



An
Bord
Pleanála

Inspector's Report ABP 311140-21

Development	65 residential units and associated works.
Location	Collinstown Td. at the junction of R449 and Green Lane, Lexlip, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	21/732
Applicant	Liffey Bridge Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellant	Liffey Bridge Homes Ltd.
Observers	1. Declan Murphy 2. Brian & Lorraine McArdle
Date of Site Inspection	02/11/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1.1. The site, which is triangular in shape, has a stated area of 1.18 hectares and is located to the north-east of the roundabout junction of Green Lane and the R449 c. 2.8km to the west of Leixlip town centre. Green Lane bounds the site to the south with the roadside boundary delineated by a hedgerow backed with trees and a timber post and rail fence. The R449 bounds the site to the west/north-west with the roadside boundary delineated by a grassed berm backed with trees and a timber post and rail fence. The site is level, part of which is currently being used as a construction compound.
- 1.1.2. The Westfield Housing estate which bounds the site to the east comprises largely of two storey detached, semi-detached and terraced dwellings. A five storey apartment block (to form part of the estate) is currently under construction immediately to the north-east of the appeal site. The estate is accessed from Green Lane which is served by foot and cycle paths on both sides. There is a pedestrian crossing just east of the estate entrance. The R449 to the north is a dual carriageway providing a link to the M4.

2.0 Proposed Development

The proposal is for 65 dwelling units comprising of:

- 12 no. 3 and 4 bed semi-detached houses (House Types M1, D and D1)
- 1 no. 4 bed detached house (House Type D4)
- Block A, 3 storeys in height providing for 8 no. units in the following arrangement
 - 4 no. 2 bed duplex units (ground and 1st floor) with
 - 4 no. 1 bed apartments over
- 2 no. 3 storey blocks (Blocks B and C) providing for 16 no units in the following arrangement
 - 8 no. 2 bed apartments at ground floor with
 - 8 no. 3 bed duplex units over.

- 5 storey apartment building (Block D) providing for 28 units comprising
 - 5 no. 1 bed units
 - 17 no. 2 bed units
 - 6 no. 3 bed units

Open space equating to 1914 sq.m. in 2 areas.

Vehicular and pedestrian access is through the adjoining residential development of Westfield. Pedestrian/cyclist connection is proposed to the R449 with a pedestrian access proposed to Green Lane.

The proposed development will read as an extension to the Westfield estate and will increase the overall number of units therein from 213 to 278.

The application is accompanied by:

- Planning Report
- Design Statement
- Environmental Impact Assessment Screening Report
- DMURS Statement (with Outdoor Lighting Report attached)
- Archaeological Impact Assessment
- Services Report (titled 'Notes on Infrastructure for Planning Application')
- Report for Appropriate Assessment Screening
- Biodiversity Assessment

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for 3 reasons which can be summarised as follows:

1. The proposal is substandard in terms of layout due to a poor design response to the existing site context surrounded by a busy road network and would result in a poor quality environment for prospective occupants. It does not

comply with the 12 criteria of the Urban Design Manual Best Practice Guidelines. The proposal would set an undesirable precedent and would be contrary to the provisions of policy DL1 of the County Development Plan.

2. The proposal does not accord with the minimum standards for apartment storage provision and is deficient in open space provision.
3. Having regard to its peripheral location insufficient car parking is provided and would conflict with section 4.22 of the Guidelines on Design Standards for Apartments.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report dated 14/07/21 (countersigned) notes:

- It is considered that the density of 55 units per hectare is above the limit range of 35-50 units per hectare. Having regard to NPF, RSES, MASP and Ministerial Guidelines and its location within metropolitan Dublin, on zoned and serviced land, the proposal would allow for compact urban growth. The density is acceptable subject to an exceptionally high quality design.
- There are serious concerns regarding the layout. Given the prominent location due regard to site specific circumstances such as noise from surrounding roads is needed. The layout has little regard for same.
- The location of Block A with the side elevation addressing the proposed vehicular entrance is considered to be an inappropriate layout.
- The apartment/duplex unit blocks are of a basic and standard design with little architectural merit. They do not create a high quality living environment for the intended occupants. The proposal does not accord with policy DL1 of the County Development Plan.
- Storage requirements are not met in units in Blocks B and C.
- The open space provision at 10.6% of the site area, is below the 15% requirement of the County Development Plan.

