



An
Bord
Pleanála

Inspector's Report

ABP-312817-22

Development	For the demolition of 2 existing habitable dwellings, and the construction of 39 residential dwellings.
Location	Rathasker Road, Naas, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	211677
Applicant(s)	Rathesker Homes Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Rathesker Homes Ltd
Observer(s)	(1) Adrian Reynolds. (2) Cornelius Collins & Breeda Kane. (3) Eamon Keenan & Marian Kenna (4) Damien Collins

Date of Site Inspection

17th August 2022

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.3 hectares, is located 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. The site, 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 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. Permission is sought for a development consisting of the demolition of 2 no. existing habitable dwellings, and the construction of 39 no. residential dwellings comprising 8 no. 4-bed semi-detached dwellings, and the construction of 39 no. residential dwellings comprising 8 no. four bed semi-detached two storey dwellings, 18 no. three bed semi-detached two-storey dwellings, 5 no. two bed end of terrace two-

storey dwellings, 4 no. three bed mid-terrace two-storey dwellings, 2 no. three bed end terrace two-storey dwellings, 1 no. one bed ground floor apartment unit and 1 no. one bed first floor apartment unit. It is proposed to widen Rathesker Road (L6066) from the junction of the Naas Southern Ring Road (R447), including provision of a new pedestrian path and closure of 2 no. existing residential vehicular access points to the application site with the creation of new vehicular access off the Rathesker Road, all ancillary internal access roads, infrastructure, landscaping and boundary treatments, and all associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on three reasons...

1. Having regard to the location of the site on the edge of Naas, to the adjoining agricultural zoned lands to the north and to the nature and width of Rathesker Road, notwithstanding the improvements proposed to the road, it is considered that the proposed development would be premature and would represent a piecemeal approach to the sustainable development of the area and would, therefore, be contrary to the provision of the Kildare County Development Plan 2017-2023. 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 quality of the residential layout, design, and 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 which is largely suburban in nature, would contravene the zoning objective of the site which seeks to 'protect and enhance the amenity of established residential communities and promote sustainable intensification'. The development would seriously injure the residential

amenities of property in the vicinity and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

3. The removal of a significant level of high value hedgerows and trees to facilitate the proposed development would be contrary the provisions of Policy NE 2.2 of the Naas Local Area Plan 2021-2027 which seeks to protect trees and woodlands of particular amenity value, identified in the Naas Green Infrastructure Map (Map 7.1), from damage and/or degradation and MTO 1.10 which seeks to retain the character of Rathesker Road and other rural links on the outskirts of the town. In addition, the proposed development would contravene 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 carbon sequestration, 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

Planning Report (25/01/22): Issues raised include piecemeal approach to development of lands at this location, sub-standard design and layout in the context of national guidelines and Development Plan policy and inappropriate loss of trees and hedgerows on site. Refusal was recommended on the basis of the reasons outlined above.

3.2.2. Other Technical Reports

Water Services (10/12/21): No objection subject to conditions.

Irish Waters (11/12/21): No objection.

Roads, Transportation and Public Safety (31/12/21): Further information required including a site layout plan

Housing Section (17/12/21): Further information required regarding issues concerning location of Part V units, internal dimensions of rooms, location of cycling parking, improved bin storage provision and Part M issues.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Five third party submission were received. The issues raised can be summarised as follows...

- Detrimental impact on the dwelling to the south, previous reasons for refusal of development on this site still stand, injurious to property in the vicinity, undesirable precedent for removal of green infrastructure, housing need in the area being catered for by larger developments. Construction impact, traffic impact with the public road unsuitable for additional traffic, Development Contrary Development Plan policy.

4.0 **Planning History**

PL09.307340 (20/90): Permission refused for 43 no. residential units and associated site works. Permission refused based on two reasons...

1. Having regard to the location of the site on the edge of Naas, to the adjoining residentially zoned lands to the north and to the nature and width of Rathasker Road, notwithstanding the improvements proposed to the road, it is considered that the proposed development would be premature and would represent a piecemeal approach to the sustainable development of the area and would, therefore, be contrary to the provisions of the Kildare County Development Plan 2017-23.

