural roadway.
- The loss of high value hedgerows contrary to the provisions of the Development Plan.

- The setting of an undesirable precedent as regards the removal of a significant extent of green infrastructure with an associated loss of biodiversity and natural habitats.

#### 6.3.7. *Other Issues:*

- A revised site notice should have been erected as regards the subject appeal.
- Difficulties in accessing the relevant documentation and associated time constraints to the disadvantage of third-party observers.

### 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic considerations
- Loss of mature hedgerow / tree planting
- Appropriate assessment

These are assessed as follows:

### 7.2. **The Principle of the Proposed Development:**

7.2.1. From a review of the available information, it is apparent that a key consideration in the decision of the Planning Authority to refuse permission for the proposed development was the peripherality of the site location relative to the built-up area of Naas town and, more specifically, the intent of the applicable land use zoning and its relationship with other undeveloped lands zoned for residential development combined with the need to ensure that the town develops in a sequential and co-ordinated manner. Further concerns have been raised in several of the third-party

observations to the appeal with respect to the overall need for the proposed development given the levels of housing already proposed / permitted in the wider town (seemingly in reference to the population and housing unit allocations for the 'Key Town' of Naas over the period of 2020-2023 as set out in Table 3.3 of Chapter 3: *'Settlement Strategy'* of the Kildare County Development Plan, 2017-2023).

7.2.2. At the outset, I would advise the Board that the proposed development site is zoned as *'B: Existing / Infill Residential'* with the stated land use zoning objective *'To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'* and that residential development is 'permitted in principle' within such areas pursuant to Table 14.5: *'Land Use Zoning Matrix'* of the Naas Town Development Plan, 2011-2017. Moreover, the explanatory note included in Table 14.2: *'Land Use Zoning Objectives'* of the Plan states that this zoning provides for infill development within existing residential areas and that its primary aim is *'to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered appropriate to the area'*. Accordingly, I am satisfied that the principle of the proposed development generally accords with the applicable land use zoning, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.2.3. Notwithstanding that the wider principle of the proposed development is acceptable from a land use zoning perspective (as set out above), in its decision to refuse permission the Planning Authority has referenced the quantum of undeveloped lands zoned as *'C: New Residential'* in the Town Development Plan before asserting that the subject proposal would be premature pending the development of those lands. In this respect, it would appear that the Planning Authority has adopted a position whereby the development of lands zoned as *'C - New Residential'* is to take precedence over those zoned *'B - Existing Residential / Infill'*. Whilst I would acknowledge that the sequential development of urban areas is advocated in national guidance and that Section 3.4.2 of the Kildare County Development Plan, 2017-2023 expressly states that *'undeveloped lands closest to the core and public transport routes'* are to be *'given preference for development in the first instance'*, in my opinion, a plain reading of the reason for refusal given by the Planning Authority



in seeking to link the subject proposal to the prior development of all other lands zoned as '*C - New Residential*' would likely give rise to far-reaching and unintended consequences as regards the proper planning and sustainable development of Naas town. Clearly, sequential development is to be welcomed, however, I would suggest that the conditional sequencing sought by the Planning Authority whereby the development of 'greenfield' zoned lands is to be considered sequentially preferable to the redevelopment of other 'brownfield' / infill lands is simply unsustainable and contrary to the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth as expressed in National Policy Objective 3c which aims to deliver at least 30% of all new homes that are targeted in settlements (including Naas) other than the five Cities and their suburbs within their existing built-up footprints, and National Policy Objective 35 which seeks to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

- 7.2.4. The likelihood is that the aforementioned reading was not the intent of the reason for refusal and it would seem to be inferred in the report of the case planner that any consideration of development on the subject lands could be more specifically related to the orderly development of those greenfield lands between the application site and the Southern Ring Road. This would be a more reasonable consideration in seeking to coordinate the development of lands in the immediate site surrounds (as opposed to outwardly adopting a blanket prohibition on any redevelopment of the site pending the development of the wider undeveloped 'new residential' landbank in the town).
- 7.2.5. Therefore, on the basis of the foregoing, it is my opinion that the redevelopment of existing zoned & developed / infill lands cannot be held to be premature pending the development of lands zoned as '*C: New Residential*' in the Development Plan and thus the first reason for refusal as stated in the decision of the Planning Authority should not be upheld.
- 7.2.6. At this point, and in the interest of completeness, I am cognisant of the somewhat peripheral site location and the need for road improvement works to facilitate the proposal and, therefore, I propose to briefly review the wider merits of the proposal in terms of the orderly sequential development of Naas.