- The site is considered to be the most westerly residentially zoned lands within the Leixlip LAP and is considered to be a peripheral urban location. There is a shortfall in car parking with reference to the Guidelines for New Apartments.

A refusal of permission for 3 reasons recommended.

3.2.2. Other Technical Reports

Water Services in a report dated 17/06/21 recommends further information on the existing networks in Westfields, confirmation of feasibility from Irish Water, reduction in the amount of impermeable surfaces, SuDS, and a site specific flood risk assessment.

Environmental Health Officer in a report dated 21/06/21 has no objection subject to conditions.

Chief Fire Officer in a report dated 06/07/21 requires demonstration of compliance with Technical Guidance Document B in terms of access routes for high reach appliances.

Environment Section in a report dated 08/07/21 requires further information on an overall waste management strategy for the apartment/duplex blocks.

Housing Section in a report dated 29/06/21 recommends details on the Part V proposal.

3.3. Prescribed Bodies

Irish Water in a report dated 22/06/21 recommends further information on existing condition and capacity of networks in Westfield, if said system is to be taken in charge, compliance with conditions attached to 16/282, current capacity of downstream Loughnamona Wastewater Pumping Station, cumulative impacts on networks arising from 239 dwelling units granted at Leixlip Gate and confirmation of feasibility.

Transport Infrastructure Ireland in a letter dated 24/06/21 requests the planning authority to have regard to Chapter 3 of the Spatial Planning and National Roads Guidelines.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to:

- Adequacy of access to Westfield estate and access to the site
- Poor traffic management and traffic and pedestrian safety
- Lack of car parking
- Density
- Impact on amenities of adjoining residential property
- Suitability of design and mix of units
- Amenities of prospective occupants
- Childcare provisions
- Accuracy of the biodiversity study
- Lack of social infrastructure in the area

4.0 Planning History

PL09.247909 (16/282) – permission granted for 198 dwelling units on a 8.15 ha site comprising of houses, apartments in two blocks and a creche. Subsequent amendments in terms of housing mix and increase in height of the apartment blocks resulted in an increase in the permitted units to 213.

The Planner's report on file and the Planning Report accompanying the application detail the permissions granted for amendments to the above permitted development. Of note:

17/1374 – permission for an additional floor to apartment Block A from 3 to 4 storeys providing for an additional 5 no. apartments.

18/662 – permission granted for a further increase in height of Block A to 5 storeys providing for a further 5 no. apartments. Block A bounds the appeal site to the north-east.

ABP 302399-18 (18/663) – permission granted for a 4th floor to the permitted 3 storey apartment Block B providing for an additional 5 no. apartments.

ABP 307653 (20/162) - permission refused for the replacement of 7 no. dwellings with a 3 and 4 storey apartment block comprising of 32 no. units. The two reasons given cited impact on residential amenities of adjoining property, substandard amenity for prospective occupants and inadequate car parking provision.

21/444 – permission granted for a two storey creche providing for 81 children. It is to replace the creche previously permitted on the site granted under PL09.247909 (16/282).

Adjoining Sites

TA09.307223 – permission granted on site to south of junction of Green Lane and R449 for demolition of existing buildings, construction of 239 no. residential units (136 no. houses, 103 no. apartments), creche and associated site works.

5.0 Policy Context

5.1. Development Plan

5.1.1. Kildare County Development Plan, 2017-2023

Chapter 4 relates to housing and includes the following policies and objectives of relevance to the proposed development:

Objective HCO2 – encourage appropriate densities for new housing development in different locations through the local area plan process while recognising the need to protect existing residential communities and the established character of the area.

Objective HDO3 - to encourage appropriate design and densities for new residential development while recognising the need to protect existing residential communities and the established character of the area. Where appropriate, local area plans may incorporate additional guidance in the form of design briefs for important, sensitive or larger development sites.