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 appropriate supervision of the footpath/cycle link with the adjoining Esmondale housing estate, it is considered that the proposed development would conflict with the provisions of the Kildare County Development Plan 2017-23 which would give rise to a substandard level of residential amenity for future occupiers and which would seriously injure the adjoining residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 Kildare County Development Plan, 2017-2023 (incorporating Variation No.1 effective as of 9th 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

5.1.2 Naas Town Development Plan, 2021-2027:

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'.

Other Relevant Policies / Sections:

Chapter 2: Compliance with Core Strategy: Aim: To accommodate 14.9% of Kildare's target housing in Naas, the County Town, and Key Town, in accordance with the Kildare County Development Plan's Core Strategy.

Section 2.11.1: Naas as Large Growth Town I:

Policy CS1 – Compliance with the Core Strategy It is the policy of the Council to support the sustainable long-term growth of Naas in accordance with the Core Strategy of the Kildare County Development Plan 2017-2023 (as varied), or any subsequent plan, the provisions of the National Planning Framework (2018) and the Regional Spatial and Economic Strategy 2019-2031.

CSO 1.1 Support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas.

NE 2.2 Protect trees and woodlands of particular amenity value, identified in the Naas Green Infrastructure Map (Map 7.1), from damage and/or degradation.

MTO 1.10 Seek to retain the character of Rathasker Road, Craddockstown Road and other rural links on the outskirts of the town and the extent of their approach to the town centre and to develop them as a connected series of walking routes in conjunction with Slí na Sláinte and other relevant bodies.

Policy NE2 – Green Infrastructure It is the policy of the Council to protect, strengthen and create additional features to the Green Infrastructure network through the planning application process.

NE 5.1 Ensure that new development proposals protect and enhance the identified habitats detailed in the Green Infrastructure Map (Map 7.1). Site specific ecology surveys should be carried out to inform proposed developments and assess and mitigate potential impacts.

5.2. **National Policy**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

- Urban Development and Building Heights Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Childcare Facilities Guidelines for Planning Authorities
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMRA)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

'Housing for All - a New Housing Plan for Ireland' (September 2021).

5.3. **Natural Heritage Designations**

None within the zone of influence of the project.

5.4. **EIA Screening**

- 5.4.1 The proposal for 39 no. residential units on a site of 1.3 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The need for EIA can be ruled out at the preliminary examination of the proposal.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1 A first party appeal has been lodged by Rathesker Homes Ltd. The grounds of appeal are as follows...

- In response to the first reason for refusal and its similarity to the refusal reason under ABP-307340-20, it is noted that the reason fails to acknowledge changes that have taken place since this application, namely the change of the lands to the north of the site from lands zoned residential to now zoned agriculture under the Naas LAP 2021. The site forms part of a larger block of lands zoned for residential development and that the site along with an adjoining site to the north are the only lands off Rathesker Road zoned residential. The appellant refutes claims the proposal is piecemeal development.
- The appellant outlined a number of applications similar in terms of context being in areas that are rural in nature and have been permitted for similar development as proposed.
- In response to reason no. 2 it is noted that the small size of the infill site makes it difficult to provide a variety in design and that there is an established pattern of development it is proposed to have regard to. In relation to trees and hedgerow the existing trees along the eastern boundary are poor in quality and expert advice is to remove them. In terms of impact on the dwelling to the south, there are no objections subject to appropriate boundary treatment with possibility of maintaining the hedgerow at this location.
- The appellant questions the assessment of open space as not being high quality and if necessary provide an alternative layout providing for an alternative open space on site by omitting a dwelling.
- There is a lack of a connection to Esmondale due to opposition from the residents of the existing housing development. The applicant is willing to accept a condition to provide such if necessary but omitted such to avoid objections.
- In relation to reason no. 3 it is noted an arboricultural report was submitted and that the majority of trees on site are low quality and in poor condition.
- In relation to removal of hedgerow along Rathesker Road it is noted that such is to facilitate provision of widening and footpaths and the applicant is willing

to retain the hedgerow on the opposite side of the road and provide the footpath behind such instead to help maintain the rural character of the area.

- The existing public road is narrow and has no pedestrian facilities. The proposal will improve this situation.
- The appellant notes that the proposal for boundary treatment along the front of the site is appropriate.