- 7.2.7. Although the site is located on the southern outskirts of Naas Town in an area characterised by the gradual transition from the built-up surrounds of the town proper through to the surrounding rural / agricultural hinterland, it is bounded by a large and well-established housing scheme known as Esmondale to the immediate east whilst the contiguous lands to the north are zoned for 'New Residential' development'. It is also situated a comparatively short distance along Rathasker Road (Local Road No. L6066) from its junction with the Southern Ring Road and thus is relatively accessible to / from the wider road network and within reach of local services. Furthermore, the site itself is potentially sequentially preferable to those emerging developing areas located further south along Kilcullen Road given its closer proximity to the town centre and the Southern Ring Road, including the strategic housing development of 125 No. new residential units approved by the Board under ABP Ref. No. ABP-303023-18 on lands c. 300m further south in the townland of Bluebell.
- 7.2.8. Therefore, on balance, having considered the available information, including the site context and land use zoning, I am satisfied that the overall principle of the proposed development is acceptable in this instance, subject to the consideration of all other relevant planning issues.

### **7.3. Overall Design and Layout:**

#### **7.3.1. *Proposed Residential Density:***

By way of context, I would advise the Board that Naas has been identified as a 'Key Town' within the 'Core Region' of the Eastern & Midland Regional Spatial and Economic Strategy and that the adoption of Variation No. 1 of the Kildare County Development Plan, 2017-2023 (which came into effect on 9<sup>th</sup> June, 2020) has updated the county settlement hierarchy to take account of this provision. It is envisaged that such key towns have the potential to accommodate commensurate levels of population and employment growth, facilitated by their location on public transport corridors and aligned with requisite investment in services, amenities and sustainable transport, and that their growth will require sustainable, compact and sequential development and urban regeneration in the town core. Accordingly, the preferred development strategy is to achieve critical mass in the 'Key Towns' with the county settlement strategy aiming to support the long-term sustainable growth of

Naas in order to meet the requirements of the Core Strategy and the Settlement Hierarchy of the Plan.

7.3.2. In accordance with Table 3.3 of the County Settlement Strategy (as varied), the town has been allocated a growth rate of 14.9% for the period 2020-2023 which is considered to equate to the provision of 898 No. additional dwellings (in this regard, I note that sufficient land has been zoned to cater for the housing demands of the county up to 2023 and beyond with any zoning surpluses and shortfalls within individual towns / villages etc. relative to the Core Strategy allocation to be reviewed through the relevant land use plans). However, concerns have been raised that the levels of housing already permitted and / or constructed in recent years within Naas town exceed its development capacity and that the subject proposal would serve to exacerbate a surplus of units, particularly when cognisance is taken of the wider development potential of the overall landbank zoned as 'New Residential' in the Town Development Plan.

7.3.3. Whilst I would acknowledge the legitimacy of the concerns raised as regards the need / development capacity for new housing construction in light of the updated population and housing unit allocations for Naas over the period 2020-2023 following the incorporation of the population projections contained in the NPF Implementation Road Map and the Eastern & Midland Regional Spatial and Economic Strategy by way of Variation No. 1 of the Kildare County Development Plan, 2017-2023, I am conscious that there is a mandatory requirement to prepare a local area plan for Naas (to replace the current outdated Town Development Plan) and that the Draft Naas Local Area Plan, 2019-2023 was not adopted by the elected members on the recommendation of the Chief Executive. Moreover, it is my understanding that no date is presently available for the making of any new LAP. Furthermore, in the absence of any clear and accurate breakdown of housing approvals and completions in recent years relative to the targets set out in the Core Strategy, I would be hesitant to draw any definitive conclusions as regards the development capacity of the town. Cognisance should also be taken of the fact that housing approvals do not necessarily equate to housing completions and that the 'Dwelling Target' of 898 No. units set out in Table 3.3 of the County Settlement Strategy (as varied) pertains to the period 2020-2023 and thus would seem to exclude any housing completions prior to same.