Objection LDO1 – ensure that the residential density of residential development maximises the value of existing and planned physical and social infrastructure and

makes efficient use of zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

Objective LD03 – require higher residential densities at appropriate locations as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

Objective MDO1 – require that new residential developments provide for a wide variety of housing types, sizes and tenures.

Objective DLO1 – create high quality living environments for residents in terms of individual dwellings units and the overall layout, design and function of the developments through the implementation of the standards set out in Chapter 17 Development Management Standards and the principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the companion Urban Design Manual – A Best Practice Guide (2009) and the Design Standards for New Apartments Guidelines for Planning Authorities (2015).

Chapter 17 of the Plan relates to Development Management Standards and includes residential standards.

5.1.2. **Leixlip Local Area Plan, 2020-2023**

The site is within an area zoned C – to provide for new residential development.

Objective S1 – to accommodate housing growth in Leixlip in accordance with the Kildare County Development Core Strategy and any review, replacement or variation thereof.

Objective CS1.1 – to support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas.

Objective HC2.1 – to ensure that a good mix of housing types and sizes is proposed in all new residential areas including each Key Development Area (KDA) and appropriate infill/brownfield locations to meet the needs of the population of Leixlip including housing designed for older people and people with disabilities.

Objective HC2.2 – require that residential schemes in proximity to heavily trafficked roads within/adjoining Leixlip are designed and constructed to minimise noise disturbance, follow a good acoustic design and clearly demonstrate that significant adverse noise impacts will be avoided.

5.2. Natural Heritage Designations

The site is not located within or close to any European sites. Rye Water Valley Carton SAC is located c.1.2km to the north of the appeal site at the closest point.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Declan Brassil & Company on behalf of the 1st party appellant refers and is accompanied by amended plans and details including photomontages and a Noise Mitigation Report. The grounds of appeal can be summarised as follows:

6.1.1. Reason for Refusal No.1 – Layout and Design

- The proposal has responded to its established character and context and has been designed as an extension to the Westfield estate adjoining.
- The internal layout has been designed around a central open space.
- The height and density increases from two storey dwellings on the eastern boundary to three storey, duplex blocks on the western and southern boundaries, with the five storey apartment block in the south-western corner proximate to the R449/Green Lane roundabout junction. The latter has been designed as a landmark building and a visual focal point to define the approach to Leixlip. It is anticipated that it will frame the urban entrance to Leixlip at Green Lane in conjunction with the landmark building identified for the Leixlip Gate Key Development Area on the opposite side of the road (section 12.4 of the Leixlip LAP).
- The design of the duplex/apartment blocks have been designed and detailed to ensure that the proposal reads as an extension of the established architectural expression of the adjoining Westfield estate.
- The variation in height and dwelling form along the R449 will create visual interest and variety, unified by material finish and architectural detail.

- The increase in height, density and form of development along the southern and western boundaries ensures an appropriately defined and legible built edge, with active and passive surveillance provided along the adjoining public roads. It will consolidate and define the built edge of the settlement boundary.
- The proposal is consistent with the design principles as set out in the Key Development Area (of which the site formed part) in the previous Leixlip LAP 2017. It placed a building line addressing Green Lane and the R449. The site is not included as a Key Development Area in the current Leixlip LAP 2020, presumably on the basis that the Westfield estate was permitted and under construction at the time of the plan's preparation.
- Given the plan-led and detailed rationale for the location of the apartment/duplex blocks along the eastern and southern boundaries it is submitted that the siting of the blocks further from these boundaries would result in a poor architectural response to the roads and would impact on public open space provision.
- Amendments Proposed:
 - Block A has been reorientated to directly address the entrance and incorporate revisions in the gable elevations including additional windows.
 - Block A has been moved further eastwards. The gable end of the block and the wide fronted gable of house no.2 to the south will frame the main vehicular entrance. It will also create a more cohesive building line along the R449 to the west with the permitted apartment block to the north and the proposed block B to the south.
 - House No.1 has been revised incorporating a window in the gable elevation.
- The Noise Mitigation Report details the measures to be included in the design/insulation of the external walls, glazing selection and ventilation to ensure that internal noise levels are within recommended guidance set out in BS8233, Section 7.7.2.