6.2. Planning Authority Response

6.2.1 Response from Kildare County Council.

- No further comment to make.

6.3. Observations

6.3.1 Observations by...

6.3.2 Adrian Reynolds, Rathesker Road, Naas, Co. Kildare.

- The observer indicates that the site to the rear of their dwelling to the site is maintained as a garden area.
- That they had consultation with the developers and requested a certain type of boundary treatment (8ft wall), which has not been proposed, desired that there be no overlooking windows.
- The observer notes that the existing hedge between the appeal site and the property to the site is a leylandii hedge and is poor in condition and the applicants' claims that such is in good condition of suitable for boundary treatment is incorrect.
- The observer requests that in the event of a grant of permission a condition be requested providing services to the south west corner of the observes property to facilitate future development.

6.3.3 Cornelius Collins & Breeda Kane, 'Connie Corra', Rathesker Road, Naas, Co. Kildare.

- The provision of site access off Rathesker Road is inappropriate and the impact on the rural character of the area is noted. Access should be provided from existing development accessing off the Kilcullen Road.
- The proposal would be injurious to all dwellings to the south.
- The omission of the footpath in the new drawings is inappropriate and would be a danger to roads users.
- Rathesker Road cannot cater for the proposed increase in traffic with existing high traffic levels using the road to access the school.

6.3.4 Eamon Keenan & Marian Kenna, 92 Esmondale, Naas, Co. Kildare.

- The observation notes the planning history of the site and the fact the proposal in case has been refused for similar reason to that of the previous application on site.
- The observer notes that the proposal would overlook their property and other dwellings in Esmondale.
- The proposal will impact on hedgerows and wildlife and be contrary Local Area Plan policy and Development Plan policy in relation to such.

6.3.5 Damien Conlon, Conlon New Homes Ltd, 31 the Swift, Tassagard Green, Saggart, Co. Dublin.

- The applicant does not have full control or consent over the entire site to carry out this development.
- The applicant has failed to provide any road access to the site to the south in the event of development proposal in the future. No connection is provided to the existing housing development of Esmondale to the east.
- The provision for road widening is inappropriate with the survey of the road inaccurate and inability to provide a sufficient width with provision of footpaths to satisfy DMURS.

- The applicant has not carried out a stage 1/2 road safety audit or provide sightline drawings. The applicants have not demonstrated how the hedgerow to the west can be retained and such will be impacted by provision of sightlines.
- Drawing details in relation to the public road is inadequate.

6.4 Further Responses

6.4.1 Adrian Reynolds, Rathesker Road, Naas, Co. Kildare.

- The observer refers to their previous observation and notes no further comments.

6.4.2 Cornelius Collins & Breeda Kane, 'Connie Corra', Rathesker Road, Naas, Co. Kildare.

- The observer refers to their previous observation and notes no further comments.

6.4.3 Eamon Keenan & Marian Kenna, 92 Esmondale, Naas, Co. Kildare.

- The observers question the ability of the applicant to remove hedgerow on adjoining lands due to ownership issues. The previous reason for refusal standard in terms of lack of connectivity to existing development.

6.4.4 Rathesker Homes Ltd.

- The applicant/appellant confirms that they have sufficient control/lands are with local authority control over lands to implement the proposal. There is no proposal to remove hedgerow on an adjoining landowner's land and the applicant suggests use of paladine fence to enable retention of existing hedgerow.
- An agreement could not be reached with the adjoining landowner regarding connectivity to the lands to the south. Road width provided for is adequate to

cater for the proposal. A Road Safety Audit can be provided by way of condition. Sightline of 45m x 2.4m are available.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/Development Plan policy

Density, Core Strategy, Area Capacity

Layout & Design/Development Control Standards

Rural Character/trees/vegetation:

Residential Amenity/Adjoining Amenity

Traffic

7.2. Principle of the proposed development/Development Plan policy:

7.2.1 The proposed development is located on lands zoned as 'Existing / Infill Residential' under the Naas Local Area Plan 2021-2027 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'. The zoning matrix indicates that dwellings are 'permitted in principle' in this zoning.