- 7.3.4. Notwithstanding any reservations as regards the actual development capacity of Naas for new housing construction, I would reiterate that the proposed development site is located on southern periphery of the town on lands which are zoned for residential purposes and where public services are available (subject to certain infrastructural improvements). Furthermore, having considered the specifics of the site context, I would reiterate that it would be reasonable to categorise the proposed development site as 'greenfield' (as opposed to infill / inner suburban) given that such areas are usually defined as encompassing open lands on the periphery of cities or larger towns. In this regard, I would draw the Board's attention to Policy HP5 of the Naas Town Development Plan wherein it is stated that the Council will encourage appropriate densities of new housing development in accordance with the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' (with Policy SS 5 of the County Development Plan also aiming to implement the principles of the Guidelines and the accompanying '*Urban Design Manual - A Best Practice Guide*') and, more specifically, Objective LDO 1 of the County Development Plan which aims to ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands in accordance with the aforementioned guidelines.
- 7.3.5. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. Given the site location, and notwithstanding its land use zoning as 'B: *Existing Residential & Infill*', in my opinion, the subject lands could be categorised as outer suburban / 'greenfield' as defined by the Guidelines where the greatest efficiency in land usage is to be achieved by providing net residential densities in the general range of 35-50 No. dwellings per hectare and that such densities (involving a variety of housing types where possible) are to be encouraged generally. Moreover, within such areas development at net densities of less than 30 No. dwellings per hectare is generally to be discouraged in the interest of land efficiency.
- 7.3.6. At this point, I would also draw the Board's attention to Specific Planning Policy Requirement 4 of the '*Urban Development and Building Heights, Guidelines for*

*Planning Authorities, 2018*’ which expressly states that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure ‘*the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines*’.

7.3.7. The subject proposal comprises the development of 43 No. dwelling units on a stated site of 1.3182 hectares which equates to a density of c. 33 No. units per hectare, however, on exclusion of the Rathasker Road which comprises non-developable land, the site area is reduced to 1.16 hectares and thus the net residential density proposed increases to 37 No. units per hectare. Therefore, the density proposed accords with recent changes in national and regional policy, namely, ‘Project Ireland 2040: National Planning Framework’, the Implementation Roadmap for the National Planning Framework, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, and Specific Planning Policy Requirement 4 of the ‘*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*’ which obliges planning authorities and the Board to secure the minimum densities set out in the ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ in the future development of greenfield or edge of city/town locations.

7.3.8. *The Proposed Apartment Unts:*

With respect to the inclusion of the proposed apartment block, whilst I note that Section 13.3.4: ‘*Apartment Developments*’ of the Naas Town Development Plan states that apartment schemes will only be considered in town centre locations, in my opinion, the application of such a blanket prohibition would be contrary to current national planning policy. The ‘*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*’ refer to the general suitability of ‘Intermediate Urban Locations’ for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent. They also state that more limited and very small-scale higher density apartment development may be suited to more ‘Peripheral and/or Less Accessible Urban Locations’. The Guidelines further acknowledge that the inclusion of apartments can allow for greater

diversity and flexibility in a housing scheme, whilst also increasing overall density, before stating that apartments may be considered as part of a mix of housing types in a given housing development at any urban location, including suburbs, towns and villages.

7.3.9. In addition to the foregoing, the *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'* advocate a move away from unsustainable "business as usual" development patterns towards a more compact and sustainable model of urban development and refer to the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, including suburban areas. Indeed, Specific Planning Policy Requirement 4 refers to the need to ensure a greater mix of building heights and typologies in planning for the future development of suburban locations and the avoidance of mono-type building typologies. This would lend further credence to the inclusion of apartment units as part of the proposed development.

7.3.10. It is also of relevance to note that apartments units formed part of the strategic housing development previously approved by the Board under ABP Ref. No. ABP-303023-18 on those more peripheral lands located c. 300m further south along Kilcullen Road.

7.3.11. Therefore, I am satisfied that the provision of apartments as part of the subject proposal is acceptable in principle.