6.1.2. Reason for Refusal No.2 – Apartment Storage and Open Space Provision

- Revised internal layouts for Blocks B and C providing for the minimum storage requirements in addition to a revised Schedule of Accommodation/Housing Quality Assessment Matrix submitted.
- The original open space provision of 1914 sq.m. equated to 16.2% of the site area and not 10.6% as stated in the planner's report.
- The open space is to be increased to 2010 sq.m. equating to 17% of the site area.
- Incidental areas of open space to the rear/sides of Blocks A, B and C have been eliminated to the greatest extent possible.
- Public open space has been consolidated into 2 no. large accessible spaces.
- Revised landscaping design submitted.

6.1.3. Reason for Refusal No.3 – Car Parking Provision

- 91 spaces are provided.
- The level of car parking proposed is appropriate to the site context.
- An additional 6 no. spaces within the Westfield estate serving the permitted apartment block adjacent to the appeal site are to be reallocated as visitor parking for the apartment/duplex element of the scheme. Applying the apartment guidelines standards the permitted quantum exceeds the requirements by 7no. These spaces are within the blue line boundary. A condition can be attached requiring the provision of these spaces should the Board consider it necessary.

6.2. Planning Authority Response

The Planning Authority must assess the planning application, including the design, that is presented. It is not its role to redesign a development. It has concerns regarding the design of the proposal. It requests that its decision be upheld.

6.3. Observations

Observations have been received from

1. Declan Murphy
2. Brian and Lorraine McArdle

The submissions can be summarised as follows:

- The proposal is using Westfield estate to justify an unsuitable high density.
- Inadequate parking provision. The removal of parking spaces from the permitted apartment block in Westfield will have a knock-on effect.
- The original road layout and lack of visitor parking in Westfield estate results in bottle necks and accidents at both the entrance and on the side roads. The road layout will not be able to accommodate the additional vehicular movements. The issue of traffic and vehicular movements needs to be re-examined.
- The tree line which provided for wildlife and a privacy screen between the site and Westfield has been removed. Planting of hedgerows along the perimeter to compensate for those removed recommended.
- Adequacy of childcare provision.
- Adequacy of quality of open space provision.
- There is no active travel connection to the R449 in the north-east corner of the development. Issues with footpath provision, crossing points on adjoining roads and cycle infrastructure.
- Bicycle parking is unsheltered. It should be enclosed with secure access.
- Noise pollution and amenities of prospective occupants.
- Visual Impact

6.4. **Section 131 Notice**

On the basis that the proposal may affect an Archaeological Heritage Area to the north-west of the site certain prescribed bodies were invited to make a submission/observation on the appeal.

Department of Housing, Local Government and Heritage recommends conditions requiring pre-development testing should permission be granted.

7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Acceptability of Density
- Design and Layout
- Amenities of Prospective Occupants
- Access and Parking
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment

7.1. **Acceptability of Density**

- 7.1.1. The appeal site immediately adjoins the Westfield housing scheme comprising largely of two storey, detached and semi-detached dwellings in addition to 2 no. apartment blocks and a creche. Permission for the scheme was granted under planning ref. PL09.247909 (16/282) providing for 198 dwelling units on a 8.15 ha site. Subsequent permissions allowing for amendments to the permitted scheme in terms housing mix and increase in height of the apartment blocks brings the total number of units permitted to 213. The scheme is nearing completion. The site subject of the appeal did not form part of the said permission. Notwithstanding, the proposal before the Board will avail of access through the said estate and entails a design reflective of that used in the scheme and will present itself as an extension to same.