7.2.2 The proposed use is compatible with the zoning objectives of the site with the site zoned for residential uses. The proposal was refused on the basis that it is considered that the proposed development would be premature and would represent a piecemeal approach to the sustainable development of the area and would, therefore, be contrary to the provision of the Kildare County Development Plan 2017-2023. A proposal for 43 no. dwellings was refused on the same site under appeal ref no. PL09.307340 (20/90) with a similar reason given among others. The other reasons for refusal relate to impact on rural character of the area.

7.2.3 The appeal site, which is occupied by two existing dwellings is zoned B Existing/Infill Residential. The existing dwelling to the south of the site is also zoned B with the lands to north of the site and further south of the adjoining dwelling to the south are zoned I: Agriculture (P1). In terms of Rathesker Road, the appeal site and the adjoining dwelling to the south are the only sites zoned for residential (Existing / Infill Residential) use with all other lands to the east and west of Rathesker Road zoned for agricultural uses. There is existing suburban housing development to the east and south east with the housing development of Esmondale and Broadfield View. These existing housing developments are accessed off the R448 to the east. It is notable that under the current Nass Local Area Plan lands immediately to the north of the site and south of ring road were rezoned from C (New Residential) under the previous Town Development Plan to Agriculture in the current Local Area Plan.

7.2.4 The development was refused on the basis piecemeal development and being premature. As noted above this was the reason for a previous proposal on site refused on appeal. When the previous proposal was refused the land to the north and north west was zoned C, New Residential and it may have been considered that a more comprehensive approach was required. There has been a change in zoning of the lands to north and north west from C, New Residential meaning the level of land zoned for residential development land along Rathesker has been reduced, which is factor the applicant/appellant is citing in their favour. The level of residentially zoned land along Rathesker Road has been reduced, to the two dwellings and their curtilage that make up the appeal site and the site to the south containing an existing dwelling only. It is clear that the zoning of these sites is on the basis that there are existing dwellings and not on the basis that that these sites are envisaged as catering for significant levels of new residential development. The planning report associated with the development indicates that the zoning of the sites is based on their existing residential use and maintaining the rural character of the area is a factor also. The planning report suggests that the Local Authority would be amenable to smaller scale infill developments that have regard to the rural character of the area.

7.2.5 It could still be argued that development at this location should be on a more comprehensive basis and include the site to south to ensure a more comprehensive approach to development. Also it is notable that the layout proposed is designed in a manner to facilitate future access to the lands to the north, which have been rezoned from residential to agricultural and not the site to the south, which is zoned residential. I would consider that development of the appeal site to the degree proposed should be carried out in a more comprehensive manner. I would consider that the development does still constitute piecemeal development as it caters for only two of the three residential sites zoned for residential use and not a more comprehensive approach. In addition the appeal site is adjoining existing suburban residential development and fails to provide any degree of integration even in the form of a pedestrian link or permeability. I would acknowledge that the applicant has not proposed any link with existing development to avoid objections that would be likely to follow.

7.2.6 Notwithstanding the change in the level of land zoned for residential development, the proposal would still constitutes piecemeal development where a more comprehensive approach would be required given the level of lands zoned for residential development. I would consider that having regard to the location of the site on the edge of Naas, to the adjoining residentially zoned lands to the south and to the nature and width of Rathasker Road, notwithstanding the improvements proposed to the road, and the failure to provide for an permeability or connectivity to existing suburban development to the east, it is considered that the proposed development would be premature and would represent a piecemeal approach to the sustainable development of the area and would, therefore, be contrary to the provisions of the Kildare County Development Plan 2017-23. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area..

7.3 Density, Core Strategy, Area Capacity:

7.3.1 The appeal site has an area of 1.3 hectares and the proposed development consists of 39 no. residential units yielding a density of 30 units per hectare. The appeal site

includes the entire width of Rathesker Road from the southern boundary of the site up to the junction of the Southern Ring Road. The main body of the site (not including the road) is 1.0993 hectares, which yields a density of 35 unit per hectare. National policy on density is contained under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'). Chapter 5 relates to Cities and Larger Towns. The application site is on the periphery of a large town (defined as population of 5,000 or more) and would constitute an Outer Suburban/Greenfield Site "defined 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, schools, shops, employment and community facilities". The guidelines identify that "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". The proposed development provides for a density of 35 units per hectare (not including the site area coinciding with the public road), which is consistent with the recommendations of national policy and an appropriate density at this location.