7.3.12. *Proposed Design, Layout & Housing Mix:*

The proposed development, as initially submitted to the Planning Authority, involves the construction of 43 No. residential units made up of 19 No. 4-bed townhouses, 12 No. 3-bed townhouses, and 12 No. apartment units and comprises a combination of detached, semi-detached & terraced housing in addition to an apartment block. The design provides for an exclusively three-storey construction with the site layout characterised by a series of regular cul-de-sacs served by a principle spine road with each unit sharing a common design theme and generally having been provided with front and rear garden areas, save for the terraced units and the apartment block, and dedicated off-street car parking (although communal parking will be employed for the apartment units).

7.3.13. In architectural terms, the proposed development is of a contemporary design, although the layout of the scheme itself is somewhat more conventional, and is characterised by a three-storey, flat-roofed construction which utilises features such as vertically emphasised fenestration and a 'rhein-zink' (titanium zinc) or equivalent roof façade with the dwelling houses incorporating a recessed second floor roof terrace. Although the individual house designs do not in themselves present any overt difficulties, given the site context, with particular reference to its location in an area characterised by the gradual transition from the built-up surrounds of the town proper through to the surrounding rural / agricultural hinterland, and the surrounding pattern of development, I would have reservations as regards the wider suitability of the proposal as submitted. In this regard, I am cognisant of the prevailing rural character of Rathasker Road and the appropriateness of introducing a development of the scale and design proposed given that it will appear somewhat detached and out of place pending the development of the wider area, including those lands zoned as 'New Residential' to the immediate north and alongside the Southern Ring Road. In my opinion, when taken in context, the introduction of a development of the scale, form and massing proposed along this section of rural road will give rise to an unduly abrupt transition in the receiving environment which will be exacerbated by the somewhat monolithic and visually imposing appearance of the new construction. The loss of much of the mature of planting alongside Rathasker Road will also heighten the visual prominence of the development, although I would concede that the revised entrance arrangement detailed in the amended proposal (Option B) provided with the grounds of appeal will serve to lessen this impact.

7.3.14. With respect to the broader site layout, the proposal is typical of conventional suburban development and is characterised by a series of cul-de-sacs accessed via a principle spine road. It includes for frontage development onto Rathasker Road and a notable expanse of well-proportioned & overlooked open space which has been positioned alongside the northern site boundary so as to allow for the retention of several of the mature tree specimens at this location. Provision has also been made for access to any future development of the adjoining undeveloped lands to the immediate north and south of the site, as well as a new pedestrian footpath / cycle link to the neighbouring Esmondale housing estate to the east.

7.3.15. However, I would share the reservations of the Planning Authority as regards the juxtaposition of the proposed apartment block with neighbouring housing and surrounding lands. In my opinion, the siting of the apartment block does not achieve a satisfactory relationship with No. 92 Esmondale or Proposed Unit No. 31 given the limited separation distances involved and the perception that the construction has been 'crowded' into the corner of the site.

7.3.16. In addition, I would have concerns as regards the lack of surveillance / passive supervision of the pedestrian / cycle link which meanders between the proposed apartment building, a bin store, cycle stands, and the site boundary shared with the rear garden of an adjacent property before opening directly onto the end of a cul-de-sac. Whilst this aspect of the development has drawn considerable criticism from neighbouring residents, my concerns derive not from the principle of providing such an access but rather its design & siting. The inclusion of such a pathway / cycleway would serve to link two residential areas thereby providing for a greater degree of connectivity and permeability within the wider area and would comply with local and national planning policy by fostering more sustainable travel patterns through shorter walking / travel distances for pedestrians and cyclists (including local residents and visitors to the area). In this regard, I would draw the Board's attention to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' which aim to create high quality places that prioritise walking and cycling whilst the companion document entitled the '*Urban Design Manual: A Best Practice Guide*' highlights the need for 'Connections' and 'Inclusivity' both within and throughout new residential development. However, the siting of the pathway / cycleway as proposed could, in my opinion, could give rise to difficulties in that it traverses an area with minimal supervision and also passes in close proximity to the ground floor accommodation and private terraces of some of the units within the apartment building to the detriment of their residential amenity.

7.3.17. In light of the foregoing, I am inclined to suggest that the siting of the apartment building and its relationship with both Esmondale and the wider development requires reconsideration. Its positioning within the south-eastern corner of the site does not address or provide for adequate supervision of the proposed pathway / cycle link and thus is unlikely to encourage the use of same. Similarly, the apartment block serves to visually terminate the cul-de-sac at the end of Esmondale and thus



consideration should perhaps be given to a redesign of this aspect of the development whereby a more open route between the two areas would be forthcoming.