- 7.1.2. The appeal site is within an area zoned C in the current Leixlip LAP, the objective for which is to provide for new residential development. I submit that the appeal site at the western most extent of the Leixlip LAP would be correctly identified as an outer suburban site. In such areas the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) state that development should generally be undertaken at a density of 35-50 units per ha. and that development should not be permitted at a density of less than 30 no. units per ha.
- 7.1.3. The Planning Report accompanying the application states that the development is an extension of the existing Westfield residential development and that it would assist in increasing the density to a more sustainable level from 26 units per hectare (213 units on a 8.15 ha site) to c.30 units per hectare (278 units on 9.32 ha site). Whilst the development will be accessed via the Westfield development availing of existing services and infrastructure and will incorporate a design approach comparable to that existing, I note that the site did not form part of the original Westfield development. I also note that the zoning provisions for the sites are different (Westfield covered by zoning objective B - existing residential / infill under the provisions of the Leixlip Local Area Plan, 2020- 2023). I consider that the density would more appropriately be considered for the scheme in its own right.
- 7.1.4. The proposal for 65 units on a 1.18ha site will give a density of 55 units per hectare. Whilst higher than the 35-50 parameters set for such an outer suburban location I submit that there is no absolute impediment to consideration of higher densities. In keeping with the approach promoted in planning guidance, assessment of the acceptability or otherwise of the proposed development / density will be on the basis of a qualitative assessment including the acceptability of the design, impact on amenities of adjoining property, the securing of adequate amenities for prospective occupants and access and traffic.

7.2. Design and Layout

- 7.2.1. Amendments to the proposed layout are submitted with the appeal in response to issues raised by the planning authority during its assessment.
- 7.2.2. The layout entails a stepping up of building height from the existing Westfield development to the 5 storey apartment block which will address the roundabout junction of the R449 and Green Lane at the south-western corner.

- 7.2.3. The 13 no. 2 storey dwellings are to back onto the dwellings in Westfield with rear gardens lengths of approx. 11 metres thereby ensuring that no issues of overlooking or loss of privacy would arise. The detached dwelling which sides onto the proposed access road has been redesigned allowing for windows in its gable elevation thereby presenting a more animated frontage onto the road and is acceptable.
- 7.2.4. Block A, comprising of duplex/apartment units in the north-eastern corner at the entrance to the scheme, is repositioned to have an east-west orientation fronting onto the 5 no. storey apartment block currently under construction within the Westfield estate. The revised layout allows for an increase in the open space area immediately adjoining whilst limiting the amount of incidental space around the building. Windows and a door in the southern (gable) elevation will provide for a level of interface with the access road. I consider the revised layout to be acceptable subject to an appropriate treatment/privacy strip to protect the amenities of the terraces serving the duplex units which face onto the public open space area.
- 7.2.5. Blocks B and C, also comprising of duplex units/apartments, are to be positioned along the northern and southern boundaries onto the surrounding road network. Block D, five storeys in height (5th recessed), is positioned at the western most corner of the site with frontage onto the R449/Green Lane Roundabout.
- 7.2.6. Under the Section 28 Urban Development and Building Height Guidelines (2018), guidance is provided in relation to building height in suburban/edge locations in cities and towns. Section 3.6 states that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and that 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. In addition I note that SPPR 4 of the guidelines requires planning authorities to provide for a greater mix of building heights and typologies in planning for the future development of suburban locations with the avoidance of mono-type building typologies (e.g. two storey or own-door houses only).
- 7.2.7. I consider that the proposal would provide for a greater residential variety in an area dominated by family sized, 2 storey dwellings. In terms of their height and form, the blocks will present a positive urban frontage to the R449 and Green Lane with the 5 storey apartment block providing for a strong building form onto the prominent

roundabout junction which is at the entrance to Leixlip. Subject to high quality finishes the blocks will, in my opinion, contribute positively to the emerging urban streetscape and character of the area.

7.3. Amenities of Prospective Occupants

Housing Mix and Internal Space Provisions

7.3.1. The application is accompanied by a Statement of Housing Mix. The proposal provides for a mix of units as follows:

- 9 no. 1 bed units (13.8%)
- 29 no. 2 bed units (44.6%)
- 20 no. 3 bed units (30.7%)
- 7 no. 4 bed units (10.7%)

7.3.2. In itself the scheme predominately comprises of duplex and apartment units. However, taken in the context of the prevailing residential environment largely dominated by family sized semi-detached and detached units, the scheme will provide for a greater mix and variety in the area in accordance with national guidance.

7.3.3. The duplex and apartment units are appropriately assessed against the Sustainable Urban Housing: Design Standards for New Apartments. It contains Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. The plans have been amended to address the planning authority's 2nd reason for refusal in terms of inadequate storage with a revised schedule of accommodation provided.