7.3.2 The Kildare County Council Development Plan 2017-2023 identifies Naas as a Large Growth Towns I under the settlement hierarchy/core strategy. The core strategy identifies that anticipated population growth for the county is 253,600 for the plan period (up to 2023) and that there is projected household requirement of 113,243 during the plan period. The 2023 housing unit target is 32,497 housing units with a minimum of 60% of this target allocated to Hinterland towns including Naas. The capacity of all zoned lands for residential development is 20,581 units. There is a housing allocation of 3,704 and a total of 102.92 hectares for Key Towns in Meath (Navan and Maynooth). The proposed development accounts for 39 units. It would appear based on current information that the level of provision of units proposed/approved on lands zoned for residential under this application can be facilitated under the core strategy of the Kildare County Development Plan and is at a density at the lower end of the recommended density standards under national guidelines.

7.3.3 The appeal site is a zoned and serviced site for residential development under the current and recently adopted Kildare County Development Plan. The proposed development provides a density and type of development that is in accordance with the recommended standards in terms of density. I would be of the view that an appropriately designed housing development at the density proposed is in accordance with national, regional and local policies concerning housing.

7.4 Layout & Design/Development Control Standards:

Housing Mix

7.4.1 The proposed development provides for 39 no. residential units consisting of comprising 8 no. four bed semi-detached two storey dwellings, 18 no. three bed semi-detached two-storey dwellings, 5 no. two bed end of terrace two-storey dwellings, 4 no. three bed mid-terrace two-storey dwellings, 2 no. three bed end terrace two-storey dwellings, 1 no. one bed ground floor apartment unit and 1 no. one bed first floor apartment unit. The mix of units provides more variety from the permitted/existing development on the adjoining sites. I note that while the surrounding residential developments contain a mix of dwelling types, there remains a predominance of 3 and 4 bedroom houses in the area as many of the adjacent developments were permitted prior to the NPF or the RSES. I consider that the proposed mix of houses and apartment units will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, 7.4. which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two-storey own door houses only, particularly in developments > 100 units (still relevant despite development being just below 100 units) and I consider that the development is consistent with this guidance. As discussed above, the density complies with the guidance for outer suburban sites in the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The development also meets the requirements of SPPR 1 of the Apartment Guidelines. The proposed housing mix is considered acceptable on this basis.

7.4.2 Minimum floor area for apartments under Section 3.4 of the Apartment Guidelines is 45sqm, 63sqm (two bed 3 person units) 73sqm (two bed 4 person units) and 90sqm for one, two and three bed units respectively. All apartments (2 no.) meet these standards.

7.4.3 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

This standard is also met in the approved development.

All apartment units are provided with balcony areas or garden areas. The requirement under the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) being for 5, 6, 7 and 9sqm for one bed, two (3 person), two bed (4 person) and three bed units respectively. The provision of open space is consistent with these standards.

7.4.4 In case of the proposed dwellings the recommended room size/dimensions are as set out under the Quality Housing for Sustainable Communities guidelines. All dwellings are provided with rear gardens with areas of a reasonable size and in compliance with Development Plan standards as set out under Table 11.20.

7.4.5 The requirements for car parking under Development Plan policy is under Table 17.9 of the County Development Plan. Based on the number of units a proposed the maximum parking requirement for the development is 79 spaces (2 space per dwelling, 1.5 space per apart + 1 space per 4 apartments). 83 no. spaces are proposed with each dwelling having two spaces with their curtilage. There are 7 no. visitor spaces spread through the development. The level of car parking proposed is consistent with the requirements of Development Plan policy.

7.4.6 The requirement for public open space under County Development Plan policy (Section 17.4.7) is a minimum rate of 10% of total site area. In the case of the proposed development a total of 1,912sqm is being provided and is 16.4% of the site area and well in excess of standard required under the Development Plan. The open space is split between two locations, the larger of the two is adjacent the north western corner of the site with a smaller open space area provided adjacent the eastern boundary of the site.