7.3.18. In relation to the quality and quantity of the open space provision, at the outset, I would reiterate my position that notwithstanding the applicable land use zoning as 'B: Existing Residential & Infill', given the site location on the periphery of the town, the subject lands can be more appropriately categorised as equating to an outer suburban / 'greenfield' location. Accordingly, I would draw the Board's attention to Section 4.20 of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' which states that in such areas public open space should be provided at a minimum of 15% of the total site area and that this should be in the form of useful open spaces within residential developments. Similarly, Section 13.3.5: '*Public Open Space for Residential Development*' of the Naas Town Development Plan, 2011-2017 states that a minimum of 15% of the total site area should be allocated as public open space on greenfield sites and that narrow tracts of land or areas that would otherwise be impractical to function effectively as open space will not be considered acceptable (similar quantitative and qualitative criteria are set out in the Kildare County Development Plan).

7.3.19. With the exclusion of the Rathasker Road, which comprises non-developable land, the subject site extends to 1.16 hectares and, therefore, there would be an expectation in normal circumstances to provide at least 1,740m<sup>2</sup> of useable public open space as part of the proposed development. In this regard, the site layout plan as submitted details the provision of three principle areas of open space as follows:

- The 2 No. linear tracts of open space alongside the site frontage with Rathasker Road which are bisected by the proposed site entrance arrangement (with a combined area of 320m<sup>2</sup>)
- The primary consolidated open space positioned adjacent to the northern site boundary which will be overlooked by housing on three sides and includes for the provision of an equipped play area (1,226m<sup>2</sup>).
- The lands within the south-eastern corner of the development between the site boundary and the apartment building which will accommodate the pathway / cycle link through to the adjacent Esmondale estate (363m<sup>2</sup>).

- 7.3.20. Whilst the overall open space provision as submitted equates to c. 16.4% of the developable site area and thus would seem to comply with the quantitative requirements of both local and national policy, in its calculation of the useable quantum of open space provided, the Planning Authority has excluded those areas situated alongside Rathasker Road and within the south-eastern corner of the site on the basis that those spaces are essentially incidental to the development i.e. its assessment is that the functional open space only equates to c. 10.5% of the site area and thus falls noticeably short of the applicable standard. In this respect, I note that both the Naas Town and Kildare County Development Plans state that narrow tracts of land which are less than 10m in width or areas 'left over after planning' will not be considered acceptable and this would appear to form the basis on which it has been determined that the aforementioned areas are of little functional use as public open space.
- 7.3.21. On balance, I would broadly concur with the Planning Authority's assessment in that the roadside open space offers limited functional use and would be unsuitable as a play area, although it could potentially be used in tandem with the adjacent shared surface (*N.B.* The Transportation Dept. of the Local Authority has objected to the inclusion of this shared roadway / space). Furthermore, I would suggest that difficulties arise as regards the area within the south-eastern corner of the development as that space is poorly dimensioned and unsupervised with limited accessibility (notwithstanding its intention to serve as a link through to the adjacent Esmondale estate) whilst it directly adjoins the private ground floor accommodation of the apartment building and is not differentiated from the adjacent private open space measuring 167m<sup>2</sup> (as shown on the site layout plan). If either of the aforementioned areas were to be excluded from the open space calculation, then the proposal would fail to satisfy the minimum quantitative requirements of local and national policy (even if account were taken of those areas alongside Rathasker Road, the public open space provision would only equate to c. 13.6% and thus would continue to fall short of the minimum standard).
- 7.3.22. Having considered the available information, it is my opinion that the overall design and layout of the development as proposed is problematic in a number of respects. In the first instance, whilst I would accept that the principle of the proposal is generally acceptable in terms of the applicable land use zoning etc., given the site

location on the periphery of the town in an area characterised by the gradual transition to the surrounding rural / agricultural hinterland, and noting that the scheme will effectively 'leap-frog' those lands zoned as 'New Residential' alongside the Southern Ring Road, I am inclined to suggest that the development will result in an unduly abrupt transition in the receiving environment that will be out of place pending the development of the wider area. In this regard, consideration should perhaps be given to co-ordinating the development of the subject site with the 'new residential' lands to the immediate north (identified as Parcel C15 in the Town Development Plan) with a view to ensuring the coherent development of the wider landbank in terms of access and infrastructural improvements, including any necessary upgrading of Rathasker Road. Such an approach would likely open up further options in terms of the development layout and its relationship with neighbouring lands.