7.3.4. The mix of unit sizes, floor areas of the units and room sizes accord with the requirements of SPPR1, SPPR2, SPPR3 and Appendix 1. 48 no. of the apartments/duplex units are to be dual aspect which equates to 90%. 4 no. apartments in Block D will be single aspect (west facing). Thus, the scheme materially exceeds the minimum number of dual aspect apartment requirement of 33% as set out in SPPR4. The floor to ceiling heights of the ground floor apartments are 2.7 metres in accordance with SPPR6. A maximum of 6 no. apartments per floor per core is provided and accords with SPPR6.

- 7.3.5. As noted above the amended plans and schedule of accommodation provide for the required storage, with each apartment/duplex unit served by either balconies/patios which comply with the minimum requirements as set out in Appendix 1. Privacy strips/screens can be provided to ground floor units which front onto the public realm to ensure an adequate level of privacy.
- 7.3.6. In relation to the houses, the Quality Housing for Sustainable Communities Best Practice Guidelines refer. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1 of the guidelines in terms of space provision. The rear gardens provide a satisfactory amount of private amenity space and achieve adequate separation distances to adjacent dwellings. Two parking spaces are proposed per dwelling.

Sunlighting and Daylighting

- 7.3.7. In terms of daylighting and sunlighting the relevant guidelines pertaining to apartment development require planning authorities to have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' which offer the capability to satisfy minimum standards of daylight provision. A schedule of compliance with the relevant standards does not accompany the application. In terms of the housing units section 5.3.1 of the Quality Housing for Sustainable Communities requires that the layout of the dwellings be designed to make effective use of natural daylight and sunlight, as far as practicable, that dwellings are oriented so that all main rooms get direct sunlight at some time during the day and that windows are adequately sized and room shapes designed to allow good daylight penetration.
- 7.3.8. In view of the low rise nature of the overall scheme, the layout and orientation of the duplex and apartment blocks, the dwelling unit designs and the pattern of development on adjoining lands, I am satisfied that no issues in terms of daylighting and sunlighting in the residential units, open space areas within the scheme or existing development on adjoining lands will arise.

Open Space

- 7.3.9. The amendments to the layout result in minor revisions to the open space. The scheme is designed around a central open space with a stated area of 1,322 sq.m. with a further area located between Blocks A and B having an area of 688 sq.m. This equates to approx. 16% of the site area and exceeds the development plan requirement of 15%. I consider that the provision by reason of its quantum, location and potential amenity value would provide for an acceptable standard.

Noise

- 7.3.10. The Leixlip LAP states that the design of residential schemes in close proximity to heavily trafficked road networks should have regard to the noise levels from these roadways. A Noise Mitigation Report accompanies the appeal which refers to guidance document British Standard 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The buildings will have a setback of 16-22 from the main noise source, the R449. Mitigation measures to achieve the target values for internal noise level as set outlined in Table 4, Section 7.7.2 of BS8233 include construction methods and materials and ventilation systems.
- 7.3.11. Having regard to the referenced guidance I am satisfied that the proposed apartments will enjoy a good internal noise environment (subject to the identified mitigation measures).

7.4. Access and Parking

- 7.4.1. In total 85 parking spaces are to be provided within the red line of the development site. 2 no. off street spaces are provided for each of the dwellings with grouped parking arrangements for the blocks of duplex units/apartments. Having regard to the provisions of apartment guidelines the apartment/duplex unit component, comprising of 52 units, would require 1 space per unit and 1 visitor space per 4 apartments equating to 65 spaces. 59 spaces in a grouped arrangement are proposed within the red line boundary leaving a shortfall of 6 spaces.
- 7.4.2. It is proposed that 6 no. parking spaces to be developed with the 5 storey apartment building immediately to the north be reassigned to meet the shortfall. The basis for this approach is that the parking provision for the block, at 37 spaces, exceeds the apartment guidelines standards by 7 no. One space will be omitted to provide appropriate separation and street tree planting. The spaces to be reassigned are in

proximity to Block B immediately adjoining and are detailed in the appeal submission. Whilst the applicant in the current application differs from that of the Westfield development I note that the lands are shown in blue on the plans accompanying the application.