Layout/Urban Design

7.4.7 As noted above the density of the approved development is 35 units per hectare, which by density standards is not high and is at the lower end of spectrum recommended under national guidance for residential developments. In terms of the level of communal open space the provision of such meets the standards set out in development plan policy of at least 10% with 16.4% provided. The layout proposed is suburban and generic in nature. The second refusal reason includes criticism of residential layout, design, and public open space with such the proposed 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. The reason also considers that the largely suburban in nature, would contravene the zoning objective of the site which seeks to 'protect and enhance the amenity of established residential communities and promote sustainable intensification'.

7.4.8 The refusal reason appears to be based on concerns about the impact of the proposal in terms of the rural character of the area. It is clear based on the planning assessment that the Council view the zoning of these sites as existing residential and that these lands are not envisaged to cater for new residential development unless it is in the form of a small infill development that has regard to the location of the site in area characterised as being mainly rural. The principle of the development has been examined above. The site is zoned for residential use and is within the boundary of the Local Area Plan. In my view the overall form and layout of

development is satisfactory in this context. The density of the development is consistent with national guidance and the overall design and layout although quite generic in nature is not out of keeping with the other residential developments in the area or unacceptable in terms of overall quality as evidenced by its assessment in the context of Development Management standards. I would consider that the proposal provides for a design that is of an acceptable standard in terms of layout and urban design.

7.4.9 I would note that the applicant/appellant has submitted a revised proposal with a number of amendments including a reduction in the number of units by two and an increased size of the public open space area (along the road side boundary and the area located to the east of the site). This is designed to facilitate retention of the roadside hedgerow and provision of footpaths setback into the site. It reduces the density.

7.5 Rural Character/trees/vegetation:

7.5.1 One of the main factors in the refusal relates to the rural character of the area, with the design and scale of development considered out of keeping with such and the removal of existing trees and hedgerows determined to be unacceptable and contrary to Development Plan policy. It was determined that “the removal of a significant level of high value hedgerows and trees to facilitate the proposed development would be contrary to the provisions of Policy NE 2.2 of the Naas Local Area Plan 2021-2027 which seeks to Protect trees and woodlands of particular amenity value, identified in the Naas Green Infrastructure Map (Map 7.1), from damage and/or degradation and MTO 1.10 which seeks to retain the character of Rathesker Road and other rural links on the outskirts of the town”.

7.5.2 The appeal site consists of two residential sites and part of Rathesker Road up to the junction with the Southern Ring Road. The residential sites are defined by existing boundary treatment, which is mainly trees and hedgerow on all sides. In terms of Map 7.1 (Green Infrastructure), the hedgerow on the opposite side of the road to the

appeal site is identified as a part of the network of hedgerows and treelines identified as green infrastructure it is a policy to retain.

7.5.3 The original proposal on site would see removal of existing trees and hedgerow to facilitate the development, boundary treatment is a mixture of 2m high block walls along the perimeter of the site (north, south and east). It is proposed to retain part of the northern side boundary running from the north west corner. The roadside hedgerow (western boundary) is to be replaced by powder coated railings with a section of hedgerow retained adjacent the south western corner. The hedgerow boundary on the opposite side of the road is to be removed to facilitate provision of a footpath with a new hedgerow planted to further back. Some mature trees located in the main open space area are to be retained on site.

7.5.4 The applicant/appellant has submitted a revised proposal with the appeal submission with a number of alterations concerning boundary treatment and existing trees and hedgerow. The main changes include retention of the existing hedgerow along the roadside with a proposal to provide the footpath setback into the site. It is proposed to not provide a footpath on the opposite side of the road to the main body of the site and retain the existing hedgerow. It is also proposed to retain existing hedgerow along part of the southern boundary (north of the existing dwelling) and reinforce it with a green paladine fence. There are a number locations around the perimeter of the site where it is indicated that existing hedge/treeline is to be retained where possible.