- 7.3.23. In relation to the site layout as submitted, I am not satisfied that the proposed apartment building achieves a satisfactory relationship with adjacent properties given its overall design and the separation distances involved. Further concerns arise as regards the siting and lack of supervision of the proposed footpath / cycle link with Esmondale whilst there are also deficiencies in the provision of adequate useable public open space in keeping with the requirements of the Development Plan and the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'.

(Although the amended proposal provided with the grounds of appeal (Option B) will address some of the foregoing concerns, such as by increasing the depth of the open space alongside Rathasker Road so as to improve its functionality thereby warranting its inclusion in the open space calculations, it does not resolve the problematic nature of the access to Esmondale. I am also of the opinion that the considerable design changes proposed to the apartment building, including the introduction of duplex units, would necessitate the publication of revised notices).

#### **7.4. Impact on Residential Amenity:**

- 7.4.1. Having regard to the site context, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, and / or an

overbearing visual impact. In this respect, I would suggest that particular consideration needs to be given to the overall design, orientation and positioning of the proposed development relative to the adjacent housing within Esmondale and, more specifically, the relationship between the proposed apartment building and the existing dwelling house at No. 92 Esmondale.

- 7.4.2. From a review of the available information, it is apparent that the design of the apartment block has taken due cognisance of the need to avoid overlooking of the neighbouring residence given the limited separation distance of c. 6.3m - 8.8m between it and the gable elevation of No. 92 Esmondale. In this regard, I would advise the Board that the windows within the easternmost elevation of the apartment block (serving the dining / living areas of Apartment Nos. 2, 6 & 10 at ground, first and second floor levels respectively) are to be glazed in obscure glass. In addition, it is proposed to erect 2.1m high screening along the eastern perimeter of the first and second floor terrace / balcony areas serving Apartment Nos. 6 & 10 with a view to militating against any potential overlooking. It is of further relevance to note that the finished ground floor level of the proposed apartment building will be set 1.2m below that of No. 92 Esmondale whilst the retention of the existing mature planting along the intervening site boundary (as shown on the landscape masterplan) will also afford a level of screening.
- 7.4.3. With respect to the remainder of the development, I would have some reservations as regards the potential for overlooking of the rear garden area of the neighbouring dwelling to the immediate south (and the possibility that the development potential of the undeveloped zoned lands to the north could be similarly undermined) arising from the orientation and proximity of the second-floor terraced areas of several of the proposed dwellings and the some of the apartment balconies, although it may be feasible to resolve these concerns in part by way of condition through the installation of suitable screens.
- 7.4.4. In relation to the potential for the overshadowing of neighbouring dwellings, given the site context (including the likely shading already offered by the mature tree specimens along the eastern site boundary), the separation distances between the proposed development and those properties within the Esmondale estate, the relative finished floor levels and ridge heights of the proposed apartment building as shown on Cross-Section 'F-F' (Drg. No. 1915 PD03: 'Site Sections') received by the

Planning Authority on 6<sup>th</sup> February, 2020, and the 'Shadow Analysis' of the apartment block provided by the applicant in response to the grounds of appeal, in my opinion, the proposal will not give rise to any significant undue impact on the residential amenity of neighbouring properties by reason of overshadowing or a loss of sunlight / daylight.

- 7.4.5. In terms of the overall scale and height of the apartment building and its proximity to neighbouring housing, whilst the structure will undoubtedly change the outlook available from surrounding properties, with the most pronounced impact likely to be on the views available from within the rear / side garden area of No. 92 Esmondale, given the site context, the separation distances involved, and the relative finished floor levels and building heights, I am satisfied that the subject proposal will not unduly detract from the residential amenity of that property by reason of an excessively overbearing or visually domineering appearance.