- 7.4.3. Observers to the appeal highlight what is considered to be the current lack of parking for existing houses within the wider Westfield development leading to informal parking within the development. It is contended that this would be exacerbated by the proposed development. Such parking was not prevalent on day of inspection and I note that two parking spaces per house unit (predominant dwelling type), have been provided within the development.
- 7.4.4. I consider that the approach to address the parking shortfall within the scheme as detailed above is acceptable and is within the remit of the applicant to realise. It will allow for the appropriate provision at a level which would accord with national policy which advocates against over provision of parking, the reduction in car dependency and the move towards more sustainable forms of transport.
- 7.4.5. The scheme is to be accessed via the existing Westfield estate which, itself, is served by a simple priority T junction arrangement onto Green Lane, adjacent to which there is a pedestrian crossing. A Design Manual for Urban Roads and Streets Statement accompanies the application which calculates the AM and PM peak hour trips generated by the development with reference to TRICS. In the AM peak departures are calculated to be 13 with PM peak arrivals of 12. The AM peak departures and PM peak arrivals for the original development of Westfield (198 units) were calculated at 200 respectively. Having regard to the subsequent amendments to permitted plans which has increased the number of units to 213 coupled with the proposed development, the additional AM and PM peak trips over those calculated for the initial scheme would equate to an increase of approx. 7%. It is considered that the access onto Green Lane can accommodate the additional vehicular movements.
- 7.4.6. The proposed internal access routes have been designed to accord with the standards set out within the Design Manual for Urban Roads and Streets (DMURS). Issues raised by observers as to the layout and arrangement of junctions elsewhere

in the estate and compliance with permission(s) is not before the Board for adjudication and would be more appropriately addressed to the planning authority.

Connectivity by means of a pedestrian/cyclist connection to the R449 and a pedestrian to Green Lane are proposed.

7.5. Other Issues

The proposal for 65 dwelling units is below the 70 unit threshold above which a childcare facility is required to be provided. Permission has recently been granted under ref. 21/444 to replace the creche permitted within the original Westfield housing scheme (PL09.247909 (16/282)) which would have provided for 59 places with a two storey facility to provide for 81 children. Issues in terms of its delivery is not a matter for comment in this appeal.

The observers raise concerns as to the removal of a hedgerow that formed the eastern boundary of the site. The semi-detached and detached dwellings proposed to back onto this boundary will have the necessary rear garden lengths to ensure that the amenities of the dwellings adjoining are not impacted upon.

A landscaping plan accompanies the application and has been amended in the documentation accompanying the appeal. I note the plan also includes details of the proposed boundary treatments both around the site perimeter, to the rear gardens of the proposed dwellings, and the screen walls at either end of the line of the said dwellings.

The Archaeological Impact Assessment accompanying the application recommends archaeological testing in advance of development to identify any sub surface remains. A condition requiring such testing is recommended.

7.6. Environmental Impact Assessment

- 7.6.1. An Environmental Impact Assessment Screening Report accompanies the application.
- 7.6.2. The proposed development comprises 65 residential units on a 1.18 hectare site.
- 7.6.3. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500

dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.

- 7.6.4. The number of dwelling units proposed at 65 is well below the threshold of 500 dwelling units noted above. Whilst within the development boundary of Leixlip it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.

The proposal for 65 residential units is located within the development boundary of Leixlip on lands zoned C in the current Leixlip LAP, the objective for which is to provide for new residential development. The site comprises of a field under grass with hedgerows, berms, fencing and tree planting delineating the boundaries. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by Design and DMURS Statements. These address the issues arising in terms of the sensitivities in the area.

- 7.6.5. Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands within the development boundary of Leixlip on lands zoned for residential under the provisions of the Leixlip LAP 2020-2023 and the results of the strategic environmental assessment of the Leixlip LAP, undertaken in accordance with the SEA Directive (2001/42/EC).
- the location of the site which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report was not necessary.