7.5.5 In my view the proposal does entail reasonable attempts at retaining existing trees and hedgerow. It is clear that the Council's view is the site is existing residential and not suitable for a large scale new residential development and should cater for small infill development that retains the rural character of the area. I would question whether this is an achievable desire as the site is located within the development boundary defined by the Naas Local Area Plan, is zoned and serviceable land within the development envelope of the town. As noted above the recommended density standards for developments at locations such as this under national policy is 35-50

units, with the proposal providing for the minimum recommended density standard. I would consider that if the appeal site is not envisaged to cater for urban development then it should not be zoned or included within the development envelope of the settlement. I am satisfied that the applicant/appellant has attempted to retain existing trees and vegetation on site and has provided an arboricultural report outlining the condition of trees and hedgerow and proposal to retain a significant level of such. The applicant/appellant in their appeal submission has submitted revised proposals that provide for the retention of more of the existing hedgerows than previously proposed including the roadside hedgerow, the hedgerow on the opposite side of the road and some of boundary hedgerow and trees on site.

7.6 Residential Amenity/Adjoining Amenity:

7.6.1 The impact on the amenities of adjoining properties was not a reason for refusal but is raised in the observations submitted. As noted the appeal site is made up of the two detached residential properties off Rathesker Road. The nearest existing dwellings to the appeal site is a two-storey detached dwelling to the south off Rathesker Road and two-storey dwellings at the westernmost point of Esmondale housing development, located to the east of the site.

7.6.2 The observations raise concerns regarding the impact of the proposed residential development on the existing dwellings immediately adjacent the site. In particular the impact of the dwellings backing onto the boundary with the dwelling to the south as well as concerns regarding impact on the dwelling in Esmondale in terms of overlooking/loss of privacy.

7.6.3 In relation to existing dwellings in Esmondale, The appeal site adjoins the western boundary of the existing dwellings. The dwellings in Esmondale are orientated north south with their side elevations adjoining the boundary with the appeal site. The nature scale and density of development proposed is similar to the existing dwelling in Esmondale. I would be of the view that the relationship between the proposed and existing housing development is very much typical of a suburban residential location

and that the proposed development would have no significant or adverse impact on the existing residential amenity of the dwellings in Esmondale.

7.6.4 In relation to the existing development to the south, the proposal entails the provision of 19 no. two-storey dwellings backing onto the southern boundary of the site, which is a shared boundary with the existing dwelling to the south. The dwellings are two-storeys and the level of separation proposed between the rear elevation and boundary is between 11m in the case of the first floor windows facing the southern boundary. It appears that the property owners (observation from owners) to the south do not object to the proposal subject to an appropriate level of boundary treatment and no overlooking windows. The pattern of development proposed is fairly typical of a suburban housing development and the level of separation provided is clearly based on the commonly used separation distance standards of at least 22m separation between opposing first floor windows in housing developments where dwellings are back to back. In my view there are pattern of development issues that are explored in previous sections of this report (comprehensive development) that are the crucial factor in assessing the proposed development relating to comprehensive development. Notwithstanding such, I would be of the view that design, scale and pattern of development is in keeping with national policy in terms of density and that the pattern of development is not out of keeping with suburban type development. In terms of impact on adjoining amenity, I would be of the view that the pattern and scale of development is satisfactory in the context of adjoining amenities.

7.7 Traffic:

7.7.1 The proposal is located off Rathesker Road, which runs north-south and has a junction with the Southern Ring Road (R447) approximately 116m to the north of the main body of the site. The proposal is to provide a new vehicular access to the south (site currently has two serving the 2 no. dwellings on site). The proposal entails improvements to the Rathesker Road including the provision of a footpath along the road frontage of the site, provision of a footpath along the opposite side of Rathesker Road from the appeal site to the junction with the Ring Road and the provision of a

section of footpath on the eastern side of road for section of approximately 185m in length from the junction of the Ring Road. The road improvements would give a road width of 5.5m with 2m wide footpaths for the stretch of Rathesker Road along the appeal site and to the north where it meets the Ring Road. The carriageway width is wider for a portion of Rathesker Road south of Ring Road.

7.7.2 The applicant/appellant have submitted revised plans to try and address the refusal reasons, in particular regarding loss of trees and vegetation. The changes include retention of existing hedgerow along the road frontage of the site and to facilitate such the footpath is to be setback from the road frontage. The footpath proposed on the opposite side of the road to the appeal site is omitted for the length of the road frontage opposite the main body of the site and the trees and hedgerow retained. The footpath on the opposite side of the road now starts further north, opposite the north western corner of the main body of the site to the junction with the Ring Road.