#### **7.5. Traffic Considerations:**

- 7.5.1. Access to the proposed development will be obtained via a new vehicular entrance arrangement onto Rathasker Road whilst the proposal also includes for the upgrading of the c. 150m stretch of roadway between the site and the junction with the Southern Ring Road in order to provide for a 5.5m wide carriageway with 1.8m footpaths on both sides (*N.B.* The revised site layout plan submitted with the grounds of appeal includes for the widening of the carriageway to 6m in response to the recommendations set out in the report of the Roads, Transportation and Public Safety Department of the Local Authority)
- 7.5.2. In support of the proposal, the application has been accompanied by a Traffic & Transport Report which has analysed the potential traffic impact of the trip generation attributable to the proposed development (in addition to those housing developments permitted under PA Ref. No. 16/635 & ABP Ref. No. PL09.303023) on the surrounding road network, with particular reference to the junction of Rathasker Road with the Southern Ring Road, for a design year of 2021. However, I would refer the Board to the updated '*Traffic & Transport Report: Option B*' supplied with the grounds of appeal as this assessment has taken into account the additional traffic volumes consequent on further housing developments either planned or permitted in the vicinity of the application site as identified in the report of the Roads,

Transportation and Public Safety Department (i.e. PA Ref. Nos. 09/500050 & 15/955 and ABP Ref. Nos. ABP-30570119 & ABP-306077-19). Cognisance has also been taken of the impacts attributable to the likely distribution / diversion of traffic and background traffic growth forecasts.

- 7.5.3. Following a review of the Traffic & Transport Reports, it is apparent that although the proposed development will contribute to an overall increase in traffic volumes on the surrounding road network and that this is unavoidable, the potential traffic impact has been found to be long-term, neutral and imperceptible with the development operational traffic volumes significantly below the thresholds stated in Transport Infrastructure Ireland's '*Guidelines for Traffic and Transport Assessment, 2014*' for junction analysis. Accordingly, no junction modifications are recommended on the public road to facilitate the proposed development.
- 7.5.4. Therefore, in view of the foregoing, and noting the scale of development proposed, the projected traffic volumes, the overall condition of the public roadway in the vicinity of the site, and the road improvement works proposed, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and that the subject proposal does not pose an undue risk to traffic / public safety (although the Board may wish to consider the appropriateness of coordinating the development of the subject site with the undeveloped 'New Residential' lands to the north given the upgrading of Rathasker Road).
- 7.5.5. With respect to the wider concerns of the Local Authority as regards the internal road layout (as detailed in the report of the Roads, Transportation and Public Safety Department), I would refer the Board to the supporting documentation submitted with the grounds of appeal, including the report entitled '*CSEA Response to KCC Request for Further information*' prepared by Clifton Scannell Emerson Associates, Consulting Engineers, which has sought to address the issues raised. Having reviewed these details, I am satisfied that the revisions proposed will adequately resolve the outstanding road layout / traffic safety concerns.

**7.6. Loss of Mature Hedgerow / Tree Planting:**

- 7.6.1. In its decision to refuse permission the Planning Authority has referenced the loss of a significant extent of mature / high value hedgerow consequent on the proposed

development in contravention of various policy provisions of the Kildare County Development Plan which seek to preserve, maintain and protect native hedgerows and, more specifically, Objective NHO4 of the Naas Town Development Plan which refers to the need to *'have regard to the rural character and to encourage the protection of trees and hedgerows on the approach roads to Naas namely Tipper Road, Rathasker Road and the Craddockstown Road'*.