7.7. Appropriate Assessment – Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.7.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.7.2. The application is accompanied by Screening for Appropriate Assessment report. It was prepared by Biosphere Environmental Services and is dated May 2021. It was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 7.7.3. The report concluded that the proposed project, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site. Therefore, it is concluded that a Stage 2 Appropriate Assessment is not required.
- 7.7.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.7.5. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.7.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.7.7. The applicant provides a description of the project on pages 7-12 of the AA screening report and elsewhere eg. Design Statement. In summary, the development comprises:
- 65 dwelling units
 - Access via an extension to existing Westfield estate road and connection to the public sewerage and water supply schemes
- 7.7.8. The development site is described in page 6 of the screening report. It is described as comprising unmanaged, agricultural grassland and an area of hardcore used for storing building materials. There are no open drains on the site.
- 7.7.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction Phase:

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream Natura 2000 sites.

Operational Phase:

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in the downstream Natura 2000 site.
- Foul effluent discharges impacting water quality in downstream Natura 2000 sites.

Submissions and Observations

7.7.10. None received.

European Sites

7.7.11. The development site is not located in or immediately adjacent to a European site. The closest European site is Rye Water Valley/Carton SAC (site code 1398) c. 1.2 km to the north. There are no other European Sites with 15km of the site

European Site	Qualifying Interests
Rye Water Valley/Carton SAC (site code 1398)	Petrifying springs with tufa formation Narrow-mouthed Whorl Snail Desmoulin's Whorl Snail

To date generic conservation objectives apply for the site, the overall aim being to maintain or restore the favourable conservation condition of the identified qualifying interests.

7.7.12. Identification of Likely Effects

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no watercourses in the vicinity of the site.
- The measures to be employed at construction stage are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- The site is to connect to the existing public sewer and water supply. Surface water runoff is to be discharged to the public sewer.
- The pollution control measures to be undertaken during the operational phase are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.

- The foul discharge from the proposed development would drain, via the public network, to the Leixlip Waste Water Treatment Plant which has a capacity of 150,000 PE. There is sufficient capacity in the treatment plant to accommodate the proposed development. On this basis, I am satisfied that the potential for significant impacts on the Natura 2000 sites due to impacts arising from foul discharges from the proposed development can be screened out.

7.7.13. In combination effects are addressed in Section 2.5 of the screening report for AA. It takes into consideration a number of proposed developments which have secured permission in the vicinity including residential and commercial development. It concludes that there will not be any in combination effects on the European site discussed

Mitigation Measures

7.7.14. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

7.7.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on European Site No. 1398 or any other European site, in view of the site's Conservation Objectives and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the distance of the proposed development from the European Site and demonstrated lack of any ecological connection.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to: -

- to the location of the site within the boundary of Leixlip on a site zoned for new residential development in the Leixlip Local Area Plan, 2017,
- Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, 2020,
- Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007
- Urban Development and Building Heights: Guidelines for Planning Authorities, 2020
- Design Manual for Urban Roads and Streets 2012 (DMURS)
- The configuration of the site and the pattern and character of the existing development in the surrounding area

it is considered that subject to compliance with the conditions below the proposed development would constitute an appropriate form and scale of development at this location, would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties and would be acceptable in terms of vehicular and public safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 16th day of August, 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

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

Reason: In the interest of public health.

3. Drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings, duplex units and apartment building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or slate grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

5. Privacy Screens shall be installed to the ground floor terrace areas in Block A. Details of the screens shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of residential amenity.

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

Reason: To protect the visual amenity of the area.

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

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

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four week prior to the commencement of any site operation (including hydrological and geotechnical investigations), relating to the proposed development and,
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanala for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservations (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. The areas of open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to An Bord Pleanala on the 16th day of August, 2021. This work shall be completed before any of the dwelling units are made available for occupation. These open space areas shall be maintained as public open space by the developer until taken in charge by the local authority.

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

10. Public lighting and lighting along the full extent of the proposed pedestrian/cycle links and pedestrian routes through open space shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

Reason: In the interests of amenity and public safety.

11. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Proposals for an estate name, street names, and house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

13. (a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic arrangements (which shall take account of peak traffic flows, including those associated with local schools), construction compounds (which shall not be at the locations of proposed open space areas) and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each dwelling unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Pauline Fitzpatrick
Planning Inspector

November, 2021