7.7.3 Traffic was not an issue for refusal, however traffic impact is raised in the observation with concerns regarding the impact of increased traffic movements at this location, inadequate width of proposed road improves and lack of demonstration of adequate sightlines. The entrance to the site is located within the 80kph zone with the urban limit located further to the north of the site. In relation to sightlines, the site is outside of the urban speed limit with the DMURs not the relevant standard. The standard would be under the DRMB (TII) standards with 90m the normal standard on a local road with a speed limit of 80kph. Given the alignment of the road and the length of road frontage within the curtilage of the site, this standard should be achievable, however there is a lack of any confirmation of such. In the case of the revised layout in which the roadside hedgerow is retained, it is unclear whether sufficient sightlines are achievable.

7.7.4 In relation to carriageway width the proposal does entail improvements of the public road up to the junction with the ring road including road widening and new footpaths. The provision of a carriageway width of 5.5m with 2m wide footpaths would be sufficient to cater for a development of this type and nature (residential). Under

DMURs this standard would be consistent with a local street (Table 4.55). I would be of the view that the existing road network subject to the improvements proposed would be sufficient in capacity to cater for the proposed development and the type of traffic likely to be generated. The proposal provides for a sufficient level of road improvements from the appeal site to where the public road links into the Southern Ring Road.

- 7.7.5 The applicant has submitted letter of consent from the landowners on site and an adjoining landowner to demonstrate consent to carry out the application and works involved, which does include works along the public road outside the main body of the site.

8.0 **Appropriate Assessment**

- 8.1 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening submitted with the application. I have had regard to the submissions of prescribed bodies in relation to the potential impacts on Natura 2000 sites.

The Project and Its Characteristics

- 8.2 See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected (Stage I Screening)

- 8.3 The development site is not within or directly adjacent to any Natura 2000 site. The site is located on the outskirts of Naas and the site is characterised by existing residential properties and a section of Rathesker Road. The characteristics of site are that it is occupied by an existing detached dwellings with gardens with existing trees and planting. The submitted AA screening report.

- 8.4 I have had regard to the submitted Appropriate Assessment screening, which identifies that the site is not located within or directly adjacent to any Natura 2000

areas and that there are no designed site with the zone of influence of the project. The nearest site is Mouds Bog SAC (Site Code: 00233). The site listed in the submitted screening report are listed below with approximate distance to the application site indicated:

Site Name & Code	Approx. distance from site
Mouds Bog SAC (00233)	8km

In my view the zone of influence of the project does not extend to the site listed or any other designated European site and based on the information on file and the characteristics of the designated sites listed, this sites is outside of the zone of influence of the project.

8.5 The specific qualifying interests and conservation objectives of the above site is described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and I have also visited the site.

8.6 The applicants screening report concludes that the proposed development will have no direct effects due its remote location relative to the designated sites and no hydrological link to the designated sites listed. The screening conclusion is that there is no likelihood of significant effects on designated sites by the project either on its own or in-combination with any other plan or project.

8.7 The qualifying interests of all Natura 2000 Sites considered are listed below:

European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)*	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
Mouds Bog SAC (002331) To restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	8km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]

The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

- 8.8 There are no watercourses adjoining the site and surface water is to be attenuated on site and not discharged to any watercourse. It is proposed to connect to existing foul sewerage infrastructure at the Southern Ring Road with provision of foul drainage pipes along Rathesker Road. There are no designated sites sufficiently proximate. The appeal site is sufficiently remote from any designated sites in the surrounding area and there are no source pathway receptors between the appeal site and any designated site.
- 8.9 '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, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site, Mouds Bog SAC (Site Code: 002331), 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 following:

Distance of the proposed development from European sites and lack of meaningful ecological connections to those sites. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

9.0 Recommendation

9.1. I recommend refusal based on the following reason.

10.0 Reasons and Considerations

1. Having regard to the location of the site on the edge of Naas, to the adjoining residentially zoned lands to the south and to the nature and width of Rathasker Road, notwithstanding the improvements proposed to the road, and the failure to provide for an permeability or connectivity to existing suburban development to the east, it is considered that the proposed development would be premature and would represent a piecemeal approach to the sustainable development of the area and would, therefore, be contrary to the provisions of the Kildare County Development Plan 2017-23. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

01st September 2022