- 7.6.2. Given the nature of the development proposed and the associated requirement to upgrade that section of Rathasker Road between the site and its junction with the Southern Ring Road, the loss of some extent of the existing roadside planting is unavoidable. Whilst this is regrettable, it is necessary in order to accommodate the anticipated residential development of these zoned and serviceable lands. Accordingly, I would suggest that it is only reasonable to strike a balance between the demands of the proposed development and the desirability of preserving existing hedging and other 'green' infrastructure.
- 7.6.3. At the outset, I would refer the Board to the landscaping proposals (and the supporting documentation, including the Arboricultural Impact Assessment etc.) submitted with initial planning application which detailed that whilst efforts were to be employed to retain several mature tree specimens within the primary area of public open space within the scheme itself, the entirety of the roadside boundary planting along the frontage of the site proper onto Rathasker Road was to be removed with replacement tree planting to be undertaken subsequently. In addition, it was envisaged that in order to accommodate the road improvement / widening works on travelling northwards along Rathasker Road, it would be necessary to cut back part of the existing roadside hedging and to remove a further c. 55m section of hedgerow along the eastern side of the roadway.
- 7.6.4. In an effort to alleviate the Planning Authority's concerns, the grounds of appeal have been accompanied by revised proposals that provide for the relocation of the proposed entrance arrangement further north along the site frontage onto Rathasker Road which has the effect of allowing for the retention of a number of the mature trees alongside this boundary (although this will be reliant on an acceptance of the 45m sightlines to the nearside carriageway noting the site location along a stretch of road that is to be improved / widened and is subject to a speed limit of 80kph, albeit on an approach to a 50kph limit).

7.6.5. With respect to the removal of part of the roadside boundary hedging between the site and the Southern Ring Road, I would suggest that this is unavoidable given the need for the road improvement works. I am also cognisant that the adjoining lands have been zoned as 'New Residential' and thus their development and the need for the road improvement works with the associated loss of hedging is likely to have been envisaged to some extent. I am also of the opinion that the impact of the proposed works could be satisfactorily remediated in part through replacement planting.

7.6.6. Therefore, on the basis of the foregoing, I am satisfied that the subject proposal has taken sufficient account of the requirements of Objective NHO4 of the Town Development Plan with a view to preserving the rural character of Rathasker Road through the retention of existing tree planting / hedging along this approach road to the town.

#### **7.7. Appropriate Assessment:**

7.7.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that although the proposed development site is not located within any Natura 2000 designation, there are a number of Natura 2000 sites within the wider area with the closest such site being the Mouds Bog Special Area of Conservation (Site Code: 002331), approximately 8.0km west of the site. In this respect, it is of relevance to note that it is the strategy of the planning authority, as set out in Chapter 13: '*Natural Heritage & Green Infrastructure*' of the Kildare County Development Plan, 2017-2023, to contribute towards the protection, conservation and management of natural heritage including sites designated at national and EU level. Furthermore, Policy NH 5 of the Plan aims to prevent development that would adversely affect the integrity of any Natura 2000 site located within or immediately adjacent to the county and to promote the favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive. By way of further clarity, Policy NH 6 also states that it will be a requirement for an Appropriate Assessment to be undertaken in accordance with Articles 6(3) and Article 6(4) of the Habitats Directive in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site,



either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites are not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

- 7.7.2. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of ‘appropriate assessment’.
- 7.7.3. Having reviewed the available information, including the ‘*Statement of Screening for Appropriate Assessment*’ provided with the application and the screening exercise conducted by the Planning Authority, and following consideration of the ‘source-pathway-receptor’ model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any protected site, the limited ecological value of the lands in question, the absence of any pollution pathways between the development and any Natura 2000 sites, the separation distances involved between the project site and nearby Natura 2000 designations, the built-up nature of intervening lands, and the availability of public services, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.
- 7.7.4. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the peripheral location of the site on the edge of Naas town in an area characterised by the transition from the built-up surrounds of the town to the surrounding rural hinterland, the prevailing rural character of Rathasker Road, the zoning of the lands as 'Existing / Infill Residential' in the Naas Town Development Plan, 2011-2017, and to the undeveloped nature of the adjoining residentially zoned lands to the north of the site, it is considered that in the absence of an agreed overall layout plan for these and adjacent lands (which would determine the need for and co-ordinate the provision of an appropriate range of house types, access roads, pedestrian routes, and public open spaces), the scale, form and massing of the proposed development would be out of character with the pattern of development in the area, would result an unduly abrupt transition in the receiving environment, would represent a piecemeal approach to the sustainable development of the area and would, thereby, conflict with the stated policies of the planning authority. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the unsatisfactory juxtaposition of the proposed apartment building with neighbouring development, the siting and lack of supervision of the footpath / cycle link with the adjoining Esmondale housing estate, and deficiencies in the provision of adequate useable public open space, it is considered that the proposed development would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2009, and would constitute a substandard form of development which would give rise to a

substandard level of residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

21<sup>st</sup> January, 2021